



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Crisis preparedness in food, animals and plants
The Director

Brussels,
SANTE G5 [REDACTED] (2021) 5172375

Subject: Lifting chickens by the legs prior to transport

Dear [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
[REDACTED] and [REDACTED],

Commissioner Kyriakides asked me to thank you for your letter of 8 July 2021 and to reply on her behalf.

In your letter, you ask the Commission to clarify certain provisions of Regulation (EC) No 1/2005 on the protection of animals during transport¹ (hereafter “the Regulation”) on the lifting of chickens by the legs prior to transport. You refer to the requirement laid down in Point 1.8(d) of Chapter III of Annex I to the Regulation, which reads as follows:

‘1.8 It shall be prohibited to:

(...)

(d) lift or drag the animals by head, ears, horns, legs, tail or fleece, or handle them in such a way as to cause them unnecessary pain or suffering;

(...)’

This wording was initially included in Directive 91/628/EEC², in Point 4 of Section A – General provisions of Chapter I – Domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species of the Annex, which states the following (underlined added):

¹ Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, OJ L 3, 5.1.2005, p. 1.

² Council Directive of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC, OJ L 340, 11.12.91, p. 17.

[REDACTED]
(on behalf of Dier&Recht, Dierenbescherming, World Animal Protection, Wakker Dier, Compassion in World Farming Netherlands, Eyes on Animals and Dierencoalitie)
Email : [REDACTED]

‘4. Suitable equipment for loading and unloading of animals such as bridges, ramps or gangways shall be used. The flooring of this equipment shall be constructed so as to prevent slipping, and the equipment shall be provided with lateral protection if necessary. During transport, animals shall not be suspended by mechanical means, nor lifted or dragged by the head, horns, legs, tail or fleece. In addition, the use of electric prods should be avoided as far as possible.’

In Chapter II of the Annex to the same Directive, dedicated to poultry, domestic birds and domestic rabbits, there was no provision banning the catching of poultry by the legs.

The wording was then incorporated in Regulation (EC) No 1/2005 in the Commission proposal (COM 2003/425) without change.

Recitals 8 and 9 of Regulation (EC) No 1/2005 state (underlined added):

‘(8) The Scientific Committee on Animal Health and Animal Welfare adopted an opinion on the welfare of animals during transport on 11 March 2002. Community legislation should therefore be amended to take into account new scientific evidence while giving priority to the need for its enforceability to be properly ensured in the immediate future.

(9) Specific provisions for poultry, cats and dogs will be set out in appropriate proposals when the relevant opinions of the European Food Safety Authority (EFSA) are available.

The scientific opinion of 2002³ mentioned in Recital 8 only covers horses, pigs, sheep and cattle. Since then, the EFSA produced two opinions on animal transport in 2004⁴ and in 2011⁵. The opinion of 2004 contains specific information on the way poultry should be handled.

This opinion points out in paragraph 2.1.8 that (underlined added):

‘Trauma includes broken and dislocated bones, bruising and haemorrhages. In studies in one Member State, 3% of broilers had bones broken by poor handling between unloading from crates and stunning and 4.5% or more had dislocations. Broken bones caused by catching are more frequent in hens at end of lay, in which prevalences of 13-41% with a mean of 24% have been recorded in several studies.

In their recommendations, they considered in paragraph 2.2.6 that (underlined added):

‘2.2.6. Domestic fowl should be caught and carried with care, in particular both legs should be held rather than one. Whenever possible, birds should be carried by supporting their bodies, and without being inverted.

³ https://ec.europa.eu/food/system/files/2020-12/sci-com_scah_out71_en.pdf

⁴ The EFSA Journal (2004) 44, 1-36, The welfare of animals during transport <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2004.44>

⁵ EFSA Panel on Animal Health and Welfare (AHAW); Scientific Opinion concerning the welfare of animals during transport. EFSA Journal 2011;9(1):1966.[125 pp.].doi:10.2903/j.efsa.2011.1966. Available online: www.efsa.europa.eu/efsajournal.htm

In the report itself, there is more information regarding the catching of poultry as indicated the section 6.3.5 of the report. Regarding the manual catching of broilers, they indicate that (underlined added):

*'(1) **Broilers:** The importance of careful handling is evidenced by differences in the amount of bruising in broilers harvested by different catching teams (Taylor and Helbacka, 1968), the implication being that some catchers are less skilled or less considerate than others. Birds should be lifted carefully. Ideally this should be by holding the body. However, it is more usual, if not universal, to catch and lift birds by their legs. Both legs should be used to lift the birds since this reduces the frequency and severity of haemorrhaging in the thigh (Wilson and Brunson 1968). It also reduces the number of broken bones sustained.'*

In fact, there is no scientific recommendation for banning the practice of catching broilers by the legs, even if scientific opinions note that catching them by the body would be preferable.

My understanding is therefore that the catching of broilers by the legs does not cause unnecessary pain or suffering to the broilers if performed by skilled workers.

Furthermore, in the context of the Farm to Fork strategy, the Commission will revise the EU animal welfare legislation, including on animal transport. For that purpose, the Commission's services requested an opinion from the European Food Safety Authority on animal transport. This opinion will be available in 2022 and will cover the handling of poultry.

I therefore believe that, pending this updated scientific opinion, there is no need to put into question the current practice of catching of broilers by the legs, provided birds are taken by both legs.

Kindly note that this reply represents the technical position of the Commission's services and is not binding on the Commission as an institution. Please also note that only the Court of Justice of the EU is competent to give an authoritative interpretation of EU law.

Yours sincerely,

[e-signed]

Bernard Van Goethem