



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels  
LB/sf/agri.b.4(2022)667713

I would like to thank you for your email of 1 June<sup>1</sup>, in which you transmit questions received, amongst others, from SKAL (control body for the organic chain in the Netherlands) regarding the future implementation of EU rules related to organic poultry production. Please accept my apologies for the very late reply.

You attach to your email a list of questions related to tiers, raised sitting levels, organic protein feed, separated production units for breeding operations, the use of verandas and the age of parents *Gallus gallus*. I am addressing them one by one for your ease of reading.

**For rearing hens/pullets (hens <18 weeks) sometimes systems with foldable platforms are used to learn the hens to jump. In case such a system is in use, may some platforms (max 3 inc ground floor) seen as tier and others as raised sitting level?**

Subject to further details on the conception and management of such rearing systems, I understand that the purpose of using “foldable” platforms is to have them either folded or unfolded at different stages of the rearing of hens/pullets.

The obligation to have raised sitting levels, or perches, or both, set in Article 15(5) of Commission Regulation (EU) 2020/464<sup>2</sup>, which states “*Poultry houses shall be equipped with perches or raised sitting levels or both. Perches or raised sitting levels or both shall be provided to the birds from a young age in dimensions or proportions commensurate with the size of the group and of the birds as laid down in Part IV of Annex I*”, aims to fulfil the behavioural need of roosting of birds; it seems that this behavioural need would not be met if at times when the birds want to perch the foldable platforms are folded.

Regarding the possibility to consider “foldable” platforms as tiers, I do not see how, from a practical point of view, a “foldable” platform can comply in particular with the following requirement of Article 15.4 (c) of Regulation (EU) 2020/464: “*the elevated tiers shall be constructed in such a way as to prevent droppings falling on the birds below and shall be equipped with an efficient system of manure removal;*”

<sup>1</sup>Ares (2021) 4080627

<sup>2</sup><https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02020R0464-20201215&qid=1630056988959&from=EN>

So, to conclude, at all of the different stages of the rearing of hens /pullets, all the obligations related to tiers and raised sitting levels set in particular in points 4 and 5 of Article 15 and Part IV of Annex I to Regulation (EU) 2020/464 must be complied with.

**What is the definition of a raised sitting level and what is the difference with a tier?**

There is no definition of a “raised sitting level” in Commission Regulation (EU) 2020/464. As explained above, the obligation to have raised sitting levels aims to fulfil the behavioural needs of roosting of the birds. Raised sitting levels are usually easier to use for fattening birds than perches (that are narrower) because fattening birds are heavier than other categories of poultry.

A tier should be understood as a “level” as referred to in Article 4 (3) of Council Directive (EC) No 1999/74 laying down minimum standards for the protection of laying hens<sup>3</sup>.

**What are the requirements of a raised sitting level (other than the minimum of x cm<sup>2</sup> level/bird mentioned in Part IV of Annex I.)? f.e. is there a minimum /max height?**

There are no specific requirements in terms of minimum or maximum height for raised sitting levels in Regulation (EU) 2020/464 as long as all of the relevant requirements set in particular in point 5 of Article 15 and Part IV of Annex I to Regulation (EU) 2020/464 are complied with.

**The raised sitting level is not part of the usable area of the indoor area, is that correct?**

The usable area of the indoor area must correspond to the definition set in Article 3 (31) of Regulation (EU) 2018/848, itself referring to the definition set in point (d) of Article 2(2) of Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens: “usable area means: an area at least 30 cm wide with a floor slope not exceeding 14 %, with headroom of at least 45 cm. Nesting areas shall not be regarded as usable areas”.

It appears indeed unlikely that raised sitting levels would comply with the definition of usable area mentioned above.

**If a platform is calculated as tier (and therefore also as usable area), it can't be calculated as raised sitting level as well, is that correct?**

Please see the reply above.

**What is ‘a young age’ (2020/464 Article 15)? Day 0?**

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<sup>3</sup><https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31999L0074&qid=1630053736028&from=EN>

The term “young age” is not defined for the purpose of Article 15 (5) of Regulation (EU) 2020/464 and leaves some flexibility to farmers depending on the breeds and strains and different categories of poultry they produce.

The aim here is to ensure that the birds learn early enough to use perches or raised sitting levels, or both, so that they are familiar with the systems they will be reared in at a later stage in order to improve their welfare.

**If tiers are not used to increase the useable area (like tier 4) is it allowed to stay in the poultry house or should it be removed?**

Article 26(5) of Regulation (EU) 2020/464 states the following “*By way of derogation from Section 4 of Chapter II of this Regulation, holdings or production units with multi-tiered poultry houses that were built, refurbished or brought into use before the date of entry into application of this Regulation in compliance with Regulations (EC) No 834/2007 and (EC) No 889/2008 and for which a major refurbishment of animals’ premises or a replacement of the equipment are necessary to comply with the requirements on the maximum number of tiers and on the system for manure removal laid down respectively in points (b) and (c) of Article 15(4) of this Regulation, shall comply with those points as from 1 January 2030 at the latest.*”

If the farmer complies with the conditions set in Article 26(5) of Regulation (EU) 2020/464 for granting that derogation, tier 4 can remain in the poultry house pending the necessary structural changes that must be performed at the latest by 1 January 2030.

**In case of a multi-tiered system with 4 tiers, is it allowed to calculate tier 4 as usable space till 1 January 2030?**

The derogation regarding multi-tiered poultry houses laid down in Article 26(5) of Regulation (EU) 2020/464 is only granted for the purpose of performing the necessary structural changes in poultry houses to comply with the new structural requirements set in that Regulation.

Potential derogations related to stocking densities for poultry are laid down in Articles 26 (3) and (7) of Regulation (EU) 2020/464 and are limited to those specific cases.

**If tier 4 isn’t removed before 1 January 2030 (if there are no plans to remove it), tier 4 cannot be calculated as usable area from 1-1-2022 (because you can’t make valid use of 2020/464 art 26.5). Is this correct?**

Yes, this is correct. Please see replies to the above questions.

**What is young poultry? 2018/848 art. 3 (29) ‘pullets’ means young animals of the *Gallus gallus* species that are of an age of less than 18 weeks. Can we consider all *Gallus gallus* < 18 weeks as ‘young poultry’, incl brother roosters and Fattening poultry *Gallus gallus*?**

A similar question was addressed to the Commission by another organisation. Please find attached in Annex the redacted reply given in French (our reference: Ares (2021)2136291) and its unofficial translation into English.

**What are 'specific protein compounds'?**

**Or is all feed for young poultry considered having specific protein compounds?**

A similar question was addressed to the Commission by a Member State. EOCC was in copy of the reply addressed to this Member State (our reference: Ares (2022)447473).

**Regarding separated production units for breeding operations, what is meant with 'breeding operations' in reference to the provisions of Article 9 paragraphs 9 and 7 of Regulation (EU) 2018/848 stating the following:** “9. *the requirements concerning different species and varieties, laid down in points (a) and (b) of paragraph 7, shall not apply in the case of research and educational centres, plant nurseries, seed multipliers and breeding operations.*” “7. *Notwithstanding paragraph 2, a holding may be split into clearly and effectively separated production units for organic, in-conversion and non-organic production, provided that for the non-organic production units: (a) as regards livestock, different species are involved;*”

A similar question was addressed to the Commission by a Member State. Please find attached in Annex the redacted reply given (our reference: Ares (2021)5734607).

**Use of veranda 2018/848, Annex II -Part II: 1.9.4f Housing and husbandry practices** With regard to housing and husbandry practices, the following rules shall apply: (f) by way of derogation from point 1.6.5, in the case of breeding birds and pullets aged under 18 weeks, when the conditions specified in point 1.7.3 as regards restrictions and obligations related to the protection of human and animal health imposed on the basis of Union legislation are met and prevent breeding birds and pullets aged under 18 weeks from having access to open air areas, verandas shall be considered as open air areas and, in such cases, shall have a wire mesh barrier to keep other birds out; **Discussing this subject the following question was raised. In case breeding birds and pullets <18 weeks are denied access to open air areas because of restrictions and obligations related to the protection of human and animal health imposed on the basis of Union legislation but there is a veranda available, is it mandatory to give the animals access to the veranda? Or is this up to the farmer to decide?**

Similar questions were addressed by a Member State to the Commission; Please find attached in Annex the redacted reply given (our reference: Ares(2021)5395875).

**Finally regarding the age of parents Gallus gallus Regulation (EU) 2018/848, Annex II -Part II: 1.2.2e-1.2.2. Conversion periods specific to the type of animal production are set out as follows: (e) six weeks in the case of poultry for egg production brought in before they are three days old; is this also the case for parents Gallus gallus intended for the production of hatching eggs?**

I confirm that the conversion period of six weeks set in point 1.2.2 (e) of Part II of Annex II to Regulation (EU) No 2018/848 applies to parents *Gallus gallus* producing eggs for hatching.

The present opinion is provided on the basis of the facts as set out in your email of 1 June 2021 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours faithfully,



Enclosures: Redacted letters Ares (2021) 2136291, Ares (2021)5734607 and Ares (2021)5395875