

FEDFA

D1 – FEDFA Guidelines

For DEER KEPT BY MAN FOR PURPOSES OF VENISON PRODUCTION AND SALES

**Guidelines for harmonization of national legislation at EU member State level
Adopted at FEDFA meeting in Prague 9 April 2017**

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Venison production and sales
Guidelines for harmonization of national legislation at EU member State level
(These Guidelines do not apply to animals kept by man for purposes of recreational hunting)

I. Background:

I.1. In recent years, by reason of increased consumer awareness of the excellent nutritional qualities of deer meat, the importance of the deer breeding industry as a sector within the agribusiness of the EU has considerably increased;

I.2. The EU is a significant importer of deer meat. Based on a survey conducted by FEDFA, in 2016, nearly 83,000 tons of venison were consumed within those countries of the EU where statistics were available (Austria, Czech Republic, Germany, Latvia, Lithuania, Poland, Spain and UK), of which less than 9,000 tons was meat derived from deer kept by man for purposes of venison production. Additionally, Spanish venison production, principally a by-product of recreational hunting on game estates, amounted to about 8,000 tons. By contrast, Deer Industry New Zealand reports that in 2015 New Zealand exported 11,000 tones of farmed deer meat to Europe. This deer meat could be produced within the EU. To put these statistics into perspective, the production of an average European (excluding Spain) deer breeder is estimated by FEDFA as approximately 1,200kg of meat per annum. Therefore, the existing level of imports shows a huge latent potential for the bolstering of the deer breeding industry within the EU, and for the creation of new jobs and the improvement of farm income. This potential can be realized simply by the displacement of imports;

I.3. Deer breeding is an activity usually carried out on low quality farmland. As such, it can significantly contribute to greening and the increase of the ecological component of agriculture;

I.4. A survey carried out by FEDFA in 2016 showed that there is a wide diversification of interpretation present within the implementation within individual EU member states of the hygiene rules for food of animal origin established by EU Directive 853/2004 insofar as they appertain to meat derived from deer kept by man. The main cause of the inconsistency appears to lie in the fact that EU Directive 853/2004 does not provide guidance to EU member States in relation to the definition of “wild game” to be used within national legislation. Despite the fact that the fundamental difference between “farmed” deer (“Farm”) and those that are kept by man but “live in an enclosure in conditions similar to those which exist in the wild” (“Park”) is recognized within EU Directive 853/2004, many EU member States do not reflect this difference in national legislation:

I.5 EU Directive 853/2004 differentiates the producers of venison who keep deer for purposes of venison production and the sale of live animals into two groups. In connection with the respective slaughter and sales regimes, farmers of deer are treated differently from landowners of parks who keep deer for purposes of venison production and the sale of live animals. The national legislation of many EU Member States fails to make this important distinction. As a consequence, deer breeders in some EU Member States are significantly disadvantaged;

I.6. As previously described in Sections I.4 and I.5, the inconsistency between EU members States of legislative treatment at national level disadvantages those deer breeders who in their particular country are subject to the more restrictive national legislation. In particular, such inconsistency disadvantages smaller deer breeders who keep deer in conditions of freedom similar to those experienced by wild game, and who, because of their size, maintain close contacts with local customers and are likely to limit themselves to the supply of small quantities of product to local consumers. For this reason, such inconsistency of legislative treatment at national level is directly contrary to the published EU policy of shortening the producer/consumer food chain (creation of Short food supply chains – “SFSCs”) by the promotion of the direct supply of foodstuffs from producer to consumer;

I.7 The experience of EU member States who have implemented the differentiation between Farms and Parks within their national legislation has not shown that the implementation of this distinction creates food safety problems;

I.8. FEDFA has prepared these Guidelines in order to support across the whole of the EU, the development and implementation of consistent national laws related to deer breeding and the production of venison meat and live deer, based on the existing EU legislation and best practice currently implemented in EU member States, with the objective of enabling the development of deer breeding in Europe. The adoption of consistent simplified procedures across the whole of the EU should support the development of the deer breeding sector, specially in those EU member States where utilization of poor grade agricultural land located in remote rural areas needs to be encouraged, where there is an absence of meat processing infrastructure, and where the deer breeding sector offers an environmentally -friendly way to enhance farm income.

II. Key EU Legislation:

II.1. These Guidelines are based on the legislation set out within EU Directive 853/2004. The key paragraphs are as follows:

(11) Community rules should not apply either to primary production for private domestic use or to the domestic preparation, handling or storage of food for private domestic consumption. Moreover, where small quantities of primary products or of certain types of meat are supplied directly by the food business operator producing them to the final consumer or to a local retail establishment, it is appropriate to protect public health through national law, in particular because of the close relationship between the producer and the consumer.

Article 1

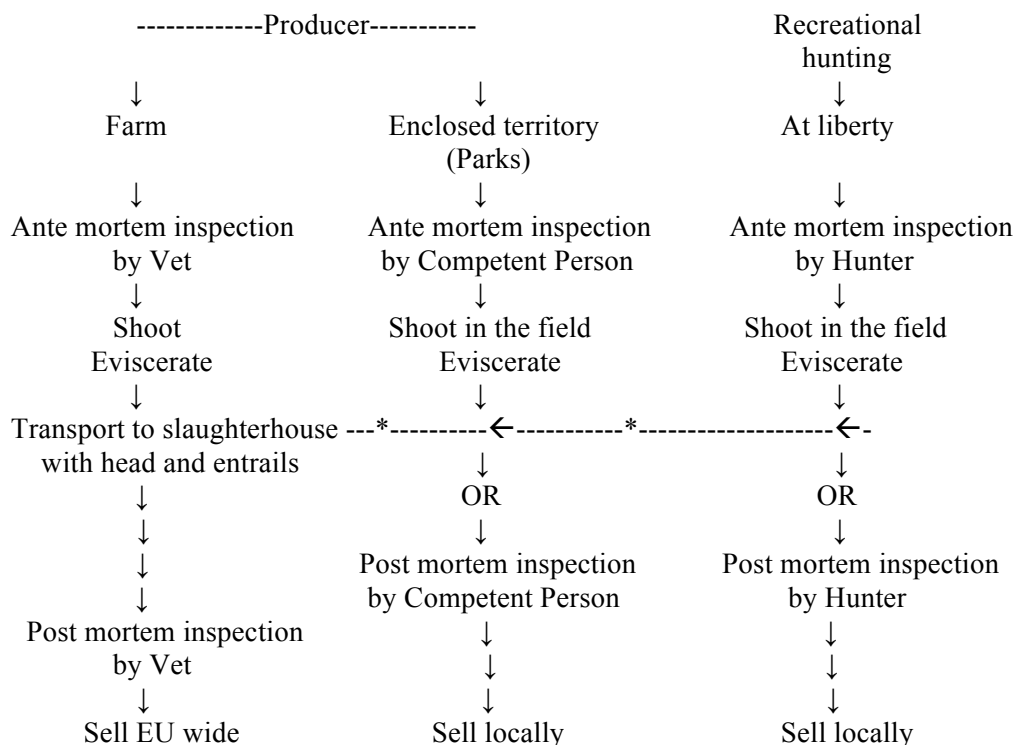
3. This Regulation shall not apply in relation to: (a) primary production for private domestic use; (b) the domestic preparation, handling or storage of food for private domestic consumption; (c) the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer; (d) the direct supply, by the producer, of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer as fresh meat; (e) hunters who supply small quantities of wild game or wild game meat directly to the final consumer or to local retail establishments directly supplying the final consumer.

4. Member States shall establish, according to national law, rules governing the activities and persons referred to in paragraph 3(c), (d) and (e). Such national rules shall ensure the achievement of the objectives of this Regulation.

Annex 1

1.5. 'Wild game' means: — wild ungulates and lagomorphs, as well as other land mammals that are hunted for human consumption and are considered to be wild game under the applicable law in the Member State concerned, including mammals living in enclosed territory under conditions of freedom similar to those of wild game;

II.2. The EU legislation may be summarized as follows:



* when the post-mortem inspection is carried out by a Competent Person or by a Hunter, the carcasses may be transported to the slaughterhouse without the head and entrails.

In the EU Regulation there is no definition of “farm” or “enclosed territory”. Also, in the EU Regulation there is no definition of what constitutes “hunting” or “Hunter”. The EU requirements are clearly set out in EU Regulation 853 Article 1.4 for the scope exceptions set out in Article 1.3 – national law interprets the application of the above, and it should meet the objectives of the Regulation. The ability of local EU member States governments to establish the detailed procedures in national law has been confirmed to FEDFA directly by DG Sante, Brussels.

III. FEDFA Guidelines for national legislation:

These Guidelines do not cover animals kept by man for purposes of recreational hunting.

III.1 For deer kept by man for purposes of production of meat or live animals, national legislation should differentiate between farmed animals („Farm”) and those living in an enclosed area in conditions similar to those experienced in the wild (“Park”). Within national legislation, both should be included within the category “animals kept by man for purposes of production of venison and live deer”.

III.1.1 The mechanism appropriately classifying the deer breeding facility as “Farm” or “Park” should be defined within the national law of each Member State in agreement with the national association of deer breeders. The status of the facility should be the subject of a periodic (annual) physical inspection and the issue of a suitable status certificate. This inspection might be done either by the local State veterinary service as part of the annual health inspection of a deer breeding facility or as an alternative, by the deer breeders’ association of the particular EU member State.

Farms may be characterized by:

- forced separation of young from mothers and of males from females

- excess density of animals in relation to available grazing
- supplementary feeding carried out during the period of vegetation
- provision of man-made feed supplements (excluding salt licks)
- availability of housing during winter
- medication of animals
- feeding of young with supplements
- frequent handling and movement between multiple enclosures.

The overriding characteristic of a Farm is the carrying on of intensive production of meat and the intensive breeding of animals.

Parks may be characterized by;

- young stay with mothers until weaned naturally
- availability of natural grazing during entire period of vegetation
- supplementary feeding carried out only in the event of shortage due to adverse natural conditions
- no man-made feed supplements provided other than salt licks
- animals kept on pasture all year round
- animals are not medicated (except for welfare reasons)
- one principal enclosed area.

The overriding characteristic of a Park is the carrying on of extensive free-range production in an environmentally responsible manner. Farms and Parks may co-exist, in which case two separate status certificates should be issued.

Because of differences arising from climatic conditions experienced in individual member countries, the characteristics set out above can be more or less relevant in any specific Member State. The national definition should be established at national law level, by means of a dialogue and cooperation between the legislative authority and the national association of deer breeders.

III.1.2 It should be noted that the crucial differentiation which should be incorporated in each national EU member State legislation for determining the production regime should relate to animals kept by man. In accordance with EU Directive 853/2004, it is the conditions under which those animals are kept which are important and they should determine the classification of animals as “wild game” or “farmed game”. The survey conducted by FEDFA in 2016 has shown that a number of EU member States de facto classify animals by virtue of ownership. For example, in Poland, animals owned by the State, whether living in the wild or retained by State-derived institutions for breeding within in an enclosure, are classified as “wild game”, while privately-owned animals kept in an enclosure under conditions similar to those in the wild, are classified as “farmed game”. In Spain, both wild and park-kept deer are considered to be “wild game” owned by the State, so that even in parks animals are considered to be publicly owned (a concession to hunt recreationally is issued for a period of 5 years), and all management and killing procedures are determined by regional hunting laws. FEDFA considers this kind of inconsistent treatment to be without foundation, discriminatory, and not in compliance with EU directive 853/2004.

III.1.3 For certified Farms, national legislation should reflect the EU Directive 853/2004 requirements for slaughter and processing, as presented above in Section II.2 - Farms. From the survey carried out by FEDFA in 2016, it is apparent that these procedures are in place at the level of national legislation.

III.1.4 For certified Parks, national legislation should reflect the EU Directive 853/2004 requirements for slaughter and processing, as presented above in Section II.2 - Parks. However, from the survey carried out by FEDFA in 2016, it is apparent that these procedures are in place in only a few EU member States. Many member States have not implemented the differentiation recommended in

Section III.1, and some have implemented the differentiation partially, eg in the manner set out in Section III.1.2. The consequence is that some EU member States have significant internal inconsistencies within their national legislation and others, arguably, are not in compliance with EU Directive 853/2004. As a consequence, many EU member States have applied to Parks the excessively onerous mandatory procedures applicable to the intensive production of “farmed game”.

III.2 National legislation should incorporate provisions to ensure that “Competent Person” status is available to all deer breeders. Under these FEDFA proposals, for animals kept by man in Parks, inspection by a “Competent Person” is required both before slaughter by a free bullet in the field and after evisceration. Such inspection, analogous to that carried out by the Hunter, in the case of game living in the wild outside of enclosures, is sufficient to allow the carcass to be sold locally.

From the FEDFA survey carried out in 2016, it appears that all EU member State legislation contains a “Competent Person” concept. In some, the Competent Person qualification is gained by participation on an approved course. In others, it is gained as an integral and inseparable part of the training of a qualified hunter. FEDFA recommends the institution by all EU member States of a formal status of Competent Person, based on a common curriculum. In member States, where animal health and behaviour, as well as the methodology of post-mortem examination of animals killed by a free bullet is covered by the statutory training required of Hunters, the Hunter qualification should be sufficient to enable individuals to gain Competent Person status. Nevertheless, national legislation should ensure that Competent Person qualification is available to all deer breeders, irrespective of whether they qualify as Hunters or not.

The curriculum of a course to gain Competent Person status should cover:

- General Knowledge of the species of deer found in the specific country
- Deer legislation, related both to farming and hunting
- Characteristics of deer, their recognition and identification
- Health, disease and behavioural aspects of illness
- Safety (handling animals as well as shooting)
- Shooting and ballistics
- Knowledge of the inspection of carcasses, food safety risks and the legal requirements

III.3 For purposes of EU Directive 853/2004, national legislation should understand and define “hunting” to include the “stalking, identification and killing by free bullet in the field” of wild game, including wild game living within enclosed territories (“Parks”) under conditions similar to those found in the wild. Hunting is not defined within EU Directive 853/2004. National legislation should determine whether or not an activity constitutes hunting by reference to the nature of that activity (ie., how it is performed), not by reference to where it is done or who does it. In a number of EU member States, the hunting of game living in the wild is the subject of a monopoly. Those EU member States often extend the monopoly of hunting of game living in the wild to the hunting of all game, including that living in private enclosed territory. In consequence, in those member States, national legislation may stipulate that “stalking, identification and killing by free bullet in the field” done by the monopolist constitutes hunting whereas identical activity carried out by the owner on private land does not constitute hunting. These restrictive monopolistic practices are usually justified by an inappropriate and erroneous reference to “the requirements of EU Directive 853/2004”. However, EU Directive 853/2004 does not discriminate between hunting carried out in the wild and that conducted in enclosed private territories (“Parks”). FEDFA is of the opinion that national law should define “hunting” only and exclusively based on how it is done. Furthermore, EU member States should not seek in their legislation to create monopoly barriers, which preclude deer breeders from killing their animals by hunting within the enclosed territories qualified as Parks, while permitting such actions to be carried out in analogous circumstances by the monopolist.

FEDFA proposes that to avoid confusion in this area, within national legislation, hunting for purposes of EU Directive 853/2004 be consistently understood and defined to include “the stalking,

identification and killing by free bullet in the field” of wild game, including wild game living within Parks.

III.4 For purposes of EU Directive 853/2004, national legislation should understand and define “Hunters” as those who shoot wild game alone or who are active members of a hunting party.

The active members of a hunting party may include non-shooting participants like gamekeepers, gillies, beaters and pickers-up but not spectators. This includes members of a team carrying out the stalking, identification and killing by free bullet in the field of animals living within enclosed territories under conditions similar to those found in the wild.

III.5 National legislation should consistently define “small quantities”, “local sales” and “direct supply to the final consumer” for the purposes of supply of in-fur carcasses. The supply of small quantities of carcasses direct to consumers or local retailers by the producer is not subject to the requirements of either EU Regulation 852/2004 or 853/2004. Additionally, Hunters (as defined in Section III.4) may hunt wild game and supply it in-fur or as meat in small quantities directly to the final consumer, or to local retailers directly supplying this game to the final consumer. FEDFA considers that the term “local” is best defined at the level of the national governments of Member States, by agreement between that government and the respective national association of deer breeders. “Direct supply to the final consumer” is not restricted by what is “local”. A Park can supply final consumers who order from them via the internet regardless of location (with the boundaries of the Member State) as well as those who collect themselves.