NOTICE TO MEMBERS

Subject: Petition No 0564/2022, by Manuela Giacomini (Italian), on behalf of ‘Animal Equality Italia’, on ‘fast growth’ broiler chicken farms

1. Summary of petition

The petitioner complains that broiler chicken farms in the Member States that use the ‘fast growth’ system, which is the one most commonly found in the EU for chicken meat production, are in breach of Article 13 TFEU and Directive 98/58/EC. She emphasises especially that these chickens are the end result of complex genetic combinations aimed at achieving faster growth of certain parts of the body (breast and thighs), making for an imbalance with other parts of the body, all in the interests of better responding to the demands of the market. The petitioner points out that this growth is not accompanied by similar development of the respiratory, cardio-circulatory and skeletal system, which means that, from birth, those systems are not equipped to cope with the birds’ muscle mass. She notes that the majority of chickens reared for their meat in Europe today belong to fast-growth genetic groups and that they reach the target of 2-2.5 kg live weight just 35-45 days after birth (as opposed to the mid-1950s, when a chicken reached a weight of 1.2 kg in 112 days). European Union legislation requires animal owners, animal keepers and the Member State competent authorities to respect the welfare requirements of animals as sentient beings so as to ensure their humane treatment and avoid causing them unnecessary pain and suffering. The petitioner points out that Article 13 TFEU itself recognises animals as sentient beings, that the Member States are responsible for supervising and ensuring the health of animals on European farms up until the time they are slaughtered and that the protection of animal welfare is an EU priority. She claims that it is clear from the research and evidence submitted that even farms which comply with the standards laid down in Directive 2007/43/EC cannot guarantee those animals do not experience unnecessary suffering and pain, precisely because of their genotype, which means that they cannot live without unnecessary pain and suffering. She therefore asks whether this situation can be considered compatible with European legislation on the protection of the welfare of farm animals and calls for intervention by the European Parliament.
2. **Admissibility**

Declared admissible on 14 October 2022. Information requested from Commission under Rule 227(6).

3. **Commission reply**, received on 23 November 2022

The Commission’s observations

The petitioner asks whether the keeping of fast-growing chicken breeds for meat production, as most commonly found in the EU, are in breach of Article 13 of the Treaty on the Functioning of the European Union (TFEU) and Directive 98/58/EC. The petitioner explains that genetic combinations lead to faster growth of certain parts of the body (breast and thighs) without being accompanied by similar developments of the respiratory, cardio-circulatory and skeletal systems. She claims that even farms that comply with the standards laid down in Directive 2007/43/EC cannot guarantee that those fast-growing animals do not experience, because of their genotype, unnecessary suffering and pain.

Article 13 TFEU\(^1\) states that ‘in formulating and implementing the Union’s agriculture, fisheries, transport, internal market, research, and technological development and space policies, the Union and Member States shall, since animals are sentient beings, 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 cultural traditions and regional heritage’.

Article 3 of Directive 98/58/EC\(^2\) requires Member States to make provisions to ensure that the owners or keepers take all reasonable steps to ensure the welfare of animals under their care and to ensure that those animals are not caused any unnecessary pain, suffering or injury. In addition, according to Article 4 of the Directive, Members States shall ensure that the conditions, under which animals are bred or kept, having regard to their species and to their degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with established experience and scientific knowledge, comply with the provisions set out in the Annex. Point 21 of the Annex specifies that ‘no animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare’.

Member States have several possibilities to comply with Directive 98/58/EC. This in particular because of the variety of species and breeds as well as farming purposes. The wording of the legislation ‘take all reasonable steps’ (Article 3) and ‘can reasonably be expected’ (point 21 of the Annex) give Member States a wide margin to decide on measures and timelines.

In the Farm to Fork Strategy\(^3\), adopted by the Commission on 20 May 2020, the Commission announced that it will, by the end of 2023, revise the animal welfare legislation to align it with the latest scientific evidence, broaden its scope and ultimately ensure a higher level of animal welfare.

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\(^3\) [https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en](https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en)
The legislative proposal will be based on scientific evidence, in particular as established by the European Food Safety Authority (EFSA) opinions, as well as the results of an impact assessment of the social, economic and environmental consequences of changes envisaged. In particular, on request of the Commission, EFSA is currently preparing a scientific opinion on the protection of, amongst others, chickens kept for meat production. Adoption of this opinion is expected by December 2022.

In this context, as discussed in the Council on 13 December 2021, following a request raised by Denmark, the Commission is assessing the need and options to address the potential negative welfare consequences of certain breeding strategies in this process of revising the legislation. This is therefore part of the ongoing impact assessment being prepared by the Commission.

Conclusion

The Commission is aware that the current animal welfare legislation needs to be updated to take into account latest scientific evidence, to clarify current provisions and to strengthen rules in view of ensuring a higher level of animal welfare in the EU. The future Commission legislative proposal, committed under the Farm to Fork Strategy, will therefore be based on scientific findings and on an assessment of the impact of the envisaged changes including the ones for the welfare of chickens kept for meat production. The welfare consequences of certain breeding strategies are part of the ongoing reflections in this context however, this is a complex issue that requires sufficient data and research.