



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

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Dear Ms Jakubauskiene,

I thank you for the question you raised on the definition of a poultry house in your email of 19 December 2017 and at the Committee on Organic Production of 13-14 March. You mentioned in particular ongoing investment support programme in organic production, for which some clarification was requested regarding the possibility that a building could contain more than one poultry house.

I would like to clarify the following points:

The new draft Regulation¹ (still to be adopted), sets out in Article 3(69) the definition of poultry house as follows:

"Poultry house" means a building for accommodating flocks of poultry, which includes all surfaces covered by fixed or mobile roofs, including a veranda. The house may be subdivided into separate compartments, each accommodating a single flock.

Point 1.9.4.4(n) of Annex II Part II of the new draft Regulation states that:

*"With regards to housing and husbandry practices, the following rules shall apply:
(n) not more than 3 000 laying hens shall be allowed in one compartment of a poultry house."*

Therefore, the new draft Regulation has clarified that the limit of 3 000 laying hens relates to a compartment of a poultry house, and that the poultry house is a single building.

Under the current legislative framework, Article 12 of Commission Regulation (EC) No 889/2008² lays down the specific housing conditions and husbandry practices for poultry. In particular, Article 12(3)(e) of the referred Regulation states that:

¹ 2014/0100(COD) as discussed in the Special Committee of Agriculture (SCA) on 20th November and COMAGRI on 22nd November

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1521801033083&uri=CELEX:02008R0889-20180101>

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*"Buildings for all poultry shall meet the following conditions:
(e) each poultry house shall not contain more than:
(ii) 3 000 laying hens".*

The limit of 3 000 laying hens per poultry house established by Article 12(3)(e)(ii) of Regulation (EC) No 889/2008 is still in force. Furthermore, no derogations have been granted to any Member States to increase that number.

It results from this requirement that eggs produced from poultry houses containing more than 3000 laying hens do not comply with the requirements of the EU organic production and therefore may not be marketed as organic.

It should, however, be noted that the legislation does not prevent a building from containing more than one poultry house, nor does it indicate what constitutes an appropriate separation between houses within one building, if such a building contains more than one house.

The absence of definition of a poultry house in Regulation (EC) No 889/2008 has led to different interpretations as it is not entirely clear whether the poultry house is a single building or a compartment of a single building. The new draft Regulation has addressed this situation as explained above.

The present opinion is provided on the basis of the facts as set out in your email of 19 December and during the discussion at the Committee on Organic Production of 13-14 March 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 sincerely,



Nathalie SAUZE-VANDEVYVER