

Council Directive 1999/74/EC of 19 July 1999 laying
down minimum standards for the protection of laying hens

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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⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas:

- (1) On 7 March 1988 the Council adopted Directive 88/166/EEC⁽⁴⁾ complying with the judgment of the Court of Justice in Case 131/86 (annulment of Council Directive 86/113/EEC of 25 March 1986 laying down minimum standards for the protection of laying hens kept in battery cages);
- (2) Article 9 of Directive 88/166/EEC requires the Commission to submit, before 1 January 1993, a report on scientific developments regarding the welfare of hens under various systems of rearing and on the provisions in the Annex to the Directive, accompanied by any appropriate adjustment proposals;
- (3) Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes⁽⁵⁾, drawn up on the basis of the European Convention for the Protection of Animals kept for Farming Purposes, lays down Community provisions designed to give effect to the principles laid down in the Convention, which include the provision of housing, food, water and care appropriate to the physiological and ethological needs of the animals;
- (4) In 1995 the Standing Committee of the European Convention for the Protection of Animals kept for Farming Purposes adopted a detailed recommendation, which includes laying hens;
- (5) The protection of laying hens is a matter of Community competence;
- (6) Differences which may distort conditions of competition interfere with the smooth running of the organisation of the market in animals and animal products;
- (7) The Commission report referred to in recital 2, based on an opinion from the Scientific Veterinary Committee, concludes that the welfare conditions of hens kept in current battery cages and in other systems of rearing are inadequate and that certain of their

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needs cannot be met in such cages; the highest possible standards should therefore be introduced, in the light of various parameters to be considered in order to improve those conditions;

- (8) However, for a period to be determined, the use of unenriched cage systems may be continued under certain conditions, including improved structural and space requirements;
- (9) A balance must be kept between the various aspects to be taken into consideration, as regards both welfare and health, economic and social considerations, and also environmental impact;
- (10) It is appropriate, while studies on the welfare of laying hens in various systems of rearing are carried out, to adopt provisions that allow the Member States to choose the most appropriate system or systems;
- (11) The Commission must submit a new report together with appropriate proposals that take account of that report;
- (12) Directive 88/166/EEC should therefore be repealed and replaced,

HAS ADOPTED THIS DIRECTIVE:

Article 1

- 1 This Directive lays down minimum standards for the protection of laying hens.
- 2 This Directive shall not apply to:
 - establishments with fewer than 350 laying hens,
 - establishments rearing breeding laying hens.

Such establishments shall, however, continue to be subject to the relevant requirements of Directive 98/58/EC.

Article 2

- 1 The definitions in Article 2 of Directive 98/58/EC shall apply where necessary.
- 2 In addition, the following definitions shall apply for the purpose of this Directive:
 - a 'laying hens' means: hens of the species *Gallus gallus* which have reached laying maturity and are kept for production of eggs not intended for hatching;
 - b 'nest' means: a separate space for egg laying, the floor components of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens (group nest);
 - c 'litter' means: any friable material enabling the hens to satisfy their ethological needs;
 - d 'usable area' means: an area at least 30 cm wide with a floor slope not exceeding 14 %, with headroom of at least 45 cm. Nesting areas shall not be regarded as usable areas.

Article 3

According to the system or systems adopted by the Member States, they shall ensure that the owners and holders of laying hens apply not only the relevant provisions of Directive 98/58/EC and of the Annex to this Directive but also the requirements specific to each of the systems referred to below, namely:

- (a) either the provisions laid down in Chapter I as regards alternative systems;
- (b) or the provisions laid down in Chapter II as regards unenriched cage systems;
- (c) or the provisions of Chapter III concerning enriched cages.

CHAPTER I

Provisions applicable to alternative systems

Article 4

1 Member States shall ensure that from 1 January 2002 all newly built or rebuilt systems of production referred to in this chapter and all such systems of production brought into use for the first time comply at least with the requirements below.

1. All systems must be equipped in such a way that all laying hens have:
 - (a) either linear feeders providing at least 10 cm per bird or circular feeders providing at least 4 cm per bird;
 - (b) either continuous drinking troughs providing 2,5 cm per hen or circular drinking troughs providing 1 cm per hen.

In addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least two cups or two nipple drinkers shall be within reach of each hen;
 - (c) at least one nest for every seven hens. If group nests are used, there must be at least 1 m² of nest space for a maximum of 120 hens;
 - (d) adequate perches, without sharp edges and providing at least 15 cm per hen. Perches must not be mounted above the litter and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm;
 - (e) at least 250 cm² of littered area per hen, the litter occupying at least one third of the ground surface.
2. The floors of installations must be constructed so as to support adequately each of the forward-facing claws of each foot.
3. In addition to the provisions laid down in points 1 and 2,
 - (a) if systems of rearing are used where the laying hens can move freely between different levels,
 - (i) there shall be no more than four levels;
 - (ii) the headroom between the levels must be at least 45 cm;
 - (iii) the drinking and feeding facilities must be distributed in such a way as to provide equal access for all hens;
 - (iv) the levels must be so arranged as to prevent droppings falling on the levels below.
 - (b) If laying hens have access to open runs:

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- (i) there must be several popholes giving direct access to the outer area, at least 35 cm high and 40 cm wide and extending along the entire length of the building; in any case, a total opening of 2 m must be available per group of 1 000 hens;
 - (ii) open runs must be:
 - of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination;
 - equipped with shelter from inclement weather and predators and, if necessary, appropriate drinking troughs.
4. The stocking density must not exceed nine laying hens per m² usable area.
- However, where the usable area corresponds to the available ground surface, Member States may, until 31 December 2011, authorise a stocking density of 12 hens per m² of available area for those establishments applying this system on 3 August 1999.
- 2 Member States shall ensure that the minimum requirements laid down in paragraph 1 apply to all alternative systems from 1 January 2007.

CHAPTER II

Provisions applicable to rearing in unenriched cage systems

Article 5

- 1 Member States shall ensure that from 1 January 2003 all cage systems referred to in this chapter comply at least with the following requirements:
1. at least 550 cm² per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available, must be provided for each laying hen;
 2. a feed trough which may be used without restriction must be provided. Its length must be at least 10 cm multiplied by the number of hens in the cage;
 3. unless nipple drinkers or drinking cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in point 2. Where drinking points are plumbed in, at least two nipple drinkers or two cups must be within reach of each cage;
 4. cages must be at least 40 cm high over at least 65 % of the cage area and not less than 35 cm at any point;
 5. floors of cages must be constructed so as to support adequately each of the forward-facing claws of each foot. Floor slope must not exceed 14 % or 8 %. In the case of floors using other than rectangular wire mesh, Member States may permit steeper slopes;
 6. cages shall be fitted with suitable claw-shortening devices.
- 2 Member States shall ensure that rearing in the cages referred to in this chapter is prohibited with effect from 1 January 2012. In addition, with effect from 1 January 2003 no cages such as referred to in this chapter may be built or brought into service for the first time.

[^{F1} By way of derogation from paragraph 2, in Mayotte as an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (hereinafter ‘Mayotte’), laying hens may continue to be reared in cages as referred to in this Chapter until 31 December 2017.

From 1 January 2014, no cages as referred to in this Chapter may be built or brought into service for the first time in Mayotte.

Eggs derived from establishments rearing laying hens in cages as referred to in this Chapter shall only be placed on the local market of Mayotte. Those eggs and their packs shall be clearly identified with a special mark, so as to allow the necessary controls. A clear description of this special mark shall be communicated to the Commission by 1 January 2014.]

Textual Amendments

- F1** Inserted by [Council Directive 2013/64/EU of 17 December 2013 amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union.](#)

CHAPTER III

Provisions applicable to rearing in enriched cages

Article 6

Member States shall ensure that after 1 January 2002 all the cages referred to in this chapter comply at least with the following requirements:

1. laying hens must have:
 - (a) at least 750 cm² of cage area per hen, 600 cm² of which shall be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and no cage shall have a total area that is less than 2000 cm²;
 - (b) a nest;
 - (c) litter such that pecking and scratching are possible;
 - (d) appropriate perches allowing at least 15 cm per hen;
2. a feed trough which may be used without restriction must be provided. Its length must be at least 12 cm multiplied by the number of hens in the cage;
3. each cage must have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups must be within the reach of each hen;
4. to facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm must be allowed between the floor of the building and the bottom tier of cages;
5. cages must be fitted with suitable claw-shortening devices.