



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 October 2011

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VETER 42**

NOTE

from : Commission

to : Council

Subject : Update on compliance with Laying Hens Directive in the Member States in view of the 1/1/2012 ban on unenriched cages

Delegations will find attached an information note submitted by the Commission to be dealt with under "Any other business" at the Council (Agriculture and Fisheries) on 20-21 October 2011.

WRITTEN INFORMATION FROM THE COMMISSION SERVICES

**COMMISSION COMMUNICATION ON THE "UPDATE ON COMPLIANCE WITH
LAYING HENS DIRECTIVE IN THE MEMBER STATES IN VIEW OF THE
1/1/2012 BAN ON UNENRICHED CAGES"**

Background

Council Directive 1999/74/EC on the protection of laying hens and adopted 13 years ago, provides for Member States to ensure that unenriched cages are replaced by enriched cages or alternative systems by 1 January 2012.

Member States are primarily responsible for the implementation of Council Directive 1999/74/EC.

Issue

The Commission intends to recall to Member States the engagement taken during the Agricultural Council of last February to ensure the proper implementation of the phasing out of unenriched cages for hens as foreseen by Council Directive 1999/74/EC as of 1 January 2012.

In particular the Commission will present the assessment of the current state of implementation of the ban on unenriched cages across the EU, based on the data received by Member States and on the outcomes of the inspections by the Commission inspection service of the Directorate General for Health and Consumers (FVO Food and Veterinary Office located in Grange - Ireland), and will introduce the planned initiatives to monitor the proper implementation of the legislation.

Justification

In November 2010, the Commission requested Member States to provide updated data and national plans for the proper implementation of Council Directive 1999/74/EC.

On 19 January 2011, the Commission organised a multi-stakeholders meeting on the implementation of Council Directive 1999/74/EC which was attended by main stakeholders concerned and Member States' competent authorities to discuss possible options to ensure enforcement of the legislation.

At the Agricultural Council on 21 February 2011, the Commission strongly called on Member States to provide by 1 April 2011 complete data on the number of laying hens and laying hens' production sites by farming system on the current situation and on the expected situation on 31 December 2011.

Most of the Member States responded by 1 April and these data show that in a few of the Member States on 1 January 2012 there are still likely to be some holdings where laying hens are kept in unenriched cages. The Commission requested that the Member States update their data at the Commission's CVO meeting in Krakow on 27 September 2011 to see what the current state of play is.

The phasing out of unenriched cages by 1 January 2012 in all Member States is considered essential to avoid important distortions of the internal market and to avoid the loss of confidence by EU consumers. Implementation of the Directive can be monitored only if updated data are available on the distribution of hens in different farming systems.

The Commission intends to firmly highlight to Member States the importance to urgently take all the necessary measures to ensure compliance with Council Directive 1999/74/EC and to continue providing transparent and harmonized data on the implementation of the measures to date.
