



COMMISSION OF THE EUROPEAN COMMUNITIES

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2005/0099 (CNS)

Proposal for a

COUNCIL DIRECTIVE

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

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

The farming of chickens for meat production represents an important farming sector within the EU. This is illustrated by the fact that more than 4 billion chickens are slaughtered for meat production in the EU-15 each year¹, a higher number of animals than from any other farming system. 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. However this type of production presents challenges for the welfare and health of the animals in question. This sector 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. Therefore the Commission has decided to propose a specific Council Directive laying down minimum rules for the protection of chickens kept for meat production.

- **General context**

A report of the Scientific Committee on Animal Health and Animal Welfare of March 2000, "The Welfare of Chickens Kept for Meat Production (Broilers)", identified a number of welfare problems, such as metabolic disorders resulting in leg problems, ascites, sudden death syndrome and other health concerns.

The Commission proposal accompanying this communication aims to introduce animal welfare improvements in the intensive farming of chickens 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 chicken carcasses after slaughter. This proposal will be a key element in the context of the European Action Plan on Animal Welfare to be prepared by the Commission during 2005. It clearly demonstrates the Commission's commitment to bringing forward policy proposals with the aim of improving animal welfare standards, taking account of the welfare problems with current production systems identified by scientific experts. It also responds to the growing demands of EU civil society to move towards higher standards of animal protection.

¹ In 2001 and 2002, 4.59 and 4.485 Billion chicks (broiler) have been placed in the EU-15 (source European Commission, Eurostat).

- **Existing provisions in the area of the proposal**

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 purposes 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. 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.

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 help to prevent diseases and 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 propose a Council Directive on the protection of chickens kept for meat production.

- **Consistency with other policies and objectives of the Union**

The Protocol on protection and welfare of animals annexed to the Treaty establishing the European Community requires that in formulating and implementing agriculture policies, the Community and the Member States shall pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage. Live poultry are listed in Annex I of the Treaty providing a legal basis for measures to improve the protection of such animals.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Preparatory work for the proposal has included consultations with the major industry representatives, consumer and animal welfare organisations as well as discussions with relevant experts from Member States. In this framework a number of Commission working groups with Member State representatives were organised including a study visit to Sweden, organised by the Swedish Ministry of Agriculture, demonstrating the practical application of their animal welfare programme for chickens including the foot pad lesion scoring system. Specific stakeholder consultation meetings were also organised in September 2003 and December 2004.

Summary of responses and how they have been taken into account

The outcomes of the consultations undertaken support 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.

Animal welfare organisations highlighted as the most relevant problems for the animals the high growth rate (due to genetic selection) and associated leg disorders, high stocking densities and the restricted feeding of breeding stocks. Based on further scientific advice the Commission plans to submit a specific report to the Council and the European Parliament concerning the influence of genetic parameters on identified deficiencies resulting in poor welfare of chickens.

The producer organisations acknowledged that welfare problems had occurred and pointed out that the industry is actively working on improvements in this regard. In this context producer representatives stated that legislative action to better harmonise production conditions at European level would be welcome, as long as a realistic step-by-step approach is chosen.

All participants agreed on the importance of the training of persons in charge of the animals. Also the benefit of monitoring welfare indicators in the slaughterhouses as a means of identifying welfare problems on the farm was recognised.

- **Collection and use of expertise**

Scientific/expertise domains concerned

Scientific advice in the field of animal health and welfare.

Methodology used

In March 2000 in response to a request from the Commission the Scientific Committee on Animal Health and Animal Welfare adopted a report on "The Welfare of Chickens Kept for Meat Production (Broilers)".

Main organisations/experts consulted

Scientific Committee on Animal Health and Animal Welfare

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences has not been mentioned.

The report of the Scientific Committee concludes that most welfare problems encountered in chickens are directly linked to the selection for higher growth rates and better food conversion. A wide range of metabolic and behavioural traits have been altered by genetic selection. The occurrence of metabolic disorders results in leg problems, ascites, sudden death syndrome or other health problems.

An indicator for the occurrence of welfare problems used in the scientific report is the comparison of mortality between standard chickens used in meat production (1 % mortality per week), chickens of slow growing strains used under the "Label rouge" scheme (0,25 % per week) and pullets of laying hen strains (0,14 %).

As main health and welfare problems the following can be identified:

Mortality in standard broiler production units is higher than in other types of chicken holdings (fattening of slow growing chicken strains or rearing of laying hens). Mortality of young chickens can be related to pre-hatching factors such as egg quality. In older birds metabolic disorders linked to the rapid growth have an important influence.

Skeletal disorders, in particular different forms of leg weakness can impair the birds' welfare by reducing walking ability, in severe cases linked with pain and discomfort. Bone weakness and deformations may result in bone fractures during catching and the slaughter process. Skeletal disorders can have infectious, developmental or degenerative causes.

Contact dermatitis occurs in the form of breast blisters, hock burns or most commonly foot pad dermatitis. Severe lesions can cause pain and are gateways for other infections resulting in a reduced health status and poor productivity. Litter quality appears to be an important factor contributing to the problem.

Ascites is an important lethal disease of metabolic origin. Air quality, light conditions, temperature and nutrition are important factors affecting the risk of ascites.

The Sudden Death Syndrome shares a wide range of risk factors and causes with ascites. As this syndrome leads within a few minutes to the death of birds otherwise in generally good condition the welfare relevance may be lower compared with ascites which causes chronic suffering.

Respiratory and mucous membrane problems can be associated either with infectious or non-infectious causes, including those related to poor air quality. Respiratory pathologies represent an indicator for the hygiene standards in an establishment and might indicate problems with the climate control.

Thermal discomfort has an important impact on the welfare of the birds. Chickens experience thermal comfort only in a very narrow range of ambient temperature. The risk of heat stress increases with the growth of the birds since the metabolic heat production rises and the available space for each chicken decreases. Thermal comfort depends not only on temperature but is also influenced by the relative humidity.

Behavioural restrictions caused by high stocking densities can result in an inability to perform locomotor and litter directed activities and thus can negatively affect the welfare of chickens.

Means used to make the expert advice publicly available

The SCAHAW opinion is available on the website

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

- **Impact assessment**

The identified policy options were as follows:

- No action:

This option would not respond to the increasing public concern about the welfare of the chickens. 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.

- Establishing minimum animal welfare requirements for the production of chickens: Directive or Regulation with detailed description of equipment and housing to be used in chicken farming.

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.

- 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.

This output-oriented approach was chosen for the proposal.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

A Council Directive laying down minimum rules for the protection of chickens kept for meat production is proposed.

- **Legal basis**

Article 37 of the Treaty establishing the European Community.

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason(s).

Differences in existing rules in this sector may distort conditions of competition and interfere with the smooth running of the organisation of the common market in chicken meat. Due to the transnational nature of this market, action by individual Member States is insufficient to achieve the objectives outlined in this proposal.

Community action will better achieve the objectives of the proposal for the following reason(s).

There is a need to establish common minimum rules for the protection of chickens kept for meat production in order to ensure the rational development of production. Due to the scale of this sector this can be best achieved by action at EU level.

Today the rearing of chickens falls within the scope of Directive 98/58/EC concerning general requirements for the protection of animals kept for farming purposes. While voluntary production schemes containing animal welfare requirements exist in various Member States, only Sweden and Denmark have specific legislation in place for the protection of these chickens.

A better harmonisation at Community level of minimum rules for the protection of chickens kept for meat production would help to avoid market disturbances due to diverging national legislation and voluntary quality assurance schemes at national level.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

The proposal sets out minimum standards for the protection of chickens kept for meat production. The Member States may, while respecting the general rules laid down in the Treaty, maintain or apply within their territories provisions for the protection of chickens kept for meat production which are more stringent than those envisaged by this Directive

The Commission proposal accompanying this communication aims to introduce animal welfare improvements in the intensive farming of chickens 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.

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.

This integrated approach is also an important leitmotif of the new legislation on food hygiene and on veterinary controls. This general legislation, which also covers animal welfare aspects, also provides for a flow of information between the farm and the slaughterhouse. During the extensive stakeholder consultations which took place during the elaboration of the proposal this approach was broadly welcomed by all interested parties.

- **Choice of instruments**

Proposed instruments: Directive.

Other means would not be adequate for the following reason(s).

A 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.

A Regulation would offer the advantages of having general application, being binding in its entirety and directly applicable in all Member States, without the additional administrative burden of a national act being necessary for transposition. Nevertheless in the specific field of animal welfare and health legislation various Member States have previously expressed their preference for Directives which are binding as to the result to be achieved but leave the choice of form and methods to achieve these objectives to the Member States. A transposition act thus needs to be prepared under national legislation, which offers the possibility of adapting the legislation to take account of specific national circumstances.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5. ADDITIONAL INFORMATION

- **Review/revision/sunset clause**

The proposal includes a review clause.

- **Correlation table**

The Member States are required to communicate to the Commission the text of national provisions transposing the Directive as well as a correlation table between those provisions and this Directive.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

Proposal for a

COUNCIL DIRECTIVE

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

(Text with EEA relevance)

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 Commission²,

Having regard to the opinion of the European Parliament³,

Having regard to the opinion of the European Economic and Social Committee⁴,

Having regard to the opinion of the Committee of the Regions⁵

Whereas:

- (1) The Protocol on protection and welfare of animals annexed to the Treaty establishing the European Community requires that in formulating and implementing agriculture policies, the Community and the Member States are to pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.
- (2) Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes⁶, drawn up on the basis of the European Convention for the Protection of Animals kept for Farming Purposes⁷ ('the Convention') lays down minimum standards for the protection of animals bred or kept for farming purposes including provisions on housing, food, water and care appropriate to the physiological and ethological needs of the animals.

² OJ C [...] [...], p. [...]

³ OJ C [...] [...], p. [...]

⁴ OJ C [...] [...], p. [...]

⁵ OJ C [...] [...], p. [...]

⁶ OJ L 221, 8.8.1998, p. 23. Directive as amended by Regulation (EC) No 806/2003, (OJ L 122, 16.5.2003, p. 1).

⁷ OJ L 323, 17.11.1978, p. 14.

- (3) The Community is a party to the Convention in the framework of which a specific Recommendation concerning domestic fowl (*Gallus gallus*) which includes additional provisions for poultry kept for meat production has been adopted.
- (4) The report of the Scientific Committee on Animal Health and Animal Welfare of 21 March 2000 on the Welfare of Chickens Kept for Meat Production (Broilers) concluded that the fast growth rate of chicken strains currently used for this purpose is not accompanied by a satisfactory level of animal welfare and health, and that the negative effects of high stocking rates are reduced in buildings where good indoor climatic conditions can be sustained.
- (5) It is necessary to establish rules at Community level for the protection of chickens kept for meat production in order to avoid distortions of competition that may interfere with the smooth running of the common market organisation in that sector and also to ensure the rational development of the sector.
- (6) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of introducing animal welfare improvements in the intensive farming of chickens to lay down minimum rules for the protection of chickens for meat production. This Directive does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty.
- (7) The rules should focus on the welfare problems in intensive farming systems. In order to avoid disproportionate measures applicable to the keeping of small flocks of chickens, a minimum threshold for the application of this Directive should be set out.
- (8) In addition, certain types of extensive production systems should be exempted from certain specific requirements of this Directive. Such exemptions should be based on the references to free range chickens in 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.⁸
- (9) It is important that persons attending to chickens have an understanding of the relevant animal welfare requirements and receive appropriate training to perform their tasks.
- (10) In establishing rules for the protection of chickens kept for meat production, a balance should be kept between the various aspects to be taken into consideration, as regards animal welfare and health, economic and social considerations and the environmental impact.
- (11) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules⁹ establishes a framework for official controls including compliance with animal welfare rules such as the provisions of this Directive. In addition, that Regulation provides that Member States are to

⁸ OJ L 143, 7.6.1991, p. 11. Regulation as last amended by Regulation (EC) No 814/2004 (OJ L 153, 30.4.2004, p. 1); corrected version (OJ L 231, 30.6.2004, p. 3).

⁹ OJ L 165, 30.4.2004, p. 1; corrected version (OJ L 191, 28.5.2004, p. 1).

submit annual reports on the implementation of the multi-annual national control plans, including results of controls and audits carried out.

- (12) Various voluntary schemes already exist in different Member States for the labelling of chicken meat based on compliance with animal welfare standards and other parameters.
- (13) In light of the experience gained in applying such voluntary labelling schemes, it is appropriate for the Commission to submit a report on the possible introduction of a specific harmonised mandatory labelling regime at Community level for chicken meat, meat products and preparations based on compliance with animal welfare standards, including the possible socio-economic implications, the effects on the Community's economic partners and compliance of such a labelling regime with World Trade Organization rules.
- (14) It is appropriate for the Commission to submit a report based on new scientific evidence taking into account further research and practical experience in order to improve further the welfare of chickens kept for meat production including the parent stock of such chickens, in particular as regards aspects not covered by this Directive. That report should specifically consider the influence of genetic parameters on identified deficiencies resulting in poor welfare of chickens kept for meat production.
- (15) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. Those penalties must be effective, proportionate and dissuasive.
- (16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁰,

HAS ADOPTED THIS DIRECTIVE:

Article 1
Subject matter and scope

This Directive shall apply to chickens kept for meat production.

However, it shall not apply to:

- (a) establishments with less than 100 chickens;
- (b) establishments with breeding stocks of chickens;
- (c) hatcheries.

Member States shall remain free to take more stringent measures in the area covered by this Directive.

¹⁰ OJ L 184, 17.7.1999, p. 23.

Article 2
Definitions

1. For the purpose of this Directive, the following definitions shall apply:
 - (a) ‘owner’ or ‘keeper’ means any natural or legal person or persons owning or otherwise responsible for or in charge of chickens whether on a permanent or temporary basis;
 - (b) ‘competent authority’ means the central authority of a Member State competent to carry out veterinary or zootechnical checks or any authority to which it has delegated that competence;
 - (c) ‘official veterinarian’ means a veterinarian qualified in accordance with Annex I, Section III, Chapter IV (A) to Regulation (EC) No 854/2004 of the European Parliament and of the Council¹¹ to act in such a capacity and appointed by the competent authority;
 - (d) ‘chicken’ means an animal of the species *Gallus gallus* kept for meat production;
 - (e) ‘establishment’ means a production site on which chickens are kept;
 - (f) ‘unit of an establishment’ means a poultry house or a separated part of a poultry house where a flock of chickens is kept;
 - (g) ‘useable area’ means a littered area accessible to the chickens at any time.
2. The definition of ‘useable area’ in paragraph 1 point (g) may be amended in accordance with the procedure referred to in Article 9 to include areas with floor surfaces not littered but which provide a welfare standard at least equivalent to littered areas.

Article 3
Requirements for the keeping of chickens

1. The Member States shall ensure that the owner or keeper complies with the requirements set out in Annex I.
2. The Member States shall ensure that the stocking density of chickens per square metre of useable area (‘stocking density’) in establishments or single units of an establishment does not exceed 30 kilogrammes liveweight.

¹¹ OJ L 139, 30.4.2004, p. 206); corrected version (OJ L 226, 25.6.2004, p. 83).

3. By way of derogation from paragraph 2, the Member States may provide that chickens be kept at a stocking density not exceeding 38 kilogrammes liveweight in establishments or single units of an establishment provided that the owner or keeper complies with the requirements set out in Annex II, in addition to the requirements set out in Annex I.

In such cases of derogation, the Member State shall ensure that:

- (a) the inspections, monitoring and follow up provided for in Annexes III and IV are carried out by the competent authority; and
 - (b) the official veterinarian responsible for official controls in the slaughterhouse complies with the requirements set out in Annex IV.
4. Paragraphs 2 and 3 of this Article and points 6 and 7 of Annex I to this Directive shall not apply to free range chickens, as referred to in points (c), (d) or (e) of Annex IV to Commission Regulation (EEC) No 1538/91.

Article 4

Training and guidance for persons dealing with chickens

1. Member States shall ensure that:
 - (a) owners or keepers and persons employed or engaged by them to attend to chickens or to catch and to load them have received:
 - (i) instructions and guidance on the relevant animal welfare requirements, including those concerning the methods of culling practised in establishments; and
 - (ii) sufficient training to perform their tasks.
 - (b) appropriate training courses for the persons referred to in point (a) are available.
2. The training courses referred to in paragraph 1 (b) ('the training courses') shall focus on welfare aspects and cover in particular the matters listed in Annex V.
3. Member States shall ensure that a system is established for the control and approval of training courses. The owner or keeper of the chickens shall hold a certificate which is recognised by the competent authority of the Member State, attesting to the completion of such a training courses or having acquired experience equivalent to such training.
4. Member States may recognise experience acquired before [1 December 2006] as being equivalent to participation in such training courses and shall issue certificates attesting to such equivalences.
5. Detailed rules for the application of this Article may be adopted in accordance with the procedure referred to in Article 9.

Article 5
Labelling of chicken meat

Not later than two years from the date of adoption of this Directive, the Commission shall submit to the European Parliament and to the Council a report on the possible introduction of a specific harmonised mandatory labelling regime at Community level for chicken meat, meat products and preparations based on compliance with animal welfare standards.

That report shall consider possible socio-economic implications, effects on the Community's economic partners and compliance of such a labelling regime with World Trade Organization rules.

The report shall be accompanied by appropriate legislative proposals taking into account such considerations and the experience gained by the Member States in applying voluntary labelling schemes.

Article 6
Submission of data by the Member States and subsequent report by the Commission to the European Parliament and to the Council

1. Not later than five years from the date of adoption of this Directive, Member States shall submit to the Commission a summary of the data collected as provided for in points 1 and 2 of Annex IV.

Based on that data and on a scientific opinion of the European Food Safety Authority, the Commission shall submit to the European Parliament and to the Council a report concerning the influence of genetic parameters on identified deficiencies resulting in poor welfare of chickens. That report shall be accompanied by appropriate legislative proposals, if necessary.

2. The format of the data to be submitted, as provided for in paragraph 1, shall be determined by the Commission within two years from the date of adoption of this Directive in accordance with the procedure referred to in Article 9.

Article 7
Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by [1 December 2006] at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 8
Implementing powers

1. Measures necessary to ensure the uniform implementation of this Directive may be adopted in accordance with the procedure referred to in Article 9. In particular detailed rules for the application of the scoring system set out in point 4 of Annex IV shall be adopted in accordance with the procedure referred to in Article 9.
2. The Annexes may be amended in accordance with the procedure referred to in Article 9.

Article 9
Committee Procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health (hereinafter referred to as ‘the Committee’).
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EEC shall apply and the period laid down in Article 5 (6) of Decision 1999/468/EC shall be set at three months.

Article 10
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [1 December 2006] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 11
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 12

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX I

REQUIREMENTS APPLICABLE TO ALL ESTABLISHMENTS

(as referred to in Article 3)

Drinkers

1. Drinkers shall be positioned and maintained in such a way that spillage is avoided.

Feeding

2. Feed shall be continuously available and must not be withdrawn from chickens more than 12 hours before the expected slaughter time.

Litter

3. All chickens shall have permanent access to litter which is dry and friable on the surface.

Ventilation and heating

4. Ventilation shall be sufficient to avoid overheating and, where necessary in combination with heating systems, to remove moisture.

Noise

5. The sound level shall be minimised. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

Light

6. All buildings shall have light with an intensity of at least 20 lux during the light periods, measured at bird eye level and illuminating the whole of the floor area. A temporary reduction of the light level may be allowed when necessary following veterinary advice.
7. Within three days from the time when the chickens are placed in the building and until three days before the foreseen time of slaughter, the light must follow a 24-hour rhythm and include periods of darkness lasting at least 8 hours in total, with at least one uninterrupted period of darkness of at least 4 hours.

Inspection

8. All chickens kept on the establishment must be inspected at least twice a day. The keeper shall establish a procedure which ensures that the inspecting person passes all chickens within a distance of not more than three metres.
9. Chickens that are seriously injured or show signs of poor health, such as those having difficulties in walking, severe ascites or severe malformations, and are likely to suffer, shall receive appropriate treatment or be culled immediately.

Cleaning

10. Those parts of buildings, equipment or utensils which are in contact with the chickens shall be thoroughly cleaned and disinfected every time after depopulation is carried out, before a new flock is introduced into the unit.

Record keeping

11. In addition, to the records kept in accordance with point 5 of the Annex to Directive 98/58/EC, the owner or keeper shall maintain a record for each unit of an establishment of:
 - (a) the number of chickens introduced;
 - (b) the origin of the chickens;
 - (c) the date, quantity and type of feed delivered;
 - (d) the medical and veterinary treatments administered;
 - (e) the mortality on a daily basis with an indication of the causes, if known;
 - (f) the house temperatures on a daily basis (maximum and minimum);
 - (g) the average weight at the moment when chickens are sent for slaughter;
 - (h) the number of chickens sent for slaughter and number of chickens dead on arrival at the slaughter house.

Those records shall be retained for a period of at least three years and shall be made available to the competent authority when carrying out an inspection or when otherwise requested.

Surgical interventions

12. All surgical interventions carried out for reasons other than therapeutic or diagnostic purposes which result in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited.

However, in order to prevent feather pecking and cannibalism, the Member States may authorise beak trimming provided it is carried out by qualified staff on chickens that are less than 10 days old. In addition, Member States may authorise the castration of male chickens. The castration shall only be carried out under veterinary supervision by personnel who have received a specific training authorised by the competent authority.

ANNEX II

REQUIREMENTS FOR THE USE OF HIGHER STOCKING DENSITIES

(as referred to in Article 3(3))

Notification and documentation

1. The owner or keeper shall notify to the competent authority their intention to use a stocking density of more than 30 kilogrammes liveweight.

That notification shall be accompanied by a document summarising the information contained in the documentation required under point 2. The notification shall be endorsed by the veterinarian attending the establishment. However, such an endorsement shall not release the owner or keeper from any legal obligation under this Directive.

2. The owner or keeper shall maintain and have available in the establishment a compiled documentation describing in detail the production systems. In particular it shall include information on the following matters:
 - (a) technical details of the establishment and its equipment:
 - (i) a plan of the establishment including the dimensions of the surfaces occupied by the chickens;
 - (ii) ventilation, cooling and heating system, including their location, a ventilation plan, detailing target air quality parameters, such as airflow, air speed and temperature;
 - (iii) feeding and watering systems and their location;
 - (iv) alarm systems and backup systems in the case of electric failure;
 - (v) floor type and litter normally used;
 - (b) production targets;
 - (c) management:
 - (i) number of personnel attending to the chickens including contact details in the case of an emergency;
 - (ii) qualifications of the owner or keeper and other persons attending the chickens;
 - (iii) suppliers of chickens and feed;
 - (iv) veterinarian attending the establishment;
 - (v) inspection plan and procedures concerning the daily management of the establishment, including culling procedures;

- (vi) inspection and maintenance plan for technical equipment;
- (vii) depopulation procedures, including catching;
- (viii) cleaning and disinfection procedures;
- (ix) emergency plan for use in the case of electrical failure.

The documentation shall be made available to the competent authority on request and must be kept updated. In particular, technical inspections of the ventilation and alarm system shall be recorded.

The owner or keeper shall notify to the competent authority any substantial changes of the described establishment, equipment or procedures without undue delay.

Requirements for the establishments and the personnel

3. The owner or keeper shall ensure that each unit of an establishment is equipped with ventilation, heating and cooling systems designed, constructed and operated in such a way that
 - (a) the concentration of NH_3 does not exceed 20 ppm and the concentration of CO_2 does not exceed 3000 ppm measured at the level of the chickens' heads;
 - (b) the inside temperature, when the outside temperature measured in the shade exceeds 30°C , does not exceed this outside temperature by more than 3°C ;
 - (c) when the outside temperatures is below 10°C , the relative humidity inside the unit of the establishment does not exceed 70 %.

The ventilation, heating and cooling system shall be inspected at the intervals indicated in the documentation required under point 2 (c).

Monitoring and recording in the establishment

4. In the establishment, the following variables shall be monitored and recorded by the owner or keeper in respect of each unit of an establishment:
 - (a) temperature and relative humidity within each unit of the establishment on a continuous basis;
 - (b) water consumption of the chickens within each unit of the establishment on a daily basis.

Those records shall be retained by the owner or keeper for a period of at least three years and shall be made available to the competent authority when carrying out an inspection or when otherwise requested.

ANNEX III

INSPECTIONS AND FOLLOW-UP OF DEFICIENCIES IN THE ESTABLISHMENT IN CASE OF THE USE OF HIGHER STOCKING DENSITIES

(as referred to in Article 3(3))

1. The competent authority shall carry out inspections to verify:
 - (a) whether the equipment and management of the establishment or of the single unit of the establishment concerned are suitable to ensure an acceptable welfare level;
 - (b) the plausibility of the recorded flock sizes and mortality rates.
 - (c) whether in addition to the requirements of Annex I the requirements set out in Annex II are also complied with.

In particular, the competent authority shall carry out an inspection in any establishment for which it receives a notification under point 3 of Annex IV indicating a severe deficiency or a deficiency which already had been the subject of a previous notification.

Procedure in case of non-compliance

2. Following either an inspection in accordance with point 1 of this Annex, when such inspection finds out that the requirements set out in Annex II are not complied with or following a notification in accordance with point 3 of Annex IV, the competent authority may require the owner or keeper to eliminate factors prevailing in the establishment which are likely to have contributed to the deficiencies reported. In such a case the owner or keeper shall submit an action plan, endorsed by the veterinarian attending the establishment.

In addition, the competent authority may order the reduction of the maximum stocking density for the establishment or units of establishments concerned to an extent adequate to correct the deficiency, normally to a stocking density of between 30 and 38 kilogrammes liveweight, when an inspection finds that the requirements set out in Annex II are not complied with or when receiving a notification under point 3 of Annex IV indicating a severe deficiency or a second notification of a deficiency previously notified for the same establishment. The competent authority shall inform the owner or keeper of the decision taken, and in particular of the moment from when the reduction in stocking densities shall take effect.

However, the competent authority may decide that the stocking density shall not be reduced when the owner or keeper provides sufficient explanation for the exceptional nature of the deficiency or shows that the causes lie beyond their sphere of control. In such a case the owner or keeper shall demonstrate that the relevant persons, such as the hatchery operator or the feed stuff supplier, have been informed of the occurrence of the deficiency in order to prevent its recurrence.

3. The owner or keeper of the establishment may request a revision of the order of reduction of the maximum stocking densities as referred to in point 2 provided that
- (a) the two previous flocks complied with the limits set out in point 3 of Annex IV; and
 - (b) the veterinarian attending the establishment has given a favourable opinion on the request.

The competent authority shall decide on the request on the basis of an inspection of the establishment, including an evaluation of the documentation provided in accordance with points 1 and 2 of Annex II.

ANNEX IV

MONITORING AND FOLLOW-UP AT THE SLAUGHTERHOUSE

(as referred to in Article 3(3), Article 6(1) and Article 8(1))

1. At the slaughterhouse each consignment shall undergo under the supervision of the official veterinarian an inspection of a representative sample of at least 200 chickens concerning the occurrence of foot pad dermatitis, establishing a scoring in accordance with point 4.

The mortality rates indicated in the documentation accompanying the consignment as well as the number of the chickens dead on arrival shall be recorded, indicating the establishment and the unit of the establishment. The mortality rates shall include all those birds which have been culled.

2. The official veterinarian shall evaluate the results of the post-mortem inspection to identify other possible indications of poor welfare conditions in the establishment or the unit of the establishment of origin.
3. When the acceptable levels of mortality or levels of foot pad dermatitis set out in table 1 are exceeded on the establishment or unit of the establishment of origin, the official veterinarian shall notify the owner or keeper of that establishment, the veterinarian attending that establishment and the competent authority.

The official veterinarian shall also notify the owner or keeper of the establishment, the veterinarian attending the establishment and the competent authority when the evaluation carried out under point 2 indicates deficiencies on the establishment or when the mortality during transport exceeds 0.5 %.

Table 1:

Aspect	Score or percentage
Foot pad dermatitis	50 points
Mortality (on the establishment)	1 % plus 0.06 % multiplied by the slaughter age of the flock in days

4. The score for foot pad dermatitis shall be established in accordance with this point. One foot from each bird shall be checked and each categorised into three groups:

Group 0: no foot pad lesions;

Group 1: minor foot pad lesions;

Group 2: severe foot pad lesions.

The number of feet from Group 0 shall not contribute to the score. The number of feet from Group 1 shall be multiplied by 0.5, the number of feet from Group 2 shall be multiplied by 2 and those scores shall be added. Then the total shall be divided by the sample size and shall be multiplied by 100.

ANNEX V

TRAINING

(as referred to in Article 4(2))

The training courses referred to in point (b) of Article 4 (1) shall at least cover Community legislation concerning the protection of chickens and in particular the following matters:

- (a) Annexes I and II;
- (b) physiology, in particular drinking and feeding needs, animal behaviour and the concept of stress;
- (c) the practical aspects of the handling of chickens, including catching and transport;
- (d) emergency care for chickens, emergency killing and culling.