

Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (Codified version)

Article 1

This Directive lays down the minimum standards for the protection of calves confined for rearing and fattening.

Article 2

For the purposes of this Directive, the following definitions shall apply:

1. 'calf' means a bovine animal up to six months old;
2. 'competent authority' means the competent authority as defined in Article 2(6) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾.

Article 3

1 From 1 January 1998, the following provisions shall apply on all newly built or rebuilt holdings and on all those brought into use after that date:

- a no calf shall be confined in an individual pen after the age of eight weeks, unless a veterinarian certifies that its health or behaviour requires it to be isolated in order to receive treatment. The width of any individual pen for a calf shall be at least equal to the height of the calf at the withers, measured in the standing position, and the length shall be at least equal to the body length of the calf, measured from the tip of the nose to the caudal edge of the *tuber ischii* (pin bone), multiplied by 1,1.

Individual pens for calves (except those for isolating sick animals) must not have solid walls, but perforated walls which allow the calves to have direct visual and tactile contact;

- b for calves kept in groups, the unobstructed space allowance available to each calf shall be at least equal to 1,5 m² for each calf of a live weight of less than 150 kilograms, at least equal to 1,7 m² for each calf of a live weight of 150 kilograms or more but less than 220 kilograms, and at least equal to 1,8 m² for each calf of a live weight of 220 kilograms or more.

However, the provisions of the first subparagraph shall not apply to:

- a holdings with fewer than six calves;
- b calves kept with their mothers for suckling.

2 From 31 December 2006, the provisions provided for in paragraph 1 shall apply to all holdings.

Article 4

Member States shall ensure that the conditions for rearing calves comply with the general provisions laid down in Annex I.

Article 5

The general provisions in Annex I may be amended in accordance with the procedure referred to in Article 10(2) in order to take account of scientific progress.

Article 6

By 1 January 2006, the Commission shall submit to the Council a report, drawn up on the basis of an opinion from the European Food Safety Authority, on the intensive farming system(s) which comply with the requirements of the well-being of calves from the pathological, zootechnical, physiological and behavioural point of view, as well as the socioeconomic implications of different systems, together with proposals relevant to the report's conclusions.

Article 7

1 Member States shall ensure that inspections are carried out under the responsibility of the competent authority in order to check that the provisions of this Directive are complied with.

These inspections, which may be carried out on the occasion of checks made for other purposes, shall each year cover a statistically representative sample of the different farming systems used in each Member State.

2 The Commission shall, in accordance with the procedure referred to in Article 10(2), draw up a code of rules to be applied in carrying out the inspections provided for in paragraph 1 of this Article.

3 Every two years, by the last working day in April and for the first time by 30 April 1996, Member States shall inform the Commission of the results of the inspections carried out during the previous two years in accordance with this Article, including the number of inspections carried out in relation to the number of holdings in their territory.

Article 8

In order to be imported into the Community, animals coming from a third country must be accompanied by a certificate issued by the competent authority of that country, certifying that they have received treatment at least equivalent to that granted to animals of Community origin as provided for by this Directive.

Article 9

Veterinary experts from the Commission may, where necessary for the uniform application of this Directive, carry out on-the-spot checks in cooperation with the competent authorities. The persons carrying out these checks shall implement the special personal hygiene measures necessary to exclude any risk of transmission of disease.

The Member State in the territory of which a check is being carried out shall give all necessary assistance to the experts in carrying out their duties. The Commission shall inform the competent authority of the Member State concerned of the results of the checks.

The competent authority of the Member State concerned shall take any measures which may prove necessary to take account of the results of the checks.

With regard to relations with third countries, the provisions of Chapter III of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries⁽²⁾ shall apply.

General rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 10(2) of this Directive.

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Article 10

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up pursuant to Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽³⁾.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 11

Member States may, in compliance with the general rules of the Treaty, maintain or apply within their territories stricter provisions for the protection of calves than those laid down in this Directive. They shall inform the Commission of any such measures.

Article 12

Directive 91/629/EEC, as amended by the Acts listed in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 13

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 18 December 2008.

For the Council

The President

M. BARNIER

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- (1) OJ L 224, 18.8.1990, p. 29.
- (2) OJ L 268, 24.9.1991, p. 56.
- (3) OJ L 31, 1.2.2002, p. 1.