

Council Directive 2008/120/EC of 18 December 2008 laying down  
minimum standards for the protection of pigs (Codified version)

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laying down minimum standards for the protection of pigs

(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas:

- (1) Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs<sup>(2)</sup> has been substantially amended several times<sup>(3)</sup>. In the interests of clarity and rationality the said Directive should be codified.
- (2) Most Member States have ratified the European Convention for the protection of animals kept for farming purposes. The Community has also approved this Convention by Council Decision 78/923/EEC<sup>(4)</sup>.
- (3) Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes<sup>(5)</sup> establishes Community provisions applying to all farmed animals in relation to construction requirements for animal housing, insulation, heating and ventilation conditions, equipment inspection and inspection of livestock. It is therefore necessary to deal with these matters in this Directive when more detailed requirements have to be established.
- (4) Pigs, being live animals, are included in the list of products set out in Annex I to the Treaty.
- (5) The keeping of pigs is an integral part of agriculture. It constitutes a source of revenue for part of the agricultural population.
- (6) Differences which may distort conditions of competition interfere with the smooth running of the organisation of the common market in pigs and pig products.
- (7) There is therefore a need to establish common minimum standards for the protection of pigs kept for rearing and fattening in order to ensure rational development of production.
- (8) Pigs should benefit from an environment corresponding to their needs for exercise and investigatory behaviour. The welfare of pigs appears to be compromised by severe restrictions of space.

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- (9) When pigs are kept in groups, appropriate management measures for their protection should be taken to improve their welfare.
- (10) Sows prefer to have social interactions with other pigs when provided with freedom of movement and environmental complexity. Keeping sows in continuous close confinement should therefore be prohibited.
- (11) Tail-docking, tooth-clipping and tooth-grinding are likely to cause immediate pain and some prolonged pain to pigs. Castration is likely to cause prolonged pain which is worse if there is tearing of the tissues. Those practices are therefore detrimental to the welfare of pigs, especially when carried out by incompetent and inexperienced persons. As consequence, rules should be laid down to ensure better practices.
- (12) A balance should be kept between the various aspects to be taken into consideration, as regarding welfare including health, economic and social considerations, and also environmental impact.
- (13) It is necessary for official services, producers, consumers and others to be kept informed of developments in this field. The Commission should therefore, on the basis of an opinion from the European Food Safety Authority, actively pursue scientific research into the best pig-rearing system(s) from the point of view of pig welfare. Provision should accordingly be made for an interim period to enable the Commission to complete this task successfully.
- (14) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(6)</sup>.
- (15) This Directive should be 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,

HAS ADOPTED THIS DIRECTIVE:

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- (1) OJ C 146 E, 12.6.2008, p. 78.
- (2) OJ L 340, 11.12.1991, p. 33.
- (3) See Annex II, Part A.
- (4) OJ L 323, 17.11.1978, p. 12.
- (5) OJ L 221, 8.8.1998, p. 23.
- (6) OJ L 184, 17.7.1999, p. 23.