



Council of the  
European Union

Brussels, 19 January 2017  
(OR. en)

5452/17

AGRI 25  
AGRIORG 7  
VETER 6

**NOTE**

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From: General Secretariat of the Council  
To: Delegations  
Subject: Outbreaks of HPAI and need for additional policy options  
- *Request from the Netherlands delegation*

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In view of the "Agriculture and Fisheries" Council of 23 January 2017, delegations will find attached a document provided by the Netherlands delegation on the above-mentioned subject, that will be presented under "Any other business".

## **Outbreaks of HPAI and need for additional policy options**

Since the end of October, many EU member states have been facing a considerable number of outbreaks of highly pathogenic avian influenza (HPAI). The outbreaks seriously affect the animal health situation of birds and poultry, animal welfare, commercial poultry holdings farmers and trade. Affected EU member states implemented several measures to control the disease, and measures to reduce the risk of introduction of HPAI into commercial poultry farms.

After the first detection of HPAI in wild birds, in November 2016, the Netherlands implemented mandatory confinement of poultry on 9 November 2016. The community legislation for free range as well as organic production systems allows such a temporary mandatory confinement without consequences for labelling of eggs as free range. However, if free range layers are confined for a longer period than 12 weeks, eggs may not be labelled as free range eggs anymore (Commission Regulation 589/2008). It is possible to market these eggs as barn eggs. However this means devaluation of these eggs and will cause substantial economic losses for the egg producing sector.

Due to the expected continuing high threat of HPAI during the coming months, as stated by EFSA and other experts in the EU, the Netherlands therefore seriously considers to extend the mandatory confinement period for poultry. This implies that free range layers will be kept indoors for a longer period than 12 weeks, and that eggs should be subsequently labelled as barn eggs. A large percentage of the poultry farmers will then face the negative economic consequences. For organic production systems with a compulsory outdoor period, EU legislation allows for a longer confinement period, but confinement options are always restricted.

Compared to the HPAI situation in 2014/2015 the current epidemic is far more extensive, in numbers of infected farms as well as in geographical spread. Looking at the global spread of HPAI infections in wild birds over the last years, HPAI outbreaks/epidemics in the EU could become structural the coming years.

The current and expected situation regarding HPAI outbreaks in the future asks for solutions for this problem, as confinement of free range chickens might be implemented more often and for a much longer period than 12 weeks.

Therefore the Netherlands proposes to consider alternative EU policy options, both for the short term and long term. A short term solution that might contribute to solving this urgent problem would be extending the current confinement period of 12 weeks for free range chickens without the consequence of being forced to label these eggs as barn eggs. For the long term an amendment of the regulation with respect to the 12 week period could be considered.

More specifically, the European Commission is asked the following questions:

- To reduce the economic losses for egg producers in the short term, would the Commission be willing to considering a one-time derogation of the Regulation 589/2008 to facilitate an extension of the 12-week confinement period without the consequence of being forced to label these eggs as barn eggs. In addition, or if not feasible, does the Commission or other member states see other solutions for this matter?
- Given the expected continuous threat of HPAI outbreaks in the EU, would the Commission consider developing structural policy changes to address this problem, including – but not limited to - amending EU regulation on marketing standards for eggs?