

Royal Decree 348/2000, of March 10, by which Directive 98/58 / EC, relative to the protection of animals in livestock farms, is incorporated into the legal system.

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Section: I. General provisions

Department: Ministry of Agriculture, Fisheries and Food

Reference: BOE-A-2000-4698

TEXT

The European Parliament, in its Resolution of 20 February 1987 on the policy for the welfare of farmed animals, urged the Commission to present proposals for Community regulations covering the general aspects of animal husbandry in livestock farms.

Statement number 24, attached to the Final Act of the Treaty on European Union, invites the European institutions and the Member States to take full account, when drawing up and implementing Community legislation, especially in the field of the common agricultural policy, the requirements of animal welfare.

The European Convention of March 10, 1976, ratified by Spain through Instrument of April 21, 1988, includes the minimum standards for the protection of animals in livestock farms.

The European Union, as a result of the ratification by all the Member States of the aforementioned European Convention for the Protection of Animals in Livestock Farms, has approved them and deposited the corresponding approval instrument.

The European Union, following the recommendations of the European Parliament and the invitation of Declaration number 24 of the Treaty of the European Union and considering that, as a contracting party, it has the obligation to apply the principles established in the Convention for the protection of animals in holdings livestock, has proceeded to adopt Directive 98/58 / EC, which includes the principles of provision of housing, food, water and care appropriate to the physiological and ethological needs of animals, according to the experience gained and scientific knowledge.

In this way, it is intended to protect animals in livestock farms, as well as to avoid distortions in the development of production and promote the proper functioning of the organization of the animal market.

It is necessary, therefore, the incorporation into the Spanish legal system of Directive 98/58 / EC, which is carried out through this Royal Decree, which has the character of basic regulations, issued under the powers attributed to the State with character Exclusive in article 149.1.13.^a and 16.^a of the Constitution, on bases and coordination of the general planning of the economic activity and bases and general coordination of the health.

By virtue of this, on the proposal of the Minister of Agriculture, Fisheries and Food, in agreement with the Council of State and after deliberation of the Council of Ministers at its meeting on March 10, 2000,

I PROVIDE:

Article 1. Object and scope of application.

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1. This Royal Decree establishes minimum standards for the protection of animals in livestock farms.

2. This Royal Decree shall not apply to:

- a) Animals that live in the natural environment.
- b) Animals destined to participate in competitions, exhibitions or cultural or sporting events or activities.
- c) Animals for experiments or laboratory.
- d) Invertebrate animals.

Article 2. Definitions.

For the purposes of this Royal Decree, the following definitions shall apply:

1) Animal: all animals (including fish, reptiles and amphibians) raised or maintained for the production of food, wool, leather, fur or other agricultural purposes.

2) Owner or breeder: any natural or legal person who is responsible or is in charge of animals permanently or temporarily.

3) Competent authority: within the scope of their respective competences, the General Livestock Directorate of the Ministry of Agriculture, Fisheries and Food and the competent bodies of the Autonomous Communities.

Article 3. Obligations of the owners or breeders.

The owners and breeders of animals in the farms will have the following obligations:

a) Adopt appropriate measures to ensure the welfare of animals with a view to ensuring that they do not suffer pain, suffering or useless damage.

b) That the conditions in which animals are kept or kept (other than fish, reptiles and amphibians), taking into account their species and degree of development, adaptation and domestication, as well as their physiological and ethological needs in accordance with the acquired experience and scientific knowledge, comply with the specifications established in the annex to this Royal Decree.

Article 4. Inspections.

1. In the inspections and actions carried out by the competent authorities, they shall verify compliance with the provisions of this Royal Decree.

2. For the purpose of complying with the obligation to inform the European Commission, on the protection of animals on farms throughout the national territory, the competent bodies of the Autonomous Communities shall prepare a report on the inspections in this field carried out in its territory, with the frequency, format, and content established by the Ministry of Agriculture, Fisheries and Food, at the request of the European Commission, and for the first time on the date to be determined.

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3. With the information provided, the General Livestock Department of the Ministry of Agriculture, Fisheries and Food will prepare a report that will be sent to the Commission through the corresponding channel.

Article 5. Controls of the European Commission.

1. When the European Commission carries out on-site inspections of livestock farms in the national territory, it will be accompanied in those inspections by experts appointed by the General Livestock Directorate of the Ministry of Agriculture, Fisheries and Food.

2. When these inspections are carried out, the competent bodies of the Autonomous Communities shall provide the experts of the European Commission and the Ministry of Agriculture, Fisheries and Food with all the assistance they need to carry out their duties.

3. The results of the controls carried out in the different Autonomous Communities and central services should be discussed between the veterinary experts of the Commission and the veterinary experts of the Livestock General Directorate of the Ministry of Agriculture, Fisheries and Food, before the elaboration and dissemination of the final report.

4. The competent bodies of the Autonomous Communities shall adopt the necessary measures to take into account the results of the inspections established in the final report.

Article 6. Breach of obligations.

Failure to comply with the provisions of this Royal Decree will be sanctioned in accordance with the provisions of current regulations applicable in each case.

First additional provision. Basic nature

The present Royal Decree will have a basic nature and is issued under the provisions of articles 149.1. 13.^a and 16.^a, of the Constitution, by which the State is attributed the exclusive competence in the matter of bases and coordination of the general planning of the economic activity and in matter of bases and general coordination of the health.

Second additional provision. Regulations in force.

This Royal Decree will be applied without prejudice to the other specific welfare rules applicable to certain species and, in particular, the Order of October 21, 1987 of the Ministry of Agriculture, Fisheries and Food, which establishes minimum standards for the protection of laying hens in battery, modified by the Orders of January 29, 1990 and by that of June 21, 1991; Royal Decree 1047/1994, of May 20, concerning the minimum standards for the protection of calves, modified by Royal Decree 229/1998 and Royal Decree 1048/1994, of May 20, concerning minimum standards for the protection of pigs, which will continue to be applicable.

First final provision. Faculty of regulatory development.

The Minister of Agriculture, Fisheries and Food is empowered to dictate, within the scope of his competence, the necessary provisions for the development and fulfillment of this provision.

Second final provision. Entry into force

This provision shall enter into force on the day following its publication in the "Official State Gazette".

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Given in Madrid on March 10, 2000.

JUAN CARLOS R.

The Minister of Agriculture, Fisheries and Food,
JESUS POSADA MORENO

ANNEXED

1. Staff

The animals will be cared for by a sufficient number of personnel possessing the necessary skills, knowledge and professional competence.

2. Inspections or controls to be carried out by the owner or breeder.

a) All animals kept in hatcheries where their welfare depends on frequent human attention will be inspected at least once a day. Animals reared or maintained in other systems will be inspected at sufficient intervals to avoid any suffering.

b) Appropriate lighting (fixed or mobile) will be available to carry out a complete inspection of the animals at any time.

c) Any animal that appears sick or injured will receive the appropriate treatment immediately and, in case the animal does not respond to this care, a veterinarian will be consulted as soon as possible. If necessary, sick or injured animals will be isolated in suitable places that have, as appropriate, appropriate accommodations according to the species, adaptation and domestication of the same, physiological need, acquired experiences and among them the productive experience, and the evolution of scientific knowledge.

3. Documentary evidence.

a) The owner or breeder of the animals shall keep a record indicating any medical treatment provided, as well as the number of dead animals discovered during each inspection.

In case it has to keep equivalent information for other purposes, it will also be sufficient for the purposes of this Royal Decree.

b) These records will be kept for at least three years and will be made available to the competent body of the Autonomous Community when it carries out an inspection or when it requests them.

4. Freedom of movement.

The freedom of movements of the animals themselves will not be limited in a way that causes unnecessary suffering or harm, taking into account in this sense the species, its degree of

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adaptation and domestication, as well as its physiological needs in accordance with the experiences acquired and among them the productive experience and the advance of scientific knowledge.

When the animals are tied, chained or retained continuously or regularly, they will be provided with an adequate space for their physiological and ethological needs, in accordance with the experiences acquired and among them the productive experience, and with scientific knowledge, depending on the species and degree of development, adaptation and domestication of it.

5. Buildings and stables.

a) The materials that are used for the construction of stables and, in particular, of enclosures and equipment with which the animals may be in contact, should not be harmful to the animals and should be able to be thoroughly cleaned and disinfected.

b) The stables and accessories for tying the animals shall be constructed and maintained in such a way that they do not have sharp edges or protrusions, which may cause injuries to the animals.

c) Air circulation, dust level, temperature, relative air humidity and gas concentration must be kept within limits that are not harmful to the animals.

d) The animals housed in the facilities will not be kept in permanent darkness or exposed without an adequate interruption to artificial light.

In the event that the natural light available is insufficient to satisfy the physiological and ethological needs of the animals, adequate artificial lighting should be provided. In any case, and for a faithful compliance with the provisions of Directive 98/50, the species to be considered and their degree of phylogenetic development, adaptation and domestication must always be taken into account, as well as their physiological and ethological needs, depending on the acquired experience and, among them, the productive experience and the advance of scientific knowledge.

6. Animals kept outdoors.

To the extent necessary and possible, livestock kept outdoors will be protected against inclement weather, predators and the risk of disease.

7. Automatic or mechanical equipment.

All the automatic or mechanical equipment indispensable for the health and welfare of the animals will be inspected at least once a day. When deficiencies are discovered, they will be corrected immediately or, if this is not possible, appropriate measures will be taken to protect the health and welfare of the animals.

When the health and welfare of the animals depend on an artificial ventilation system, an appropriate emergency system (opening of windows or others) must be provided, which guarantees sufficient air renewal to protect the health and welfare of the animals in question. In case of failure of the system, and should have an alarm system that warns in case of failure. The alarm system should be checked regularly.

8. Food, water and other substances.

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a) The animals should receive a healthy diet that is appropriate to their age and species and in sufficient quantity in order to maintain their good health and meet their nutritional needs. Considering in any case, their physiological needs, according to the acquired experiences, among them the advance of productive experience and progress of scientific knowledge. No animals shall be supplied with food or liquids in a way that will cause them unnecessary suffering or harm and their food or liquids will not contain any substances that may cause them unnecessary suffering or harm.

b) All animals should have access to food at intervals appropriate to their physiological needs, taking into account the experiences acquired and among them the productive experience and the advancement of scientific knowledge.

c) All animals must have access to a sufficient quantity of water of adequate quality or must be able to satisfy their liquid intake by other means.

d) Equipment for the supply of food and water shall be designed, constructed and located in such a way as to minimize the risk of contamination of food and water and the harmful consequences that may arise from the rivalry between the animals.

e) No other substance shall be administered to any animal, except for those administered for therapeutic or prophylactic purposes or for zootechnical treatment.

It is understood by zootechnical treatment, the administration, on an individual basis, to an animal of exploitation, of one of the substances authorized in application of article 4 of Royal Decree 1373/1997, of August 29, which prohibits the use of certain substances of hormonal and thyrostatic effects and β -agonist substances for use in cattle breeding, for the synchronization of the estrous cycle and the preparation of donors and recipients for the implantation of embryos, after an animal recognition carried out by a veterinarian or , in accordance with the third paragraph of article 4, of the aforementioned Royal Decree 1373/1997, under its responsibility. In the case of aquaculture animals, to a group of broodstock for sexual inversion, by prescription of a veterinarian and under their responsibility.

All this, unless the scientific studies or the experience acquired prove that the substance is not harmful to the health or welfare of the animal.

9. Mutilations.

Pending the adoption of specific provisions regarding mutilations, and without prejudice to the provisions of Royal Decree 1048/1994, of 20 May, concerning the minimum standards for the protection of pigs, the national provisions in the subject matter provided that the general rules of the Treaty are respected.

10. Breeding procedure.

a) Breeding procedures, natural or artificial, that cause or may cause suffering or injury to any of the affected animals should not be used.

This provision shall not exclude the use of certain procedures that may cause minor or momentary suffering or injury or that may require intervention without the likelihood of causing lasting damage, provided that they are permitted by national provisions.

b) No animal will be kept on a farm for livestock purposes, unless there are grounds to wait, based on its genotype and phenotype, which can be kept on the farm, without harmful

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consequences for their health or welfare, in accordance with the experiences acquired and, among them, productive experience and the advance of scientific knowledge, and depending on the species, degree of development, adaptation and domestication of it.

Analysis

- Rank: Royal Decree
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