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Annex to the :

Proposal for a Council Directive

laying down minimum rules for the protection of chickens kept for meat production

IMPACT ASSESSMENT

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Executive summary

A report¹ of the Scientific Committee on Animal Health and Animal Welfare of March 2000, highlighted various welfare problems in chickens kept for meat production (broilers). European citizens are increasingly concerned about the welfare of these animals and a number of Member States and animal welfare organisations have called for improved welfare standards for these animals.

The welfare of chickens kept for meat production is not covered by specific Community legislation; only the general requirements of Directive 98/58/EC concerning the protection of animals kept for farming purposes apply. The existence of diverging national requirements for the protection of chickens and various voluntary quality assurance schemes throughout the EU has the potential to distort conditions of competition and may interfere with the smooth running of the market organisation.

The Commission's proposal aims to introduce animal welfare improvements in the intensive farming of chickens kept for meat production by means of technical and management requirements for the establishments, including enhanced monitoring on the farms and an increased flow of information between the producer, competent authorities and the slaughterhouse based on a welfare-specific monitoring of the flocks after slaughter. Preparatory work for the elaboration of such a proposal included a review of relevant socio-economic data on the European poultry sector, consultations with the major industry representatives and animal welfare organisations as well as discussions with relevant experts from Member States, as well as the organisation of two specific stakeholder consultation meetings.

1 http://europa.eu.int/comm/food/fs/sc/scah/out39_en.pdf .

1. INTRODUCTION – PROBLEM IDENTIFICATION

The farming of chickens for meat production represents an important farming sector within the EU and in third countries. This is illustrated by the fact that more than 4 billion chickens are slaughtered for meat production in the EU-15 each year², a higher number of animals than from any other farming system in the EU. With the accession of the ten New Member States on 1 May 2004 this number increased by approximately 18 %. Compared to other livestock sectors, the production of chickens for meat is one of the most intensive farming systems.

This type of production however presents challenges for the health and welfare of the animals in question. A report of the Scientific Committee on Animal Health and Animal Welfare of March 2000, “The Welfare of Chickens Kept for Meat Production (Broilers)”³, identified a number of welfare problems, such as metabolic disorders resulting in leg problems, ascites, sudden death syndrome and other health concerns.

The welfare of chickens for meat production is not covered by specific Community legislation; only the general requirements of Directive 98/58/EC concerning the protection of animals kept for farming purposes⁴ apply. The Commission is aware that the existence of diverging national requirements for the protection of chickens and various voluntary quality assurance schemes, containing certain welfare related aspects, throughout the EU has the potential to distort conditions of competition and may interfere with the smooth running of the market organisation.⁵ European citizens are increasingly concerned about the health and welfare of chickens kept for meat production. In particular, a number of animal welfare organisations have initiated campaigns calling for improved welfare standards.⁶

It is also well known that good farm management practices have not only the potential to improve the health and welfare conditions for the animals but could also improve the profitability of the holdings, prevent diseases and help to mitigate any negative environmental impacts of the farming activity.

On this basis and taking into account the conclusions presented in the report of the Scientific Committee on Animal Health and Animal Welfare, the Commission has decided to bring forward a proposal on the protection of chickens kept for meat production.

2 In 2001 and 2002, 4.59 and 4.485 Billion chicks (broiler) have been placed in the EU-15 (source European Commission, Eurostat).

3 http://europa.eu.int/comm/food/fs/sc/scah/out39_en.pdf .

4 OJ L 221, 8.8.1998, p. 23.

5 In a parliamentary inquiry in the UK, published 23 July 2003, the British Poultry Council welcomes the possible Commission initiative as a work “which will bring together and add to existing rules and regulations and apply them equally across all EU Member States.”

6 For example: RSCPA published a report on the welfare problems entitled “Behind closed doors“ in 2001, Compassion in World Farming (CIWF) produced another report in 2003 (“The welfare of Broiler Chickens in the European Union”). Other campaigns were organised in Germany and Austria in 2002 and 2003. In 2003 CIWF sought a judicial review of UK legislation in an attempt to force the British government to outlaw the use of fast growing strains of birds in broiler production.

2. OBJECTIVES OF THE PROPOSALS

In formulating its proposal, the Commission considered in particular the objectives of:

- Improving the animal welfare conditions of chickens kept for meat production, and
- Creating a more level playing field for producers by means of laying down minimum rules across the EU to counteract existing diverging national requirements in this sector.

It should also be noted that in chickens kept for meat production most welfare problems are related to the high growth rates and thus to genetic selection. The Commission is aware that the possibilities for public authorities to determine the genetic selection process are very limited for various reasons. Therefore an obligation to prioritise certain animal welfare aspects in the selection process, for example walking ability, appears difficult to enforce.

As a consequence measures envisaged shall mainly focus on the farming process to achieve an improvement of the animal welfare conditions. The use of indicators such as mortality and the occurrence of certain pathologies found in slaughtered flocks could be used to measure whether the targets established by legislation are met. Beyond that, the evaluation of such indicators has the potential to make producers aware of shortcomings which reduce the productivity of their facility. Efforts to reduce mortality and pathologies (such as foot pad dermatitis) in order to comply with defined limits would create an additional economic incentive for the breeders to allocate a higher priority to welfare-related selection criteria.

Output-oriented animal welfare checks based on specific indicators can be carried out in the slaughterhouses. An integration in the post-mortem inspection carried out for food safety purposes and for the classification under the marketing standards for poultry meat allows for a cost-efficient use of inspection resources. Inspections of the welfare conditions on the farm should not be replaced by such a mechanism but could be better targeted based on the results of such post-mortem inspections. This integrated approach is also an important leitmotif of the new legislation on food hygiene and on veterinary controls.⁷ This general legislation, which also covers animal welfare aspects, also provides for a flow of information between the farm and the slaughterhouse. Already today there is an exchange of information on production parameters between slaughterhouses and producers. The revenues of a farm depend on the result of the post-mortem inspection, in particular the number of rejects and downgrades of carcasses. The interpretation of this information already collected on a routine basis in order to analyse the welfare situation on the farm could be an efficient tool for the producer to improve standards and at the same time the profitability of his activity.

7 Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules, OJ L 165, 30.04.2004, p.1 and OJ L 191, 28.05.2004, p. 1.
Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, OJ L 139, 30.04.2004, p. 1
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin, OJ L 139, 30.04.2004, p. 55
Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, OJ L 139, 30.04.2004, p. 206

The report of the Scientific Committee identifies environmental factors which have a direct impact on the welfare problems mentioned above.⁸ Besides the evaluation of the welfare condition by using specific indicators, certain factors such as air and litter quality, temperature, light management and stocking densities should be addressed by legislative requirements in order to improve the welfare of the chickens.

To reach acceptable welfare standards in chicken farming requires high management skills. The qualification and training of the farm manager and all other persons dealing with the animals, including the catching of the birds, should also be addressed.

Scope

The current proposal sets out conditions for the keeping of chickens for meat production from the time chickens are brought into the holding until leaving the holding for slaughter. It does not address the conditions under which parent flocks are kept and the chicks are brooded and hatched. Having regard to the specific welfare problems occurring in parent flocks and the open scientific questions related to them it appears appropriate to address this issue in a separate stage, possibly in a broader context combined with welfare requirements for other breeding birds such as laying hen parent flocks.

This proposal focuses on the welfare problems in intensive farming systems. In order to avoid disproportionate measures applicable to the keeping of chickens in small backyard flocks, a minimum threshold for the application of these measures should be defined. In addition, certain types of extensive production systems should be exempted from some specific requirements. However, compliance with the specifications laid out in the marketing standards for poultry meat⁹ would be conditional for such an exemption.

Even though in the EU chicken production is highly concentrated, there is still a large number of smaller farms keeping chickens under less intensive conditions. For an effective protection of the welfare of chickens it is necessary to set out requirements not only for large scale establishments but also for small-scale operators using simpler farming techniques. On the other hand certain standards concerning management or technical equipment could be inappropriate or too burdensome for less intensive production systems. It is therefore appropriate to foresee two sets of standards using the stocking density as a criterion for the level of intensity of the production. This approach is justified by the fact that the use of a higher stocking density requires more sophisticated management and housing equipment to maintain acceptable welfare standards.

The producers who seek to go beyond a stocking density limit of 30 kg liveweight per m² shall comply with an additional set of standards and in particular should have the obligation to carry out a self-assessment of their establishment and a surveillance system based on welfare indicators collected in the slaughterhouse.

8 Report of the Scientific Committee on Animal Health and Animal Welfare, 2000, p. 52 ff.

9 Commission Regulation (EEC) No 1538/91 of 5 June 1991 introducing detailed rules for implementing Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat, OJ L 143, 7.6.1991, p. 11, last amended by Commission Regulation (EC) No 1321/2002 of 22 July 2002, OJ L 194, 23.7.2002, p. 17

Control of the in-house climate

An efficient climate control is a major factor for the welfare conditions in chicken houses. The right balance between temperature and relative humidity is essential to avoid heat stress. By which technical means stable thermal conditions can be achieved depends largely on the outside climate. Therefore the proposal does not contain precise technical specifications in this regard but rather focuses on the ultimate outcome. For less intensive systems it appears sufficient to impose a general obligation to avoid heat stress, leaving it to the judgement of the competent authorities to take action when problems linked to heat stress occur. For intensive production specific targets for in-house temperatures are foreseen when outside temperatures rise above 30 °C (at a maximum 3 °C above outside temperature) and also for humidity when outside temperatures are below 10 °C (70 % relative humidity at a maximum).

Air quality in the establishment, in particular the composition of the air and its dust content, is a major factor involved in respiratory diseases. As a consequence the proposal sets as a general requirement to keep the gas and dust concentrations at a level which does not harm the animals in order to provide competent authorities with a basis to intervene when flocks originating from a specific establishment show signs of respiratory diseases. For intensive systems specific maximum concentration levels for NH₃ and CO₂ are foreseen. Even if CO₂ is rarely directly causing welfare problems, high concentrations of CO₂ are likely to be accompanied by the presence of harmful levels of other gases and can therefore be used as an indicator for the air quality. With regard to NH₃ levels the report of the Scientific Committee cites research that a reduction from 40-70 ppm to 20 ppm significantly reduced the incidence of ascites.¹⁰

Litter quality

Litter quality is of great importance for the welfare of chickens as it has a direct influence on the skin condition of the birds. Wet litter is a major risk factor for the occurrence of contact dermatitis and the litter quality also influences the air quality and is reciprocally linked to relative humidity in the house. The dust content of the ambient air can also reach levels that might cause respiratory problems when the litter is kept too dry.

Many factors are relevant to achieve optimal litter quality, such as the material and quantity of litter used, ventilation and heating, feed composition, drinking facilities or stocking densities. The complex interaction of these factors requires skilled management to avoid the occurrence of problems.

In view of the wide variety of influencing factors, the proposal defines a general obligation to provide permanent access to dry litter, friable on the surface. In this condition the litter absorb faeces and it also gives the chickens the possibility to perform natural behaviour such as pecking, scratching and dust-bathing.

The obligation to keep records of the temperature (on a daily basis for all establishments, continuously in highly intensive production systems) and – in intensive systems - of relative humidity and water consumption contribute to identifying the reasons for health and welfare problems occurring in this regard.

10 Report of the Scientific Committee on Animal Health and Animal Welfare, 2000, p. 56.

Light management in the poultry houses

The Scientific Committee concluded that except during the first days of life welfare problems may arise if chickens receive less than 2 hours of darkness per day. Longer dark periods especially between 4 and 14 days of age could lower the growth rate and feed-intake during this period and consequently lower the incidence of skeletal and metabolic disorders.¹¹ A light regime following a 24-hour rhythm with 8 hours of darkness in total is proposed. Following the recommendations of the Scientific Committee¹² the proposal foresees that outside periods of darkness a minimum light intensity of 20 lux be provided.

Documentation and record keeping

Information on the different production parameters will help to identify deficiencies and can assist persons giving advice to the producer on how to optimise management processes and equipment. Record keeping also enables the competent authorities to find sources of problems and to take appropriate measures to address cases of non-compliance.

To that end all keepers of chickens for meat production should be required to keep records of some basic data including the number of chickens brought into the establishment and sent for slaughter. Many of the requested information are already collected in the EU for several other reasons. In the future the legislation on food safety will further consolidate this approach. To allow a calculation of the stocking densities, information on the average weight at the time of slaughter needs to be available, but also the mortality on the farm and during transport should be recorded.

A detailed description of the technical aspects of an establishment as well as of the management techniques applied will form part of the required self-assessment of a producer which is conditional for the use of stocking densities above the limit applicable to all production types as set out in the proposal.

A summary of this documentation has to be submitted to the competent authority responsible for the supervision of the establishment, enabling them to better target inspections and to follow-up notifications of possible shortcomings.

Training

The intensive rearing of chickens implies that the welfare of thousands of animals depends on a very small number of persons handling them. The Scientific Committee concludes that *“welfare in broilers is to a large extent influenced by the quality of the stockmanship. Therefore, stockmen should be well trained for their tasks. The training should comprise biology of chickens as well as technical knowledge of the equipment and how to achieve optimal function of a system.”*¹³

The persons in charge of the animals need to be able to identify potential deficiencies which might result in welfare problems. For the inspections, which shall take place at least twice a day, the observation time the attendant spends in the house is very limited per animal.

11 Report of the Scientific Committee on Animal Health and Animal Welfare, 2000, p. 59, 66.

12 Report of the Scientific Committee on Animal Health and Animal Welfare, 2000, p. 111.

13 Report of the Scientific Committee on Animal Health and Animal Welfare, 2000, p. 110.

Therefore, these persons need to identify changes in the behaviour which might indicate problems in the flock and to recognise very quickly abnormalities in single birds.

The proposal requires that the responsible person ensures that all persons handling the animals, also including the catching, are properly trained and aware of animal welfare requirements. The Member States for their part have to ensure that adequate training courses are available.

3. POLICY OPTIONS

The policy options considered in this assessment are the following:

Option 1: Take no action;

Option 2: Establish minimum animal welfare requirements for the production of chickens prescribing a detailed description of equipment and housing to be used in chicken farming;

Option 3: Integrated approach: Harmonisation of technical requirements concerning key factors for the welfare of chickens in combination with an indicator-based monitoring of the flocks after slaughter integrated in the post-mortem inspection for the most intensive production.

4. IMPACT - POSITIVE AND NEGATIVE

The advantages and disadvantages of the three options and the reasons to follow option 3 are hereby summarised.

Option 1

To maintain the *status quo* and take no action would not respond to the serious animal welfare problems identified in the rearing of chickens for meat production. It would also not meet the expectations of Member States and stakeholders including industry, NGOs and consumers to improve the welfare of these animals. At the same time the industry would prefer a better harmonisation at European level to avoid market disturbances due to diverging national legislation and voluntary quality assurance schemes at national level imposed by retailers and consumer demand.

This option does not offer any significant advantages.

Option 2

This option could fulfil the public expectations with regard to the welfare of chickens. However, a very strict regulation of technical details of the farming methods applied could lack the necessary flexibility with regard to the variety of farming systems applied. The development of more efficient and welfare friendly farming practices requires a legislative framework which offers sufficient flexibility. Legislation which regulates too many technical details risks hindering the ongoing technical evolution of the sector.

The option to produce a non-legislative recommendation to encourage Member States to improve the welfare conditions under which chickens for meat production are kept could offer the advantage of not greatly increasing the regulatory and administrative burden upon Member States in the application of such non-legislative recommendations. The drawback is that various voluntary quality assurance schemes already exist for the protection of broiler chickens throughout the EU and the absence of legal obligations to apply minimum rules could exacerbate distortions of competition and the smooth running of the market organisation, without being sufficient to adequately address identified animal welfare problems. In most Member States the production currently follows the recommendations of breeding companies, feed manufacturers or advisory services.¹⁴ Apart from these instructions various quality assurance schemes and recommendations for the rearing of chickens are present in Europe. In 2002 the Compassion in World Farming Trust published a report on farm assurance schemes in the UK, covering different products of animal origin and evaluating the benefit of such schemes for the welfare of animals.¹⁵ The report concludes that various national farm assurance schemes provide a framework for good farm management although they fail to incorporate key determinants of animal welfare.

14 Report of the Scientific Committee on Animal Health and Animal Welfare, 2000, p. 15.

15 Compassion in World Farming Trust, "Farm Assurance Schemes & Animal Welfare – Can We Trust Them?" Petersfield, Hampshire, 2002.

Option 3

In an industry as competitive as the chicken meat industry, even small price differentials can have important competitive implications. On the other hand, in most Member States animal welfare is an issue of increasing public importance leading to an effect on the product demand.

In its report the Scientific Committee on Animal Health and Animal Welfare presented an economic evaluation of welfare-improving measures.¹⁶ In two model simulations economic impacts of changes in stocking rates and of a reduction in growth rate have been analysed. The Commission has carefully analysed these data and the practicability of moving en-bloc towards achieving the scientific recommendations. On the basis of various socio-economic considerations the Commission concluded that adopting a step-by-step approach to implement the main aspects of the recommendations represents the best means to achieve real improvements of the welfare of the animals over the short to medium term.

The output-oriented approach chosen by the Commission, defining maximum levels for mortality and pathologies enables farmers to choose the most cost-efficient solutions to reach the welfare targets, tailor-made for their situation. The fact that reaching the targets leads to higher revenues could increase the motivation to meet the welfare standards or even to outperform them. It is important to highlight that already today comprehensive information on production parameters is collected within this highly integrated production system. To use this data not only for commercial purposes or the supervision of the hygiene requirements but also for monitoring the welfare conditions on the farm appears to be a cost efficient and effective way to improve the welfare of the animals. The most appropriate legislative instrument is a Council Directive setting up minimum standards on animal welfare. The legal basis is article 37. This output-oriented approach was chosen for the proposal.

MONITORING THE RESULTS AND THE IMPACT OF THE PROPOSALS

Due to the very different housing and husbandry systems involved in broiler breeding flocks compared to those for chickens kept for meat production it is not feasible to address these two systems in the context of a single proposal. Furthermore the SCAHAW opinion included insufficient scientific elements to address the issue of broiler breeders. The intention is to address the issue of broiler breeders in a second step based on future scientific advice and experience gained in implementing the current proposal once adopted, including the collection of specific data by the Member States. It should be noted that a Community-funded DG RTD project on this issue is currently being finalised and will provide an important input to future actions. It is also intended to request the European Food Safety Authority (EFSA) to issue a future scientific opinion on the specific issue of broiler breeders.

Various stakeholders have highlighted on several occasions issues concerning possible specific mandatory labelling provisions applicable to chicken meat. While many sectors of the industry would accept the labelling of such products as being of EU origin and complying with EU animal welfare rules, some NGOs have expressed their concern that products should not be differentiated solely on the basis of their origin but rather on their compliance with higher animal welfare standards. Further clarification and investigations are needed on the possible socio/economic and trade/legal implications of such mandatory labelling schemes,

16 Report of the Scientific Committee on Animal Health and Animal Welfare, 2000, p. 98-101.

notably with regard to compatibility with WTO rules, Technical Barriers to Trade (TBT) etc. NGOs are concerned that standardised labelling could disadvantage niche products presently marketed which are complying with animal welfare standards above the standards proposed by the Commission. Difficulties also exist associated with the specific labelling of chicken meat used in processed/ cooked products.

Consequently the Commission intends to submit a detailed report to the Council on this issue having undertaken a comprehensive analysis of the considerations in question. This report on the possibility of a possible specific mandatory labelling regime at Community level for chicken meat based on compliance with animal welfare standards will be prepared taking into account, but without prejudice to, existing voluntary schemes for the labelling of chicken meat. The report will take into account possible socio-economic implications, effects on the Community's economic partners and compliance of such a labelling regime with World Trade Organization rules.

5. STAKEHOLDERS CONSULTATION

Consultation involved in the preparation of the Commission proposal have included the following:

- 1) Report of the Scientific Committee on Animal Health and Animal Welfare of March 2000, “The Welfare of Chickens Kept for Meat Production (Broilers)”¹⁷,
- 2) Important written contributions have been submitted by the following organisations: AVEC, FIA (Federation des Industries Avicoles), AVIAGEN group (a visit for the Commission’s experts to a production site in the UK has been organised), ROSS Breeders, British Poultry Council, SYNALAF (Syndicat National des Labels Avicoles des France), CIWF (Compassion in World Farming), EUROGROUP for animal welfare. Commission experts have also participated in study trips organised by ZDG (German poultry industry) and BREIZE (French representative group) for the purposes of data collection.
- 3) Seven Commission working group meetings (from January 2002 to September 2003) with experts from Member States’ Competent Authorities were organised to collect information on the state of play on broilers’ welfare and statistical data. Data concerning existing legislation and code of good practices have been collected and analysed. A working group meeting including experts from the acceding Member States combined with a study trip was organised in September 2003 in Sweden on the invitation of the Swedish authorities.
- 4) Statistical data has been collated originating from: EUROSTAT, FAOSTAT, EU COMMISSION DG AGRICULTURE, AVEC, and the Competent authorities of the following Member States: Sweden, Denmark, The Netherlands, France, Spain, Germany, Austria, United Kingdom.
- 5) On 2 September 2003 the Commission held a stakeholder consultation meeting in Brussels to which representatives from NGO's, producer and consumer organisations were invited. The discussion was constructive and its outcome supports the approach that animal welfare problems could be addressed by implementing enhanced self-monitoring on the farm and incorporating animal welfare indicators in the post-mortem inspection. On 6 December 2004 the Commission organised a second stakeholder meeting to provide an update on latest developments. Groups invited to these stakeholder meetings were as follows: AVEC (Association des Centres d’Abattage de Volailles et du Commerce d’Importation et d’Exportation de Volailles des Pays de l’UE), BEUC (European Consumers Organisation), CIWF (Compassion in World Farming), COPA/COGECA (Comite des Organisations Professionnelles Agricoles de l’EU/Comite Generale de la Cooperation Agricole de l’EU), EHA (European Hatchery Association), EPEXA (European Organisation for Exporters of day-old chicks and hatching eggs), EURO COOP (European Community of Consumers Cooperatives), EUROGROUP for Animal Welfare, FVE (Federation of Veterinarians of Europe), IFAW (International Fund for Animal Welfare), WSPA (World Society for the Protection of Animals).

Sufficient data has been collected to facilitate preparation of the Commission proposal.

17 http://europa.eu.int/comm/food/fs/sc/scah/out39_en.pdf .