

# Sub-group on the protection of animals at the time of killing

Seventh meeting, 23/11/2022  
(Videoconference)

– MINUTES –

## Attendance

<b>Independent expert</b>	Birte Nielsen
<b>Civil society organisations</b>	Eurogroup for Animals Compassion in World Farming
<b>Business and professional organisations</b>	UECBV FVE (excused – see contribution attached) European Meat Network
<b>Member States</b>	Denmark Spain Netherlands Sweden Ireland
<b>European Commission</b>	Denis Simonin SANTE G5 (Chair)
<b>Guest(s)</b>	EY (Impact assessment study) ELPHA (3 people) Germany France

## Discussions

The meeting was dedicated to the prohibition of killing day-old chicks of laying hens' breeds.

### 1. Presentation by ELPHA and questions (see presentation attached)

ELPHA insisted on the commitment on the industry to find suitable solutions to address this topic. Hatcheries are part of a complex process to produce eggs from breeding companies to the actual production eggs and packaging (and possibly further processing). The industry is aware of some consumers interests but the industry needs to remain cost efficient within and outside the EU. The EU imports eggs and

ovoproducts from third countries. The EU also exports pullets (i.e. chicks that will become laying hens) outside Europe, especially in developing countries, contributing to their food supply.

Then ELPHA detailed the different strategies to avoid killing male day-old chicks: in ovo-sexing, rear for meat production ('brother chicks') and dual purposes breeds. Within ovo-sexing, invasive techniques (around D9-10<sup>1</sup>) and non-invasive ones (around D13) are currently being applied on a commercial scale. Invasive techniques are slower and more expensive than non-invasive ones. While techniques are developing fast, ELPHA considers that many limiting factors remain. The rearing of brother chicks is clearly not sustainable at a large scale due to very slow growth and high carbon footprint. Dual purpose breed is not either a viable option due to low performances for both eggs and meat compared to the current situation.

### Questions

One of the members asked ELPHA how much time they would need to move towards a production without killing male day-old chicks. ELPHA replied that despite various technologies, performances were not sufficient to address all problems they face. Invasive techniques require more eggs to hatch because they affect hatching abilities for some eggs. Non-invasive techniques are more satisfactory (hyperspectral) but are not satisfactory in the German context because detection is too late and limited to brown eggs. White eggs are more popular in Northern market and have a lower carbon footprint.

Another member argued that D14 was problematic as scientists suggest that there is possibility of pain perception beyond D7. ELPHA replied that they are aware of this but there is presently a dilemma between late detection with high throughput (non-invasive methods) and early detection with low throughput (invasive methods). As an alternative, anaesthesia could be considered for embryos beyond D6. For ELPHA, science on pain perception remains inconclusive. Invasive methods can treat around 3000 eggs per hour while ELPHA considers that a minimum of 5000 eggs per hour is needed. In comparison, the non-invasive method can treat 20.000 eggs per hour without affecting the hatching ability. An average hatchery processes between 50 to 100.000 eggs per day, four days a week.

A member wanted to know the situation of the market between Member States. ELPHA declared that German hatcheries lost 50% of chicks' outputs with a rise of imports of layers from neighbouring countries, mainly Austria and the Netherlands. This practice allows saving 3-4 EUR per egg. According to ELPHA some small hatcheries went out of business because of the ban.

A member stated that the Dutch authorities were monitoring the situation and recently published a report that will be translated in English in December [the report in Dutch is annexed to the minutes].

## 2. Presentation by Germany and questions (see presentation attached)

Germany introduced a ban on the killing of day-old chicks that started to apply in January 2022. The ban contains limited exemptions but not for feeding purposes or undetected males. From January 2024 the ban also prohibits in-ovo sexing with killing of embryos later than D6. The law foresees a government report on the availability of in-ovo methods working before D7 by the end of March 2023. The representative stated that pain perception is highly likely from D15 and that it cannot be excluded from D7. The federal German ministry has commissioned an experimental study on pain perception with results being expected by early 2023. The presentation lists different in-ovo sexing methods both in commercial use and at experimental stages. The impact of the current ban on hatching activities is still under investigation. It is difficult to conclude the effect of the ban alone since other important factors may have also affected the hatching activities such as the COVID-19 pandemic, avian influenza and high prices for energy and feed. For the German representative, the measure has contributed to a momentum for an EU-wide ban, referring to the declaration of Commissioner Kyriakides in favour of a ban.

### Questions

One member wanted to know if we have figures related to the quantity of chicks previously used for feeding purposes and how zoos in Germany are now dealing with the ban. The German representative confirmed that chicks were apparently a source of cheap and suitable feed for e.g. reptiles and birds of prey. The issue raised a lot of debate before the adoption of the ban. However, there are less enquiries now and they

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<sup>1</sup> For this report D9 means the 9<sup>th</sup> day of incubation, D10 the 10<sup>th</sup> day, etc. (out of a total of 21 days).

assume that the operators concerned now import day-old chicks from other Member States or use alternative feed. ELPHA confirmed that chicks for feed purposes are imported in Germany from the Netherlands, and Spain.

### **3. Presentation by France and related questions (see presentation attached)**

In France, the measure was adopted by the government without parliamentary debate. The ban does not apply for selection and breeding stocks. In addition, killing for animal feed purposes, under restrictions, and undetected males are still allowed. The ban will apply in practice no later than 31st December 2022. The ban has been accompanied with financial measures to support the sector (10.5 million EUR). French authorities will continue to invest in new sexing technologies, especially for white eggs. The ban was done in full concertation with the whole egg supply chain helping hatcheries to share the costs, with an additional contribution from the retail sector of around EUR 50 million (0.59 cent per egg).

#### **Questions**

One member asked which killing methods will be used to supply the feed exemptions and if France had any figure on the scale of the exemption. Another member wanted to know if they had foreseen exemptions for small hatcheries with special local breeds. The French representative said that some implementing measures are still under preparation and so it was difficult to give more details. They do not have figures the total number of chicks killed for feed purposes.

### **4. Problem definition, baseline, description of the options and impacts**

#### **Problem**

The Chair presented for discussion his view on the problem stating that, apart from the ethical aspect, the fact that some Member States were adopting ban was likely to disturb the functioning of the internal market through various ways. The Chair said that transfer of hatching and chicks' killing activities between Member States have been alleged. In addition, the different approaches taken by the few national bans may also create problems of level playing field among operators. France and Germany have different types of exemptions. France provided financial support but not Germany.

One member declared that this was not an animal welfare issue and wonder why this topic was discussed here. Another member considered that the ethical argument was extremely debatable because everyone has the right to have its own opinion. For this member this topic was outside EU competences. Several members believe that the killing of day-old chicks is perfectly acceptable if done properly. In addition, another member reacted saying that even if it started as a national issue, because of distortion of competition and effect on the internal market, it has now become an EU issue. For this member, we lack data to conclude if the problem is substantial enough to justify an EU action. Another member considered that we should rather discuss the methods to kill animals rather than a ban.

Another member argued that animal welfare always contains an ethical dimension.

ELPHA intervened as regards the killing method named "maceration" in the legislation. The expert said that this term was unfortunately not used by the German media and politicians. Instead the expression "shredding" was used, creating a sensational effect among the public. ELPHA reminded that in any case, the ban to kill chicks implies the killing of embryos by maceration. For them, there is some contradiction (not to say hypocrisy) in presenting this method as inappropriate. Austria and Switzerland have banned maceration but use carbon dioxide as a killing method.

One member repeated that there are already discrepancies between national measures on killing animals, referring to religious slaughter. This does not necessarily affect the functioning of the internal market. The Chair agreed but specified that egg production was a huge industry and measure affecting its production was very different in scale than existing national measures on killing.

**Baseline** (how the situation is likely to evolve without EU action)

The Chair presented his views to the group on the baseline. He predicted that differences in ethical views will remain between Member States and so the situation will not be consistent among Member States. Timing and technology maturity will differ and details of national bans as well. The baseline is therefore likely to be a certain disruption of the internal market by transfer of hatching and chick's killing activities among Member States.

One member announced that the Netherlands are presently pushing its operators to decrease the killing of day-old chicks and foresees a ban by 2028 if the situation does not evolve quick enough by market mechanisms. ELPHA confirmed that German retailers are making an increasing pressure on their suppliers outside Germany to comply with the German ban, especially in the Netherlands. On the other hand, many suppliers may not necessarily continue to adhere to this approach since they can sell eggs at a much lower price.

Italy is on its way to implement a ban from 2027 according to ELPHA. However, the discussion between officials and the sector has just started and there are no concrete details on how the measure will be designed. The Italian market is dominated by brown eggs.

In Spain, one member reported that big egg producers are ready to stop killing day-old chicks as soon they consider the technology is cost-efficient enough. They have already bought one machine. However, small producers do not have the needed financial capacity to invest in sexing technology.

One member considers that the argument of technology is not sufficient because no research or innovation is likely to develop without push from the authorities.

### **Options**

The Chair explained that the EU has the possibility of doing nothing or establishing a ban. The Chair was not sure if hatcheries could benefit from CAP funding, but this could only be considered after the current programming period (i.e. after 2027).

The German representative said that stand-alone hatcheries were not considered eligible to receive funding for complying with the ban.

The Chair wanted to know the opinion of the group on the different approach for a ban, notably as regards the possible exemptions.

One member believed that in absence of data, it was difficult to assess the impact of possible exemptions, and in any case, the EU ban should leave a certain room for each Member State to take additional measures if they want.

ELPHA considered that it would prefer a market driven approach, i.e. no EU ban at all.

### **Impacts**

#### On consumers

One member said that it was illusory to solve the problem without having a reliable method for hatcheries. Adopting a ban in such context might be counterproductive and may have negative animal welfare impacts. The same member believed that a ban will increase the price of eggs and this might push consumers to buy eggs from low welfare standards (cages) instead of high ones.

### On hatcheries

ELPHA supported the view that an EU ban was premature in absence of satisfactory technology. More time was needed to stop the killing of day-old chicks in order to develop innovations and more cost-efficient sexing methods.

A member wanted to know how many people are presently working on the sexing of day-old chicks today. A ban would affect these jobs and reconversion to other tasks would be needed. ELPHA did not have figures.

Another member wondered if maceration machines would be still useful in the context of a ban<sup>2</sup>. Another member remembered that maceration machines are still used in other public health contexts, and therefore does not believe their usefulness will be lost.

A member wanted to know if there was any risk of import of layer chicks from non-EU countries<sup>3</sup>. The member asked, if in case of an EU ban, import of such chicks would be banned too.

ELPHA declared that the risk of imports linked to an EU ban would be rather on table eggs and ovoproducts, which would be cheaper than EU ones. Apart from Ukraine, which benefits from special tax regime for now, there are imports of ovoproducts from Brazil and Mexico. These countries are closely monitoring our debate on the ban, waiting for taking additional market shares in the EU.

A member declared that, apart from ovoproducts there are also imports of fresh eggs from Ukraine and some candidate countries. It will be important to know if the ban will also cover ovoproducts imported from third countries.

Following a question, ELPHA replied that there was no precise figure on the share of ovoproducts against fresh eggs, but the traditional assumption was around 25-30% of the total market of eggs.

Following another question, ELPHA confirmed that hatching capacity would increase with a ban but without energy savings. ELPHA explained that eggs were requiring heat on the first period of hatching but producing heat on the second part. Hatcheries were designed to use the excess of heat of the eggs on the latest part of the hatching period to warm the eggs of the first part of the hatching period.

As regards the situation in third countries, ELPHA declared that the rest of the world was waiting Europe to develop a cost-efficient sexing method. In Asia, the main concerns of producers is to find a way to replace human sexing by machines but not necessarily to prevent the killing of chicks.

## **5. Calendar for the next meeting**

The Chair announced that this was the last meeting of the subgroup since all topics have been addressed.

He thanked the experts and the guests for their fruitful and constructive participation all along these meetings.

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<sup>2</sup> Previous discussions indicated that macerators could potentially be adapted to destroy male embryos in-ovo and would still be the most humane way to kill morbid chicks at hatch – the question remains however relevant if the volume to be treated would be lower after the ban.

<sup>3</sup> Supposedly obtained from countries where male killing was still allowed.

### **Documents attached to the minutes**

1. presentation of ELPHA
2. presentation of Germany
3. presentation of France
4. Contribution from one member from FVE
5. Contribution from one member on Dutch reports (2 documents in Dutch – translation in English expected in December 2022)