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REPORT

drawn up on behalf of the Committee on Agriculture

on the proposal from the Commission of the European Communities to the Council (Doc. 1-452/81) for a directive laying down minimum standards for the protection of laying hens kept in battery cages

Rapporteur: Mr T. TOLMAN

By letter of 20 August 1981 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive laying down minimum standards for the protection of laying hens kept in battery cages.

The President of the European Parliament referred this proposal to the Committee on Agriculture as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection for its opinion on 25 August 1981.

By letter of 26 October 1981 the Council of the European Communities made a request to the European Parliament for urgent debate on this report pursuant to Rule 57 of the Rules of Procedure. On 17 November 1981 the European Parliament rejected this request.

On 21 September 1981 the Committee on Agriculture appointed Mr Tolman rapporteur.

It considered the draft report at its meetings of 10 and 11 November 1981 and 1 and 2 December 1981 and at the latter meeting adopted the draft report by 19 votes to 11 with 2 abstentions.

Present: Sir Henry Plumb, chairman; Mr Früh, Mr Colleselli and Mr Delatte, vice-chairmen; Mr Tolman, rapporteur; Mrs Barbarella, Mr Battersby, Mr Blaney (deputizing for Mr Skovmand), Mr Caillavet, Mrs Castle, Mr Clinton, Mr Curry, Mr Dalsass, Mr De Keersmaecker (deputizing for Mr d'Ormesson), Mrs Desouches (deputizing for Mr Thareau), Mr Eyraud, Mr Gautier, Mr Helms, Mr Hord, Mr Maher, Mr Malangré (deputizing for Mr Ligios), Mr Marck (deputizing for Mr Diana), Mr M. Martin (deputizing for Mr Pranchere), Mrs S. Martin (deputizing for Mr Jürgens), Mr Mertens (deputizing for Mr Bocklet), Mr Newton Dunn (deputizing for Mr Kirk), Mr Provan, Mr Rieger (deputizing for Mrs Herklotz), Miss Quin, Mr Vernimmen, Mr Wettig and Mr Woltjer.

The opinion of the Committee on the Environment, Public Health and Consumer Protection is attached.

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The Committee on Agriculture hereby submits to the European Parliament the following amendments and motion for a resolution together with explanatory statement:

AMENDMENT No. 1

tabled by the Committee on Agriculture

Proposal for a directive laying down minimum standards for the protection of laying hens kept in battery cages (Doc. 1-452/R1)

Text proposed by the Commission of the European Communities

Amended text

Article 3(1)

At least 500 cm² cage area, measured in a horizontal plane, which may be used without restriction shall be provided for each laying hen. In all cases the total cage size shall not be less than 1600 cm².

Article 3(1)

At least 450 cm² cage area, measured in a horizontal plane, which may be used without restriction shall be provided for each laying hen. In all cases the total cage size shall not be less than 1600 cm².

AMENDMENT No. 2

tabled by the Committee on Agriculture

Proposal for a directive laying down minimum standards for the protection of laying hens kept in battery cages (Doc. 1-452/81)

Text proposed by the Commission of the European Communities

Amended text

Article 6

Member States shall ensure that at least random inspections of laying hens in battery systems are made by the competent authority to verify the application of the requirements of this Directive including those of the Annex.

Articles 7 and 8

unchanged

Article 6

The Community authorities shall ensure that inspection is carried out on a uniform basis in all Member States by inspectors appointed and paid by the Community. These inspectors shall verify the uniform application of the requirements of this Directive including those of the Annex.

The Member State on whose territory an inspection is made shall afford the committee of inspection all necessary assistance in the performance of its duties.

The Commission shall make proposals on the requirements for manpower and financial resources for this inspectorate, which may be used also for other Community inspection purposes.

Article 9

On-the-spot inspections shall be carried out by Commission experts to ascertain whether the provisions of this Directive, including those of the Annex, are uniformly complied with.

The Member State on whose territory an inspection is made shall afford the experts all necessary assistance in the performance of their duties.

Article 9

to be deleted

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive laying down minimum standards for the protection of laying hens kept in battery cages

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(81) 420 final)¹,
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 1-452/81)¹,
 - having regard to the report by the Committee on Agriculture and the opinion of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-831/81),
1. Approves the principles of the proposal;
 2. Notes with regret that the studies on optimizing the welfare of laying hens are not sufficiently far advanced, as evidenced by the many question marks remaining in the document (COM(81) 420 final);
 3. Calls on the Commission to speed up its studies on the welfare of laying hens and to notify Parliament of its findings;
 4. Notes that the studies in question were either begun too late or the proposal was submitted prematurely;
 5. Considers it necessary, nevertheless, that a first step be taken in this field;
 6. Takes the view that in a balanced evaluation of the welfare of the birds and the interests of the producers a minimum standard of 450 cm² is a reasonable point of departure;
 7. Requests the Commission to draw up measures to prevent imports from third countries in which these standards are not applied from disrupting the common market;
 8. Calls on the Commission to submit to it a detailed cost-benefit analysis in respect of this proposal and of any future proposals.
 9. Requests the Commission to incorporate the proposed amendments into its proposal pursuant to the second paragraph of Article 149 of the EEC Treaty.

¹ OJ No C 208, 18.8.1981, p.5

EXPLANATORY STATEMENTI. INTRODUCTION

1. The Commission's proposal is based on a number of studies and reports drawn up further to the resolution adopted by the Council on 22 July 1980 which stated that minimum standards and criteria should be laid down for the keeping of laying hens in cages.

2. The proposal lays down standards for the keeping of laying hens, taking into account the welfare of the birds on the one hand and a number of economic aspects on the other.

The Commission emphasizes in its explanatory statement, however, that these measures are merely a first step and that it will continue its research into the welfare of laying hens in the various housing systems. The Commission also intends to carry out studies and subsequently propose standards and criteria for possibly improving the welfare of all animals kept in intensive housing systems.

3. According to the most recent statistics a total of 277,040,800 laying hens were kept in 1975 on 3,052,000 agricultural holdings. This number of holdings is some 700,000 less than in 1970/71. According to the report from the Commission to the Council concerning the keeping of laying hens in cages, there were around 254,500,000 laying hens in 1979, of which 80% (203,600,000) were kept in cages, 5% are free-range hens and the remaining 15% are kept in enclosures with wire mesh floors or in some similar system.

The percentages for the individual Member States are as follows:

Belgium/Luxembourg	92%
Denmark	50%
France	80%
Greece	40%
Ireland	70%
Italy	70%
Netherlands	95%
United Kingdom	90%
West Germany	90%

In 1980 egg production in the Community of the Nine was 3,971,000 tonnes. Production in Greece for the same year was 120,000 tonnes.

Annex I contains a table showing egg production in the EEC from 1968 to 1980 inclusive. It indicates a marginally increasing trend in production.

The table in Annex II shows the producer price and wholesale price in national currencies for the various Member States for the period 1969-1980.

It will be seen that prices have remained relatively stable despite sharp increases in production costs. The consumer has fully benefited in the form of stable egg prices. This situation is not so favourable for the producers because recurring egg surpluses and the fact that prices in the egg sector are determined according to the law of supply and demand mean cash flow problems for producers and regularly lead to losses. The Belgian Institute for Agricultural Economics calculated that the margin (i.e. the difference between average selling price and cost price) per egg in 1980 was Bfrs 0.35¹.

II. DISCUSSION OF THE COMMISSION PROPOSAL

4. This proposal contains an initial series of measures which are aimed at helping to improve the welfare of laying hens by:

- laying down standards to which battery cages must conform;
- establishing general rules governing the conditions of laying hens in batteries;
- stipulating that both the Member States and the Commission's experts must check that these rules are observed.

5. Battery cages

5.1 The Commission proposes a minimum cage area per bird of 500 cm², measured in a horizontal plane, and a minimum cage size of 1,600 cm². It also notes that the optimum economic size is between 400 and 450 cm² and that above 450 cm² production costs increase significantly.

In terms of bird welfare these proposals appear to be a distinct improvement on the existing situation, although there are considerable differences between the various Member States; sometimes laying hens are kept five to a cage with a surface area per hen of no more than 300 cm².

Under the Commission's proposal there would be three hens per cage, which is acceptable from an ethological point of view. Furthermore, it appears that egg production increases slightly when there are four hens or less per cage. On the question of minimum cage area per hen, the Commission has sought a compromise solution which takes into account the ethologically optimum surface area and the economic implications of this requirement.

¹Note N° 78, April 1981 of the Belgian Institute of Agricultural Economics

In its report concerning the keeping of laying hens in cages the Commission points out that a 25% increase in the minimum requirement (e.g. from 400 to 500 cm²) would mean an increase in production costs of 4% or 4 ECU per 100 kg of eggs.

Scientific studies on cage size make a distinction between light and heavier breeds.

Your rapporteur draws attention in this context to the standard drawn up in the United States which stipulates a cage area per hen of between 310 and 338 cm².

He feels, however, that in view of the incomplete nature of the available scientific studies it is too soon to lay down standards for the various cage sizes at Community level.

At a later stage it might be possible, on the basis of relevant studies, to stipulate a minimum cage area of 500 cm² for the heavier breeds of hen.

- 5.2 Available feeding trough length, which includes in this case the drinking water channel must be 12 cm per hen.
- 5.3 It is proposed that cages should be 40 cm high over the total minimum cage area. The criterion which determines the minimum height is that the hens should be able to stand normally over the whole cage area.
- 5.4 A cage floor slope of 14% is generally accepted and is already applied almost everywhere.
- 5.5 The Member States have until 1995 to adapt all cages to these standards. This long transitional period will allow producers to amortize their existing flock and spread the necessary investment over a relatively long period.

6. General requirements

From 1 July 1983 - the date on which the laws, regulations and administrative provisions related to this directive would enter into force according to the Commission's proposal - all holdings must comply with the general requirements set out in an annex to the proposal. These general requirements cover bird welfare, as well as prevention of injury, light intensity, ventilation and insulation, health care and inspections, and equipment.

Although a number of these provisions are already in force in several Member States, making them obligatory in all Member States will certainly help towards the desired objective, which is to improve the welfare of the animals concerned.

The requirement for all producers to keep records of egg production, the number of poultry lost and the probable reasons for the losses should enable the services concerned, on the basis of an analysis of these statistics, to improve on these provisions.

III. CONCLUSIONS

7. In view of the thorough manner in which the Commission has drawn up this proposal for a directive, as evidenced by its 'Report to the Council concerning the keeping of laying hens in cages', your rapporteur is inclined to agree with principles set out in the Commission's proposals.

Clearly it will be very difficult for the Member States to reach agreement on this proposal, firstly because of the very substantial economic interests at stake, both for producers and in terms of our position on the world export market, and secondly because of the differing views in the Member States on the question of protection of animals kept for farming purposes.

Nevertheless it is necessary to lay down unambiguous standards for the whole Community so as to eliminate distortions of competition as far as possible and to avoid individual Member States laying down national standards which simply make the introduction of uniform provisions at Community level more difficult. A proposal for a regulation on laying hens is currently under discussion in fact in the West German parliament, and similar requirements are already in force in Denmark.

8. The Commission states in its explanatory memorandum that it intends to continue its research into the welfare of laying hens kept in various housing systems.

It is relevant to note in this connection a decision taken in the Netherlands on 19 October 1978 laying down rules for certain methods of egg production and governing the quality of 'free-range eggs' in particular.

Some 5% of the Community's laying hens are free-range hens. Although there is no scientifically ascertainable difference in terms of colour, smell, taste, etc. between free-range eggs and eggs laid by battery hens, it seems nevertheless that there are consumers who prefer free-range eggs simply because they believe that free-range hens are kept under better conditions, regardless of the fact that the price of these eggs may be slightly higher.

Your rapporteur therefore urges the Commission to submit proposals to the Council concerning the laying down of minimum requirements for the protection of free-range hens. At the same time it should be made clear to the consumer how he can distinguish between the various types of egg.

9. The data given by the Commission in its explanatory memorandum on the costs to be borne by producers arising from this proposal - and therefore on the impact that the proposed measures would have on egg prices to consumers - are inadequate.

Your rapporteur is therefore unable to calculate the practical impact on consumers or compare the alternative production systems.

10. In drawing up this report your rapporteur listened to the views of associations and action groups for the protection of animals. It is clear that they consider a return to the 'way things used to be' as neither feasible nor desirable.

At the same time he also understood from their reaction that they would not undertake any campaigns to encourage producers, by means of guaranteed sales and guaranteed price increases of approx. 30%, to move over to free-range egg production.

ANNEX I

EGG PRODUCTION IN THE EEC

(in '000 tonnes)

Year	West Germany	France	Italy	Netherlands	Belgium/ Luxembourg	United Kingdom	Ireland	Denmark	Community of Nine	Greece	Community of Ten
1968	809	612	495	233	188	905	41	86	3,369	-	-
1969	852	628	533	257	220	901	40	90	3,521	-	-
1970	900	658	615	271	240	930	42	86	3,742	-	-
1971	900	647	602	255	240	918	41	75	3,678	-	-
1972	944	673	599	258	241	919	40	74	3,748	-	-
1973	924	720	601	275	241	864	37	73	3,735	104	3,839
1974	890	735	631	283	241	856	39	73	3,748	105	3,853
1975	893	768	632	313	242	825	39	75	3,787	106	3,893
1976	854	755	638	343	236	858	39	71	3,793	117	3,910
1977	879	759	645	362	231	859	38	68	3,841	112	3,953
1978	852	793	674	419	229	883	37	71	3,958	119	4,077
1979	802	803	664	491	208	879	35	77	3,959	128	4,087
1980	821	853	634	540	199	822	26	76	3,971	120	4,091

Source: EUROSTAT

ANNEX II

Producer and wholesale prices of eggs in the EEC
(price per 100 eggs in national currency, exclusive of VAT)

	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Belgium												
Producer price	150	113	139	135	173	158	138	181	183	147	133	173
Wholesale price	162	126	161	152	196	176	155	199	199	164	153	221
Denmark												
Producer price	- ¹	-	-	21.77	25.76	26.16	23.26	28.61	33.63	37.20	33.96	39.78
Wholesale price	-	-	-	-	-	-	-	42.29	48.05	53.40	49.80	56.28
France												
Producer price	17.20	15.69	18.51	20.30	22.97	24.17	22.97	28.50	32.92	33.51	32.75	-
Wholesale price	-	-	-	-	-	-	-	-	-	-	-	-
Ireland												
Producer price	-	-	-	-	2.17	2.58	2.33	2.85	3.25	3.00	3.65	4.11
Wholesale price	-	-	-	-	-	-	-	3.41	3.79	3.66	4.20	4.63
Italy												
Producer price	2400	1988	2410	2350	3173	2909	3389	4483	4840	5381	5607	7251
Wholesale price	2478	2027	2537	2431	3080	4137	3689	4761	5227	5603	5580	7670
Netherlands												
Producer price	10.55	8.34	10.27	10.33	12.83	11.60	10.25	12.60	12.87	10.63	10.87	12.66
Wholesale price	-	-	-	-	-	13.65	11.90	14.92	15.09	12.19	12.08	15.05
United Kingdom												
Producer price	-	-	-	0.93	1.99	1.99	1.80	2.20	2.51	2.12	2.66	2.86
Wholesale price	-	-	-	1.13	2.23	2.34	2.32	2.79	3.21	2.93	3.65	4.16
West Germany												
Producer price	16.30	14.00	15.70	15.70	17.60	17.70	16.40	17.70	17.40	15.90	15.70	17.20
Wholesale price	13.75	10.05	13.56	12.64	16.03	14.65	12.90	16.00	15.90	13.25	13.25	15.68

¹Data not available

Source: EUROSTAT

Trend in labour costs (1) and wholesale prices (2) and in the producer price (3) and wholesale price (4) of eggs for the period 1970-1979 (1975 = 100)

		1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1979 1970
Belgium	(1)	44.9	48.2	56.6	66.9	82.0	100.0	113.2	126.8	137.1	- (5)	-
	(2)	73	72	75	85	99	100	107	110	108	144	156
	(3)	82	101	98	125	114	100	131	133	107	96	117
	(4)	81	104	98	126	114	100	128	128	106	99	122
Denmark	(1)	-	-	-	-	-	100.0	110.5	119.8	132.0	-	-
	(2)	62	64	67	78	95	100	108	117	122	133	215
	(3)	-	-	94	111	112	100	123	145	160	146	-
	(4)	-	-	-	-	-	-	-	-	-	-	-
France	(1)	50.0	50.9	60.3	70.5	84.0	100.0	117.3	134.6	152.9	-	-
	(2)	65	66	71	80	99	100	110	118	123	138	212
	(3)	68	81	88	100	105	100	124	143	146	143	210
	(4)	-	-	-	-	-	-	-	-	-	-	-
Ireland	(1)	-	-	-	-	-	-	-	-	-	-	-
	(2)	52	55	60	71	81	100	120	140	153	171	329
	(3)	-	-	-	93	111	100	122	139	129	157	-
	(4)	-	-	-	-	-	-	-	-	-	-	-
Italy	(1)	41.2	43.5	49.4	61.0	77.4	100.0	125.6	158.5	-	-	-
	(2)	52	54	56	66	92	100	123	144	156	181	348
	(3)	59	71	69	94	86	100	132	143	159	165	280
	(4)	55	69	66	83	112	100	129	142	152	151	275
Netherlands	(1)	46.0	50.9	60.5	70.5	85.0	100.0	110.8	115.5	123.1	-	-
	(2)	-	76	80	85	94	100	107	113	-	-	-
	(3)	81	100	101	125	113	100	123	126	104	106	131
	(4)	-	-	-	-	115	100	125	127	102	102	-
United Kingdom	(1)	-	-	-	64.2	77.6	100.0	120.0	138.2	153.5	-	-
	(2)	53	58	61	65	81	100	116	139	153	172	325
	(3)	-	-	52	111	111	100	122	139	118	148	-
	(4)	-	-	49	96	101	100	120	138	126	157	-
Federal Rep. of Germany	(1)	57.0	62.3	69.9	79.9	90.0	100	108.0	117.1	124.5	-	-
	(2)	73	77	79	86	99	100	106	108	107	114	156
	(3)	85	96	96	107	108	100	108	106	97	96	113
	(4)	78	105	98	124	114	100	124	123	103	103	132

Source: Eurostat

(1) Labour cost per hour (salaried employees + workers)

(2) General wholesale price index

(3) and (4) calculated from the figures in Annex II

(5) Data not available

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND
CONSUMER PROTECTION

Draftsman: Mrs L. SEIBEL-EMMERLING

On 20 October 1981 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Seibel-Emmerling draftsman.

It considered the draft opinion at its meeting of 26 November 1981 and adopted it unanimously, with oral amendments.

Present: Mr Johnson, acting chairman; Mr Collins, chairman; Mr Alber, vice-chairman; Mrs Seibel-Emmerling, draftsman; Mr Del Duca (deputizing for Mr Ghergo), Miss Hooper, Mr Horgan, Mrs Krouwel-Vlam, Mrs Lenz-Cornette, Mrs Maij-Weggen, Mr Mertens, Mr Rogers (deputizing for Mr Bombard), Mrs Schleicher, Mr Sherlock, Mrs Squarcialupi, Sir Peter Vanneck and Mr Verroken.

I. BACKGROUND TO THE PROPOSAL FOR A DIRECTIVE

1. In the European Community the intensive rearing of productive farm animals is particularly highly developed in the case of laying hens. The intensive rearing of laying hens takes one of three different forms, i.e. cage rearing, floor management and free-range farming. Of these three, cage rearing is predominant. The Commission estimates that roughly 80% of all laying hens are kept in cages.
2. This type of intensive farming has made it possible to rationalize egg production in a way which has kept production costs fairly constant over the last few decades.

At the same time, however, it has had an unmistakeably detrimental effect on the behaviour and health of laying hens, a situation which has not only brought animal lovers and animal protection societies onto the scene in the last few years but which has in the meantime also become a matter of general public concern in the Community.

There are increasing doubts as to whether the final quality of the eggs - whose high standards of hygiene are unchallenged - and their nutritive value might not suffer under the stress created by battery farming. The findings of various expert studies are at variance on this point.

3. Only Denmark has so far introduced legal provisions for the protection of laying hens. Legislation is being prepared in the Federal Republic of Germany following a number of court decisions that cage rearing is deemed to be cruelty to animals and is therefore a punishable offence.

The Council of Europe's Convention on Farm Animals and the report by the House of Commons Select Committee on Agriculture also point out that inhumane methods of animal husbandry should be abolished or curbed.

II. CONTENT OF THE COMMISSION PROPOSAL

4. The Commission proposal contains a series of specific regulations for the protection of animals, of which the following are the main points:
 - minimum available cage area per hen 500 cm²,
 - minimum cage size 1,600 cm²,
 - minimum height of cage 40 cm, minimum trough length 12 cm,
 - maximum admissible floor slope: 14% or 7.5°.

The proposal also lays down general requirements for battery cages, technical construction features and the general care of the hens (see Article 5 and the Annex to the Directive).

5. Cages which do not meet these requirements may remain in use until 1 July 1995.
6. The national authorities are to carry out random inspections to ensure that these requirements are met (Article 6). The Commission's experts will be entitled to carry out inspections to ensure the uniform application of the Directive within the Community.
7. The Commission has been instructed to support research programmes in the Member States to investigate the welfare of laying hens in various types of housing systems (Article 7).

III. OPINION OF THE COMMITTEE

8. The committee examined the question of whether cage rearing, as practised in the Community countries, is inhumane and should be prohibited. It considered whether the floor management and free-range methods recommended by national and European animal protection societies constituted viable alternatives which could be recommended instead of the cage rearing method with which the Commission proposal is concerned.

9. The committee is in favour of measures to replace battery systems for laying hens with other more suitable forms of rearing. It therefore recommends that eggs be stamped not only with the date code but also with a symbol indicating the production method used. This is the only way of enabling the consumer to choose between the different types of production systems.

It is in favour of financial incentives to encourage alternative systems and asks the Committee on Agriculture to mention this point expressly in its motion for a resolution.

10. The committee considers it a worthwhile goal to provide the consumer with cheap foodstuffs, including eggs. All things considered, however, it cannot condone the fact that low prices can be achieved only by cruelty to animals and indefensible methods of production. Under these circumstances, the committee is forced to recognize that it is unrealistic to envisage a ban on battery farming, for the present at least, in view of the amount of investment which has been made and taking production costs into account.

11. The committee therefore welcomes the submission of a directive laying down minimum cage sizes, representing the first step at least towards improving protection for animals reared 'en masse'.
12. However, it regards the proposed floor area of 500 cm² (by way of comparison this DIN A4 page measures 623.7 cm², i.e. 24.7% or nearly a quarter more!) as insufficient even for the most superficial attempt at meeting necessary animal protection requirements.
13. The committee regrets the fact that the Commission has not adopted the results of existing scientific studies - insofar as these are necessary when the facts are so self-evident. Otherwise it might at least have proposed the minimum size of 600 cm² for small breeds and 900 cm² for larger breeds advocated by certain Member States.
14. The committee considers it necessary for each laying hen to have available to it at least the minimum amount of space required to enable it to perform its basic behavioural actions of flapping its wings and shaking its body.
15. The committee is strongly opposed to the transition date of 1995 proposed by the Commission. This would not only lead to an untenable state of affairs - which might eventually distort competition - being maintained for far too long but would also create an incentive for producers to buy in new stocks of mini cages immediately.
16. The committee feels that a transition period of five years following the adoption of this directive is sufficient.
17. The committee welcomes the fact that in the Annex to its proposal, the Commission includes provisions for a resting period for animals whose whole lives are spent vegetating under artificial light. The draftsman's suggestion that there should be a more precise figure for this 'appropriate resting period' (at least eight hours per day) was not supported by the majority of the committee.

IV. AMENDMENTS TO THE COMMISSION TEXT

18. The committee therefore proposes that the Committee on Agriculture ask for the following amendments to be made to the Commission text (changes underlined):

Article 3, paragraph 1: At least 600 cm² (900 cm² for larger breeds) of cage area which may be used without restriction shall be provided for each laying hen.

Article 3, paragraph 2: All the animals in each cage must be able to eat at the same time and must all be able at least to stretch their wings or shake their bodies at the same time. A trough length which may be used without restriction of not less than 12 cm must be provided for each laying hen.

Article 4: Member States shall ensure that five years after the adoption of this Directive all battery cages which are not at least in conformity with the requirements of Article 3 are not used for keeping laying hens.

Annex to the Commission's proposal for a Directive

Paragraph 9: Inspection of the condition of the hens in each cage must be possible without difficulty at all times.