
Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

Council Decision of 14 December 1992 on the conclusion of
the Protocol of amendment to the European Convention for the
Protection of Animals kept for Farming Purposes (92/583/EEC)

COUNCIL DECISION

of 14 December 1992

on the conclusion of the Protocol of amendment to the European
Convention for the Protection of Animals kept for Farming Purposes

(92/583/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular
Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas by Decision 78/923/EEC⁽³⁾ the Community approved the European Convention for the
Protection of Animals kept for Farming Purposes, hereinafter referred to as 'the Convention';
whereas the Community has deposited its instrument of approval;

Whereas the Committee of Ministers of the Council of Europe adopted, on 15 November 1991,
a Protocol of amendment to the Convention in order to take account of technical and scientific
developments in livestock farming;

Whereas disparities in national laws on the protection of animals kept for farming purposes may
give rise to unequal conditions of competition and may consequently have an indirect effect on
the proper functioning of the common market;

Whereas the Convention covers matters which fall within the scope of the common agricultural
policy;

Whereas the Community's participation thus contributes to the achievement of its objectives,

Whereas the Protocol of amendment should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol of amendment to the European Convention for the Protection of Animals
kept for Farming Purposes is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

Article 2

The President of the Council shall deposit the instrument of approval in accordance with Article 6 (4) of the Protocol of amendment.

Done at Brussels, 14 December 1992.

For the Council

The President

J. GUMMER

Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

PROTOCOL OF AMENDMENT TO THE EUROPEAN CONVENTION FOR THE PROTECTION OF ANIMALS KEPT FOR FARMING PURPOSES

PROTOCOLE D'AMENDEMENT À LA CONVENTION EUROPÉENNE SUR LA PROTECTION DES ANIMAUX DANS LES ÉLEVAGES

THE MEMBER STATES OF THE COUNCIL OF EUROPE and THE EUROPEAN ECONOMIC COMMUNITY, signatory hereto,

HAVING REGARD to the European Convention for the protection of animals kept for farming purposes of 10 March 1976, hereinafter called 'the Convention',

CONSIDERING that it is desirable to extend explicitly the scope of the Convention to apply also to certain aspects of developments in animal husbandry techniques, in particular in respect of biotechnology, and to the killing of animals on the farm and, at the same time to adapt some provisions of the Convention to the evolving situation in respect of animal husbandry,

HAVE AGREED AS FOLLOWS:

LES ÉTATS MEMBRES DU CONSEIL DE L'EUROPE et LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE, signataires du présent protocole d'amendement,

VU la convention européenne sur la protection des animaux dans les élevages, du 10 mars 1976, ci-après dénommée «la convention»,

CONSIDÉRANT qu'il est souhaitable d'élargir explicitement le champ d'application de la convention à certains aspects des développements dans les méthodes d'élevage des animaux, en particulier en matière de biotechnologie, et au sacrifice des animaux à la ferme, et en même temps d'adapter certaines dispositions de la convention à la situation évolutive en matière d'élevage d'animaux,

SONT CONVENUS DE CE QUI SUIT:

Article 1

Article 1 of the Convention shall be amended to read:

This Convention shall apply to the breeding, keeping, care and housing of animals and in particular to animals in intensive stock-farming systems. For the purposes of this Convention "animals" shall mean animals bred or kept for the production of food, wool, skin or fur, or for other farming purposes, including animals produced as a result of genetic modifications or novel genetic combinations. "Intensive stock farming" systems shall mean husbandry methods in which animals are kept in such numbers or density, or in such conditions, or at such production levels, that their health and welfare depend upon frequent human attention.

Article 2

A new Article 3 shall be inserted in the Convention, which reads as follows:

Natural or artificial breeding or breeding procedures which cause or are likely to cause suffering or injury to any of the animals involved shall not be practised; no animal shall be kept for farming purposes unless it can be reasonably expected, on the basis of its phenotype or genotype, that it can be kept without detrimental effects on its health or welfare.

Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

Article premier

L'article 1^{er} de la convention est amendé comme suit:

«La présente convention s'applique à l'élevage, à la détention, aux soins et au logement des animaux, en particulier dans les systèmes d'élevage intensif. Au sens de la présente convention, on entend par «animaux» ceux qui sont élevés ou gardés pour la production de denrées alimentaires, de laine, de peaux ou fourrures, ou à d'autres fins agricoles, y compris les animaux résultant de modifications génétiques ou de nouvelles combinaisons génétiques. On entend par «systèmes d'élevage intensif» les méthodes d'élevage dans lesquelles les animaux sont détenus en tel nombre, ou en telle densité, ou dans de telles conditions, ou en vue de tels taux de production que leur santé et leur bien-être dépendent des fréquentes attentions de l'homme.»

Article 2

Un nouvel article 3 est inséré dans la convention, libellé comme suit:

«L'élevage naturel ou artificiel, ou les procédures d'élevage qui causent ou sont susceptibles de causer des souffrances ou des dommages à tout animal en cause ne doivent pas être pratiqués; aucun animal ne doit être gardé à des fins d'élevage à moins que l'on puisse raisonnablement s'attendre, sur la base de son phénotype ou de son génotype, à ce que cet animal puisse être gardé sans qu'il puisse y avoir d'effets néfastes sur sa santé ou son bien-être.»

Article 3

Article 3 of the Convention shall be re-numbered Article 3a.

Article 4

Article 6 of the Convention shall be amended to read:

No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.

No other substance with the exception of those given for therapeutic or prophylactic purposes shall be administered to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of the substance is not detrimental to the health or welfare of the animal.

Article 5

Article 7 of the Convention shall be amended to read:

‘1 The condition and state of health and welfare of animals shall be thoroughly inspected at intervals sufficient to avoid unnecessary suffering and in the case of animals kept in intensive stock-farming systems at least once a day.

2 When an animal is to be killed on the farm, this shall be done competently and in any case without causing unnecessary pain or distress to the animal or to other animals.

3 Technical equipment used in intensive stock-farming systems shall be thoroughly inspected at least once a day, and any defect discovered shall be remedied with the least possible delay. When a defect cannot be remedied forthwith, all temporary measures necessary to safeguard the health and welfare of the animals shall be taken immediately.

Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

Article 6

1 This Protocol of amendment shall be open for signature by the Member States of the Council of Europe which have signed or acceded to the Convention, and by the European Economic Community, which may become Parties to this Protocol of amendment by:

- a signature without reservation as to ratification, acceptance or approval; or
- b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2 No Member State of the Council of Europe shall sign without reservation as to ratification, acceptance or approval, or deposit an instrument of ratification, acceptance or approval, unless it is already or becomes simultaneously a Party to the Convention.

3 Any State not a member of the Council which has acceded to the Convention may also accede to this Protocol of amendment.

4 Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary General of the Council of Europe.

Article 3

L'article 3 de la convention est renuméroté article 3 *bis*.

Article 4

L'article 6 de la convention est amendé comme suit:

«Aucun animal ne doit être alimenté de telle sorte qu'il en résulte des souffrances ou des dommages inutiles et son alimentation ne doit pas contenir de substances qui puissent lui causer des souffrances ou des dommages inutiles.

Aucune autre substance, à l'exception des substances administrées à des fins thérapeutiques ou prophylactiques, ne doit être administrée à un animal à moins qu'il n'ait été démontré par des études scientifiques du bien-être des animaux ou sur la base d'une expérience établie que l'effet de la substance n'est pas contraire à sa santé ou à son bien-être.»

Article 5

L'article 7 de la convention est amendé comme suit:

«1. La condition et l'état de santé et de bien-être de l'animal doivent faire l'objet d'une inspection approfondie à des intervalles suffisants pour éviter des souffrances inutiles, soit au moins une fois par jour dans le cas d'animaux gardés dans des systèmes d'élevage intensif.

2 Lorsqu'un animal doit être sacrifié à la ferme, le sacrifice doit être fait avec compétence et, dans tous les cas, sans causer de souffrances ou de détresse inutiles à l'animal ou aux autres animaux.

3 Les installations techniques dans les systèmes d'élevage intensif doivent faire l'objet, au moins une fois par jour, d'une inspection approfondie et tout défaut constaté doit être éliminé dans les délais les plus courts. Lorsqu'un défaut ne peut être éliminé sur-le-champ, toutes les mesures temporaires nécessaires pour préserver la santé et le bien-être des animaux doivent être prises immédiatement.»

Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

Article 6

1 Le présent protocole d'amendement est ouvert à la signature des États membres du Conseil de l'Europe ayant signé ou ayant adhéré à la convention, et à celle de la Communauté économique européenne, qui peuvent devenir parties au présent protocole d'amendement par:

- a) signature sans réserve de ratification, d'acceptation ou d'approbation, ou
- b) signature sous réserve de ratification, d'acceptation ou d'approbation, suivie de ratification, d'acceptation ou d'approbation.

2 Un État membre du Conseil de l'Europe ne peut signer sans réserve de ratification, d'acceptation, d'approbation ou déposer un instrument de ratification, d'acceptation ou d'approbation s'il n'est pas déjà ou s'il ne devient pas simultanément partie à la convention.

3 Tout État non membre du Conseil qui a adhéré à la convention peut également adhérer au présent protocole d'amendement.

4 Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion seront déposés près le Secrétaire général du Conseil de l'Europe.

Article 7

This Protocol of amendment shall enter into force on the first day of the month following the date on which all the Parties to the Convention have become Parties to this Protocol of amendment in accordance with the provisions of Article 6.

Article 8

From the date of its entry into force, this Protocol of amendment shall form an integral part of the Convention.

Article 9

No reservation may be made in respect of the provisions of this Protocol.

Article 10

The Secretary General of the Council of Europe shall notify the Member States of the Council of Europe, any State which has acceded to the Convention and the European Economic Community, of:

- (a) any signature of this Protocol of amendment;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) the date of entry into force of this Protocol of amendment, in accordance with Article 7;
- (d) any other act, declaration, notification or communication relating to this Protocol of amendment.

Article 7

Le présent protocole d'amendement entrera en vigueur le premier jour du mois qui suit la date à laquelle toutes les parties à la convention seront devenues parties au présent protocole d'amendement, conformément aux dispositions de l'article 6.

Article 8

À partir de sa date d'entrée en vigueur, le présent protocole d'amendement sera considéré comme faisant partie intégrante de la convention.

Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

Article 9

Aucune réserve ne peut être faite eu égard aux dispositions de ce protocole.

Article 10

Le Secrétaire général du Conseil de l'Europe notifiera aux États membres du Conseil de l'Europe, à tout État ayant adhéré à la convention ainsi qu'à la Communauté économique européenne:

- a) toute signature du présent protocole d'amendement;
- b) le dépôt de tout instrument de ratification, d'acceptation, d'approbation ou d'adhésion;
- c) la date d'entrée en vigueur du présent protocole d'amendement, conformément à son article 7;
- d) tout autre acte, déclaration, notification ou communication ayant trait au présent protocole d'amendement.

In witness whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at ..., this ..., in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each Member State of the Council of Europe, to any other Contracting State to the Convention and to the European Economic Community.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé le présent protocole.

Fait à ..., le ..., en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire général du Conseil de l'Europe en communiquera copie certifiée conforme à chacun des États membres du Conseil de l'Europe, aux autres États contractants à la convention et à la Communauté économique européenne.

Status: Point in time view as at 14/12/1992.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC). (See end of Document for details)

- (1) [OJ No C 337, 21. 12. 1992.](#)
- (2) [OJ No C 332, 16. 12. 1992, p. 24.](#)
- (3) [OJ No L 323, 17. 11. 1978, p. 12.](#)

Status:

Point in time view as at 14/12/1992.

Changes to legislation:

There are currently no known outstanding effects for the Council Decision of 14 December 1992 on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes (92/583/EEC).