VERŻJONI ELETTRONIKA

L.N. 441 of 2010

ANIMAL WELFARE ACT
(CAP. 439)

Minimum Rules (Protection of Chickens Kept for Meat Production) Regulations 2010

IN EXERCISE of the powers conferred by articles 15 and 46 of the Animal Welfare Act, the Minister for Resources and Rural Affairs, on advice of the Council for Animal Welfare has made the following regulations:

Title, scope and commencement.

1. (1) The title of these regulations is Minimum Rules (Protection of Chickens Kept for Meat Production) Regulations, 2010.

(2) The scope of these regulations is to transpose and implement Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production. These regulations:

(a) establish rules at Community level for the protection of chickens kept for meat production in order to avoid distortion of competition that may interfere with the smooth running of the common market;

(b) lay down minimum rules for the protection of chickens for meat production in accordance with the principle of proportionality for the achievement of the basic objective of introducing animal welfare improvements in the intensive farming of chickens;

(c) set a minimum threshold for the applicability of minimum rules in order to avoid disproportionate measures applicable to the keeping of small flocks of chickens; and

(d) maintain a balance between the various aspects to be taken into account, as regards animal welfare, health, economic and social considerations and the environmental impact in establishing rules for the protection of chickens kept for meat production.

Interpretation.

(3) These regulations shall come into force on the 24th September, 2010.

2. (1) Unless otherwise stated in these regulations, these regulations shall apply without prejudice to any other Community legislation in this regard or to any other rules or regulations pertaining to national legislation, and the definitions in the Act shall continue to apply.

(2) For the purpose of these regulations, and unless the context otherwise requires the following definitions shall apply:

"the Act" means the Animal Welfare Act;

"authorisation" means any authorisation granted under these rules and in relation to owner or keepers and their services, means a permit, licence, warrant, appointment, concession or any decision concerning access to a service activity or the exercise thereof;

"the Commission" means the European Commission;

"the Community" the European Community as established by the Treaty which establishes the European Union;

"the Competent Authority" means the Veterinary Services Authority in Malta as established by the Veterinary Services Act, competent to carry out animal welfare, veterinary and zootechnical checks;

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"certificate" means a certificate which shall be kept at all times by the keeper or if the case may be, by the owner, and which is recognised by the Competent Authority attesting to the completion of a training course or acquired experience equivalent to such training course;

"chicken" means an animal of the species *Gallus gallus* kept for meat production;

"contract" means a form of agreement, being a written agreement or any other form of private writing between the owner and the keeper, which contract enables the owner of the holding to maintain his right of ownership while the keeper remains in possession of chickens. Such possession is vested back in the owner upon termination of contract;

"cumulative daily mortality rate" means the sum of daily mortality rates;

"daily mortality rate" means the number of chickens which have died in a house on the same day including those that have been gathered either for disease or because of other reasons divided by the number of chickens present in the house on that day, multiplied by 100;

"final consumer" shall have the same meaning as that provided under the Animal Health Requirements Governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not Subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009; L.N. 351 of 2009.

"flock" means a group of chickens which are placed in a house of a holding and are present in this house at the same time;

"guides to good management practice" means and includes guidance on compliance with these regulations;

"holding" means a production site on which chickens are kept;

"house" means a building on a holding where a flock of chickens are kept;

"keeper" means any natural or legal person responsible for or in charge of chickens in terms of contract or by law whether on a permanent or temporary basis;

"official veterinarian" shall have the same meaning as that provided under the Animal Health Requirements Governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not Subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009;

"owner" means any natural or legal person or persons owning the holding where chickens are kept;

"the product" means any product of animal origin;

"Standing Committee on the Food Chain and Animal Health" means a Committee made up of Member States'

representatives named committee members, who assist and consult the Commission by delivering an Opinion regarding safety measures with respect to animal health issues to be then formally adopted by the Commission in accordance with the appropriate procedure. Such committee procedure covers the entire food supply chain, ranging from animal health issues on the farm to the product which arrives to the final consumer, therefore significantly enhancing its ability to target risks to health wherever they arise in the production of food;

"stocking density" means the total live weight of chickens which are present in a house at the same time per square metre of useable area;

"useable area" means a littered area accessible to the chickens at any time.

Applicability.

3. (1) These regulations shall apply to chickens kept for meat production except for:

(a) holdings with less than 20 chickens;

(b) holdings with only breeding stocks of chickens;

(c) hatcheries;

(d) extensive indoor and free range chickens as referred to in detailed rules on certain marketing standards for poultry; or

(e) organically reared chickens in accordance with indications and other standards referring to organic production of agricultural products and foodstuffs.

(2) These regulations shall also apply to rearing stock on holdings which have both breeding stock and rearing stock.

(3) The Competent Authority shall apply all such necessary administrative measures according to the requirements of these regulations to ensure that there is no breach thereto and also to reduce the risk for final consumers and any additional risk to animals and to the environment and which measures conform to the requirements of the food chain and animal health.

(4) These measures shall include the direct confiscation of the product, the suspension of the activities carried out by the

owner or keeper of the animals, being primarily responsible for animal welfare, and the withdrawal, forfeiture or suspension of the authorisation, licence or permit with regard to such activities when these are creating a risk to final consumers and to the environment. The application of administrative fines and effective and dissuasive penalties in terms of articles 45 and 47 of the Act shall also apply in this regard.

Requirements for the keeping of chickens.

4. (1) The Competent Authority shall ensure that:

(a) all houses comply with the requirements set out in Schedule I to these regulations and authorised by the Competent Authority with the approval of a permit issued by the Malta Environment and Planning Authority (MEPA) according to the requirements set out in Schedule II to these regulations;

(b) the required inspections and the monitoring and follow-up, including those provided for in Schedule III to these regulations are carried out by an official veterinarian.

(2) The Competent Authority shall ensure that the maximum stocking density in a holding or a house of a holding does not at any time exceed 33 kg/m^2.

(3) By way of derogation from sub-regulation (2), the Competent Authority may provide that chickens be kept at a higher stocking density provided that the owner or keeper complies with the requirements set out in Schedule II to these regulations, in addition to the requirements set out in Schedule I to these regulations.

(4) The Competent Authority shall ensure that, when a derogation is granted under sub-regulation (3), the maximum stocking density in a holding or a house of a holding does not at any time exceed 39 kg/m^2.

(5) When the criteria set out in Schedule V to these regulations are fulfilled, the Competent Authority may allow that the maximum stocking density referred to in sub-regulation (4) be increased by a maximum of 3 kg/m^2.

Training and guidance for persons dealing with chickens.

5. (1) The Competent Authority shall ensure that keepers who are natural persons have received sufficient training in their tasks and that appropriate training courses are available.

(2) The training courses referred to in sub-regulation (1) shall focus on welfare aspects and cover in particular the matters listed in Schedule IV to these regulations.

(3) The Competent Authority shall ensure that a system is established for the control and approval of training courses. The keeper of the chickens shall hold a certificate which is recognised by the Competent Authority attesting to the completion of such a training course or to having acquired experience equivalent to such training.

(4) The Competent Authority may recognise experience acquired before 30th June, 2010 as being equivalent to participation in such training courses and shall issue certificates attesting to such equivalence.

(5) The Competent Authority may provide that the requirements set out in sub-regulations (1) to (4) shall also apply to owners.

(6) The owner or keeper shall provide instructions and guidance on the relevant animal welfare requirements, including those concerning the methods of gathering practised in holdings, to persons employed or engaged by them to attend to chickens or to catch and load them.

Monitoring data procedure to be followed by the Competent Authority.

6. (1) The Competent Authority shall submit to the Commission the results of the data collection based on monitoring of a representative sample of flocks slaughtered during a minimum period of one year.

(2) In order to enable a relevant analysis, the sampling taking and the data requirements as referred to in Schedule III to these regulations should be scientifically based, objective and comparable, and laid down in accordance with the procedure referred to in the definition "Standing Committee on the Food Chain and Animal Health" in sub-regulation (2) of regulation 2 of these regulations.

(3) All expenses incurred by the Competent Authority for the collection of data for the purpose of these regulations shall be made attributable to the Community as a financial contribution.

Inspections carried out by the Competent Authority.

7. (1) The Competent Authority shall carry out non-discriminatory inspections to verify compliance with the requirements of these regulations. Such inspections shall be

carried out on an adequate proportion of animals in Malta, in accordance with the relevant provisions in Community law, and may be carried out at the same time as checks for other purposes in accordance with the appropriate procedures for determining the stocking density as established in regulation 4 of these regulations.

(2) The Competent Authority shall submit to the Commission by the 30th June of each year an annual report for the previous year on the inspections provided for in sub-regulation (1). The report shall be accompanied by a list of the most relevant actions taken by the Competent Authority to address the main welfare problems detected.

8. The Competent Authority shall encourage the development, dissemination and use of guides to good management practice which shall include guidance on compliance with these regulations.

Guides to good management practice.

9. The Rearing of Broilers Regulations, 2005 are hereby being revoked.

Revokes L.N. 119 of 2005.

Schedule I
(Regulation 4 (1) and (3))

REQUIREMENTS APPLICABLE TO HOLDINGS

In addition to the relevant provisions of other relevant Community legislation, the following requirements shall apply:

Drinkers

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

Feeding

2. Feed shall be either continuously available or be meal fed 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 excessive 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 lighting with an intensity of at least 20 lux during the lighting periods, measured at bird eye level and illuminating at least 80 % of the useable area. A temporary reduction in the lighting level may be allowed when necessary following veterinary advice.

7. Within seven days from the time when the chickens are placed in the building and until three days before the foreseen time of slaughter, the lighting must follow a 24-hour rhythm and include periods of darkness lasting at least six hours in total, with at least one uninterrupted period of darkness of at least four hours, excluding dimming periods.

Inspection

8. All chickens kept on the holding must be inspected at least twice a day. Special attention should be paid to signs indicating a reduced level of animal welfare and/or animal health.

9. Chickens that are seriously injured or show evident signs of health disorder, 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. A veterinarian shall be contacted whenever necessary.

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 final depopulation is carried out, before a new flock is introduced into the house. After the final depopulation of a house, all litter must be removed, and clean litter must be provided.

Record keeping

11. The owner or keeper shall maintain a record for each house of a holding of:

(a) the number of chickens introduced;

(b) the useable area;

(c) the hybrid or breed of the chickens, if known;

(d) by each control, the number of birds found dead with an indication of the causes, if known as well as the number of birds culled with cause;

(e) the number of chickens remaining in the flock following the removal of chickens for sale or for slaughter.

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, beak trimming may be authorised by the Competent Authority when other measures to prevent feather pecking and cannibalism are exhausted. In such cases, it shall be carried out only after consultation and on the advice of a veterinarian and shall be carried out by qualified staff on chickens that are less than 10 days old. In addition, the Competent Authority may authorise the castration of chickens. The castration shall only be carried out under veterinary supervision by personnel who have received a specific training.

Schedule II
(Regulation 4 (3))

Notification and documentation

The following requirements shall apply:

1. The owner or keeper shall communicate to the competent authority his intention to use a stocking density of more than 33 kg/m^2 live weight.

He shall indicate the exact figure and inform the competent authority of any change in the stocking density at least 15 days prior to the placement of the flock in the house. If requested by the competent authority, that notification shall be accompanied by a document summarising the information contained in the documentation required under point 2.

2. The owner or keeper shall maintain and have available in the house compiled documentation describing in detail the production systems. In particular it shall include information on technical details of the house and its equipment such as:

(a) a plan of the house including the dimensions of the surfaces occupied by the chickens;

(b) ventilation and, if relevant, cooling and heating system, including their location, a ventilation plan, detailing target air quality parameters, such as airflow, air speed and temperature;

(c) feeding and watering systems and their location;

(d) alarm systems and backup systems in the event of a failure of any automated or mechanical equipment essential for the health and well-being of the animals;

(e) floor type and litter normally used.

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

The owner or keeper shall communicate to the competent authority any changes to the described house, equipment or procedures which are likely to influence the welfare of the birds without undue delay.

Requirements for the holdings — control of environment parameters

3. The owner or keeper shall ensure that each house of a holding is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that:

(a) the concentration of ammonia (NH3) does not exceed 20 ppm and the concentration of carbon dioxide (CO2) does not exceed 3 000 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) the average relative humidity measured inside the house during 48 hours does not exceed 70 % when the outside temperature is below 10 °C.

Schedule III
(Regulations 4 (1) and 6 (2))

MONITORING AND FOLLOW-UP AT THE SLAUGHTERHOUSE

1. *Mortality*

1.1. In the case of stocking densities higher than 33 kg/m^2, the documentation accompanying the flock shall include the daily mortality rate and the cumulative daily mortality rate calculated by the owner or keeper and the hybrid or breed of the chickens.

1.2. Under the supervision of the official veterinarian these data as well as the number of broilers dead on arrival shall be recorded, indicating the holding and the house of the holding. The plausibility of the data and of the cumulative daily mortality rate shall be checked taking into account the number of broilers slaughtered and the number of broilers dead on arrival at the slaughterhouse.

2. *Post-mortem inspection*

In the context of the controls performed under the Regulation (EC) No 854/2004, the official veterinarian shall evaluate the results of the post-mortem inspection to identify other possible indications of poor welfare conditions such as abnormal levels of contact dermatitis, parasitism and systemic illness in the holding or the unit of the house of the holding of origin.

3. *Communication of results*

If the mortality rate as referred to in paragraph 1 or the results of the post-mortem inspection as referred to in paragraph 2 are consistent with poor animal welfare conditions, the official veterinarian shall communicate the data to the owner or keeper of the animals and to the competent authority. Appropriate actions shall be taken by the owner or the keeper of the animals and by the Competent Authority.

Schedule IV
(Regulation 5 (2))

TRAINING

The training courses referred to in sub-regulation (2) of regulation 5 of these regulations shall at least cover Community legislation concerning the protection of chickens and in particular the following matters:

(a) Schedules I and II to these regulations;

(b) physiology, in particular drinking and feeding needs, animal behaviour and the concept of stress;

(c) the practical aspects of the careful handling of chickens, and catching, loading and transport;

(d) emergency care for chickens, emergency killing and culling;

(e) preventive biosecurity measures.

Schedule V
(Regulation 4 (5))

CRITERIA FOR THE USE OF INCREASED STOCKING DENSITY

1. *Criteria*

(a) the monitoring of the holding carried out by the Competent Authority within the last two years did not reveal any deficiencies with respect to the requirements of these regulations;

(b) the monitoring by the owner or keeper of the holding is carried out using the guides to good management practice referred to in regulation 8 of these regulations; and

(c) in at least seven consecutive, subsequently checked flocks from a house the cumulative daily mortality rate was below 1 % + 0.06 % multiplied by the slaughter age of the flock in days. If no monitoring of the holding was carried out by the Competent Authority within the last two years, at least one monitoring exercise has to be carried out to check whether the requirement in paragraph (a) is fulfilled.

2. *Exceptional circumstances*

By the way of derogation from paragraph 1(c), the Competent Authority may decide to increase the stocking density when the owner or keeper has provided sufficient explanation for the exceptional nature of a higher daily cumulative mortality rate or has shown that the causes lie beyond his sphere of control.

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — *Printed at the Government Printing Press on recycled paper*

Prezz/*Price*
€1.30