



**STANDING COMMITTEE OF THE EUROPEAN CONVENTION FOR THE PROTECTION OF ANIMALS KEPT FOR FARMING PURPOSES (T-AP)**

**RECOMMENDATION CONCERNING MUSCOVY DUCKS (*CAIRINA MOSCHATA*) AND HYBRIDS OF MUSCOVY AND DOMESTIC DUCKS (*ANAS PLATYRHYNCHOS*)**

**adopted by the Standing Committee on 22 June 1999**

(In accordance with Article 9, paragraph 3 of the Convention, this Recommendation will enter into force on 22 December 1999.)

**Table of contents**

[PREAMBLE](#)

[GENERAL PROVISIONS](#)

[BIOLOGICAL CHARACTERISTICS OF THE MUSCOVY DUCKS AND HYBRIDS OF MUSCOVY AND DOMESTIC DUCKS](#)

[STOCKMANSHIP AND INSPECTION](#)

[ENCLOSURES, BUILDINGS AND EQUIPMENT](#)

[MANAGEMENT](#)

[CHANGES OF GENOTYPE OR PHENOTYPE](#)

[KILLING](#)

[SUPPLEMENTARY PROVISION](#)

[FINAL PROVISION](#)

[APPENDIX : KILLING OF UNWANTED DUCKLINGS AND EMBRYOS IN HATCHERIES](#)

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**PREAMBLE**



- (1) The Standing Committee of the European Convention on the Protection of Animals kept for Farming Purposes,
- (2) Having regard to its responsibility under Article 9 of the Convention for the elaboration and adoption of recommendations to the Parties containing detailed provisions for the implementation of the principles set out in Chapter I of the Convention based on scientific knowledge concerning the various species of animals;
- (3) Aware also of the established practice in the implementation of the principles of animal welfare set out in Articles 3 - 7 of the Convention;
- (4) Aware that the basic requirements for the health and welfare of livestock consist of good stockmanship, husbandry methods appropriate to the biological needs of the animals and suitable environmental factors, so

that the conditions under which ducks are kept fulfil the needs for appropriate nutrition and methods of feeding, freedom of movement, physical comfort; the need to perform natural behaviour in connection with getting up, lying down, resting and sleeping postures, wing-flapping, walking, running, bathing, preening, eating, drinking, defecating, adequate social contact and egg-laying; the need for protection against adverse climatic conditions, injury, fear and distress, infestation and disease or behavioural disorder; as well as other essential needs as may be identified by established practice or scientific knowledge;

(5) Concerned that developments in breeding and biotechnology shall not adversely affect the health and welfare of the ducks;

(6) Bearing in mind that it is an obligation of the Committee to reconsider any recommendation when relevant new knowledge is available and therefore wishing to encourage the continuation of research by all Parties with the object of making optimum use of new techniques to ensure that the needs of the ducks are met and hence that their health and welfare are good;

(7) Considering that, in the light of established experience and scientific knowledge about the biological needs of ducks, some methods of husbandry at present in commercial use, often fail to meet all essential needs and hence result in poor welfare;

(8) Aware of the welfare problems connected to certain practices in the production of foie gras which do not meet the requirements of the Convention, and anxious to encourage research on welfare aspects and alternative methods with a view to ensuring a further examination of this question; mindful of the need, in the meantime, to solve the welfare problems by modifying these practices;

(9) Bearing in mind that the environment and management have to fulfil the animal's biological needs rather than trying to "adapt" the animals to the environment by procedures such as mutilations;

(10) Considering therefore that strong and continuous efforts have to be made to adapt existing systems and methods and to develop new husbandry systems and methods in line with the Convention so that the needs of the animals can be met;

(11) Considering that further research on the health and welfare of ducks should be encouraged and that the relevant provisions in the Recommendation shall be reviewed in the light of new scientific evidence;

(12) Has adopted the following Recommendation concerning Muscovy ducks and hybrids of Muscovy and domestic ducks:

## **GENERAL PROVISIONS**

### **Article 1**

1. This Recommendation shall apply to Muscovy duck (*Cairina moschata*) and hybrids of Muscovy and domestic ducks kept for the production of meat, for breeding or for any other farming purpose.

2. Special provisions contained in the Appendix to this Recommendation constitute an integral part thereof.

## **BIOLOGICAL CHARACTERISTICS OF THE MUSCOVY DUCKS AND HYBRIDS OF MUSCOVY AND DOMESTIC DUCKS**

### **Article 2**

When considering husbandry practices, the biological characteristics of Muscovy duck and hybrids of Muscovy and domestic ducks should be borne in mind.

a. The Muscovy duck (*Cairina moschata*) or musk duck or mute duck originated in South America. It was domesticated by the Colombian and Peruvian Indians and then introduced to the Old World by the Spaniards and the Portuguese in the 16th century. The Muscovy duck has been domesticated in many parts of the world. Female Muscovy ducks were used in the past as natural incubators for hatching common duck eggs.

b. Even if under natural conditions the Muscovy duck is a tropical bird and lives in marshy forests, its robustness and hardiness have enabled it to adapt to different climates and habitats. It has both claws and webbed feet.

c. Muscovy ducks are sexually dimorphic, the male being almost twice the weight of the female. Aggressive and sexual displays are simple and not well differentiated. In the male, these may take the form of crest-raising, tail-shaking and moving the head backwards and forwards. Muscovy ducks, especially the males, are more aggressive than mallard breeds. Muscovy ducks are not noisy birds. Vocalisation is in the form of hissing. The cry of male Muscovy ducks is merely a sort of puffing and adult female are mute.

In the wild, copulation occurs during the rainy season on water. After copulation, the female selects a nest site, usually in a tree hollow or sometimes in rushes, and lays 8 - 15 eggs which she incubates for about 35 days. The male is polygamous and does not participate in nest-site selection or incubation. The female rears the young until they can fly and the ducklings learn from the mother's actions. When compared with domestic duck, the embryonic development of Muscovy ducks is longer and the ducklings take longer to reach sexual maturity.

d. The male Muscovy duck has a well-developed caruncle at the base of the beak just behind the eyes, which is even more prominent during the mating season. The beak is richly innervated and very well supplied with sensory receptors.

e. Muscovy ducks are omnivorous, feeding on plants, worms, insects, fish, amphibians and reptiles. They feed by dabbling, foraging and up-ending.

f. Muscovy ducks fly, swim and walk efficiently. Birds presently used for meat production have not undergone selection to the same extent as other poultry, but heavy birds may be unable to fly, have difficulty in walking and be subject to leg disorders.

g. Muscovy ducks spend considerable time performing complex preening behaviours. After feeding followed by bathing, ducks carry out a variety of shaking movements to remove water. Cleaning movements then remove foreign bodies and an elaborate sequence is carried out to distribute oil from the feathers from the uropygial gland above the tail. This is necessary for waterproofing and heat regulation. Preening is often followed by sleeping for a short period, and the sequence of feeding, bathing, preening and sleeping may be repeated a number of times during the day.

h. Farmed Muscovy ducks have retained many anti-predator responses such as freezing, alarm-calling, attempts to take off or run rapidly away from danger, and vigorous struggling if caught. Such behavioural responses may be associated with, or replaced by, emergency physiological responses. Male Muscovy ducks and hybrids fight frequently using their claws, wings and beaks, particularly for chasing off intruders.

i. The Muscovy and domestic duck hybrid is obtained by crossing a female domestic duck and a male Muscovy. It is a sterile hybrid because of the difference in chromosome sizes between the two parents. It is hardier than the Muscovy. It shows little sexual dimorphism and is able to flourish in cooler conditions.

## STOCKMANSHIP AND INSPECTION

### Article 3

1. Any person who owns ducks, or for the time being has ducks under his or her control, and every person engaged in the keeping of ducks shall, according to their responsibilities, ensure that every reasonable step is taken to safeguard the health and welfare of the birds.

2. The ducks shall be cared for by a sufficient number of personnel with adequate knowledge of Muscovy ducks and hybrids of Muscovy and domestic ducks and of the husbandry system in use to be able to:

(a) recognise whether or not the birds are in good health;

(b) understand the significance of behavioural changes;

(c) appreciate the suitability of the total environment for the birds health and welfare.

The stockman must be aware of the role of animal welfare in the daily work with birds. The issuing of a certificate of competence for the stockman by the competent authorities should be considered.

3. Ducks shall be caught and handled only by competent trained staff, working under the direct supervision of the stockman and in accordance with Article 18.

4. The size or density of the group should not be too large; a large group shall not be set up unless it is reasonably certain that the stockman can safeguard the welfare of the birds.

### Article 4

1. In order to develop a positive relationship between man and bird, there shall be frequent, calm and close approach from an early age such that the bird is not unduly frightened.

2. Young ducks should be given appropriate experience of management practices (e.g. particular feeding and watering systems) and environmental conditions (e.g. natural light, sufficient water to fulfil biological requirements, litter) to enable them to adapt to the husbandry systems which they will encounter later in life.

### Article 5

Ducks bred for farming purposes shall not be used to achieve any other goal, including public spectacles or demonstrations, if such use is likely to be detrimental to their health and welfare.

### Article 6

1. The flock or group shall be thoroughly inspected at least once a day, preferably more frequently, to monitor the physical condition of the animals. In carrying out such inspections, it should be borne in mind that while there should not be unnecessary noise or disturbance, young ducklings in particular respond to being called or hearing human voices. A source of light strong enough for each bird to be seen clearly shall be available for the purpose of this inspection. Such inspections shall be made independently of any automatic surveillance equipment. In addition to the thorough inspection the flock or group should be checked at other times during the day.

2. For thorough overall inspection of the flock or group of birds, special attention shall be paid to bodily condition, movements and other behaviour patterns, respiration, condition of plumage, eyes, skin, beak, legs and feet; attention shall also be paid to the presence of external parasites, to the condition of droppings, to

feed and water consumption and to growth. Where appropriate the birds shall be encouraged to walk or bathe. Mortality, culling and, if possible, morbidity levels shall be closely monitored and post-mortem examinations should be carried out regularly. Records shall be kept of the results.

3. Individual examination shall be made of those birds for which the overall inspection indicates this to be necessary.

#### **Article 7**

1. At the inspection it must be borne in mind that the healthy bird has sounds and activity appropriate to its age, sex, breed or type, clear bright eyes, good posture, vigorous movements if unduly disturbed, clean healthy skin, good plumage, well-formed shanks and feet, effective walking, bathing and preening, and active feeding and drinking behaviour.

2. If the ducks are apparently not in good health, or if they are showing obvious signs of behavioural aberrations, the stockman shall take steps without delay to establish the cause and shall take appropriate remedial action. If the immediate action taken by the stockman is not effective, a veterinarian must be consulted, and, if necessary, expert advice must be sought on other technical factors involved. If the cause is traced to an environmental factor within the enclosure or accommodation which it is not essential to remedy immediately this shall be corrected when the enclosure or accommodation is emptied and before the next batch of ducks is put in.

3. Injured, sick or distressed birds shall be treated without delay and if necessary be separated from the rest of the flock in suitable accommodation available for this purpose or killed in accordance with Article 23.

### **ENCLOSURES, BUILDINGS AND EQUIPMENT**

#### **Article 8**

1. Professional advice on health and welfare aspects should be sought when new accommodation for ducks is planned or existing accommodation is modified in accordance with legislation in force.

2. New methods of husbandry and new design of equipment or accommodation for ducks should be comprehensively tested from the point of view of health and welfare and, when tests are undertaken, shall not be put into commercial use unless found to be satisfactory in accordance with a procedure laid down by the competent authority.

#### **Article 9**

When new accommodation for ducks is planned, a suitable site shall be selected taking into consideration the risks from outside environmental factors such as noise, light, vibration, atmospheric pollution and dangers from predators. Where appropriate, advantage shall be taken of natural features to provide shelter from predators and from adverse weather conditions.

#### **Article 10**

1. The design, construction and maintenance of enclosures, buildings and equipment for ducks shall be such that they:

- allow the fulfilment of essential biological requirements of ducks, in particular in respect of water, and the maintenance of good health;

- avoid barren environments;
- do not cause traumatic injuries to the birds;
- limit the risk of disease, disorders manifested by behavioural changes, injuries caused by birds to each other and, as far as possible, contamination of the birds by bad water quality;
- avoid sharp corners, projections and materials which may be harmful to the birds;
- provide protection from predators and adverse weather conditions, and, as far as possible, from rodents and wild birds;
- allow for easy maintenance of good conditions of hygiene, air and water quality;
- allow, without difficulty, a thorough inspection of all birds;
- facilitate management of the birds.

2. Access to an outside run and water for bathing is necessary for ducks, as water birds, to fulfil their biological requirements. Where such access is not possible, the ducks must be provided with water facilities sufficient in number and so designed to allow water to cover the head and be taken up by the beak so that the duck can shake water over the body without difficulty. The ducks should be allowed to dip their heads under water.

3. Water facilities should be constructed over a well drained area and shall always be kept clean.

4. Feeding and watering equipment shall be designed, constructed, placed, operated and maintained in such a way that:

- it minimises contamination of food and water ;
- all birds have sufficient access to it to avoid undue competition between individuals ;
- it does not cause or result in injury to birds ;
- it operates in all weather conditions ;
- the provision of water and the overall consumption of feed can be controlled.

5. Young ducks must have free access to shelter at all times and all ducks shall have access to shelter against adverse weather conditions. Buildings in which birds are confined shall be constructed and maintained in such a way as to minimise any risk of fire. Materials should be fire resistant or treated with flame retardants; all appropriate measures shall be taken to allow for immediate action in order to protect birds, e.g. installing an alarm system and elaborating an evacuation plan for the birds. Electrical equipment and wiring shall be well maintained.

6. Where ducks are housed, floors shall be of a suitable design and material and not cause discomfort, distress or injury to the birds. The floor shall include an area sufficient to enable all birds to rest simultaneously and covered with an appropriate bedding material.

7. Housing systems for ducks shall allow the birds to:

- stand with a normal posture,
- turn around without difficulty,
- defecate showing normal movements,
- flap the wings,
- show normal preening movements,
- perform normal social interactions,
- carry out normal feeding and drinking movements.

These requirements shall apply for new accommodation or when existing ones are replaced, from 31<sup>st</sup> December 2004.

All accommodation shall fulfil these requirements by 31<sup>st</sup> December 2010.

In the meantime, Contracting Parties concerned by this production should encourage replacement of existing accommodation not fulfilling these requirements.

8. In the case of ducks kept for breeding, an adequate number of nesting facilities of a suitable design and size shall be available.

Nest boxes and resting areas shall not be so high above floor level that birds have difficulty or risk injury in using them.

## MANAGEMENT

### Article 11

1. When considering the establishment or replacement of a flock, the choice of the strain of bird should be made with the aim of reducing health and welfare problems.

2. Measures shall be taken to minimise aggression and stress, especially when new groups are formed but also to ensure that stability of the group is maintained.

3. The space allowance for birds shall be such that their demands on the whole environment, their age, sex, live weight, health and their need to move around freely and to perform normal behaviour including social behaviour of the species be satisfied. The size of the group shall be such that it does not lead to behavioural or other disorders or injuries.

4. Adequate litter shall be provided and maintained, as far as possible, in a dry, friable state in order to help the birds to keep themselves clean and to enrich the environment.

5. Frequent checks shall be made to ensure that the environment is not infested by parasites or other harmful organisms.

6. Routine or systematic use of drugs to compensate for poor hygienic conditions or management practices shall not be allowed.

### Article 12

1. When ducks are kept indoors without free access to an outer enclosure, the accommodation shall be kept so that the ambient temperature, the air velocity, the relative humidity, the dust level and other atmospheric conditions do not adversely affect the health or welfare of the birds. The stocking density of groups shall, when they are set up, take account of ventilation capacities of the buildings in order to maintain adequate temperatures to prevent heat stress, in particular during hot weather. Moreover, appropriate measures, such as cooling of buildings, shall be taken when the weather is exceptionally hot.

2. The ventilation system, and facilities for storing and handling litter and manure shall be designed, maintained and managed to prevent the exposure of birds to gases such as ammonia, hydrogen sulphide, carbon dioxide in concentrations which cause discomfort to the birds or which are detrimental to their health.

3. Where the health and welfare of ducks depend on automatic or other mechanical systems of ventilation, an effective alarm system shall be installed and arrangements shall be made to ensure continued adequate ventilation in the event of power or equipment failure.

4. Where buildings need to be locked, arrangements shall be made to allow rapid entry in case of emergency.

### **Article 13**

1. Young ducklings should not be subjected to conditions which cause either panting due to overheating or prolonged huddling and feather-ruffling due to underheating.
2. During long periods of sub-zero temperatures under free range conditions a freely accessible shelter must be provided for ducks. The shelter shall be large enough to contain all birds at the same time, be maintained at moderate temperatures and contain suitable bedding.
3. In free range systems, enclosed range areas should be used in rotation, and flocks moved before the land becomes contaminated with organisms that can cause or carry disease to an extent which could seriously prejudice the health of the birds. Portable houses and drinking facilities shall be moved when necessary to avoid continuously muddy conditions.
4. If ducks are to be driven from one place to another this shall be done quietly and slowly.

### **Article 14**

The sound level shall, as far as practicable, be minimised and constant or sudden noise shall be avoided. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that it causes the least possible noise, both directly inside the accommodation and indirectly through the structure of the accommodation itself.

### **Article 15**

1. All buildings shall have light levels sufficient to allow all ducks to see one another and to be seen clearly, to investigate their surroundings visually and to show normal levels of activity. As far as practicable, natural light shall be provided. In this case, light apertures should be arranged in such a way that light is distributed evenly within the accommodation.
2. After the first days of conditioning, the lighting regime shall be such as to prevent health and behavioural problems. Therefore, it shall follow a 24 hour rhythm and include a sufficient uninterrupted dark period, as a guideline approximately a third of the day.
3. A twilight period should be given in the dimming of lights in order to avoid disturbance or injury.

### **Article 16**

1. All ducks shall have appropriate access to adequate, nutritious, balanced and hygienic feed each day and to adequate supplies of water of suitable quality at all times. In the case of birds which have difficulty in feeding or drinking, appropriate measures shall be taken in accordance with Article 7 paragraph 3.
2. Methods of feeding and feed additives which cause distress, injury or disease to the ducks or may result in development of physical or physiological conditions detrimental to their health and welfare shall not be permitted.
3. Sudden changes in the type or quantity of feed and feeding procedures shall be avoided except in case of emergency.  
This shall not apply in the case of therapeutic or prophylactic treatment administered on the instructions of a veterinarian.

### **Article 17**



All automatic or other mechanical equipment upon which birds depend for their health and welfare must be thoroughly checked at least once daily. Where defects are discovered these must be rectified immediately, or, if this is impracticable, other appropriate steps must be taken to safeguard the health and welfare of the ducks until the defect can be rectified.

### **Article 18**

1. Collection times shall be co-ordinated with production requirements at the slaughterhouse in order to limit the time birds are held in transport containers/crates.
2. Ducks shall not be entirely deprived of food or water before transport, except in the case of transport to a slaughterhouse which is close to the point of production.
3. Before de-populating enclosures or houses, any hindrance from fixtures and fittings, especially sharp edges or protrusions, must be removed. Particular care shall be taken when moving birds within or from an enclosure or house to ensure that no bird is injured by the equipment or the handling process. Where possible, birds shall be encouraged to walk and handling reduced to a minimum.
4. Care must be taken in catching birds in order to avoid panic and subsequent injury to and smothering of the birds, for example by reducing the intensity of the light or using a blue light.
5. Unfit birds, even if they have reached slaughter weight, must not be sent for slaughter. Any bird which is unable to stand on both legs shall not be transported but must be humanely killed on the farm in accordance with the provisions of Article 23.
6. Birds shall not be carried hanging head downwards or by the legs alone. Their weight shall be supported by a hand placed under their body and an arm around the body to keep the wings in the closed position. Heavy birds shall be carried individually and put into containers/crates one by one. Transport crates with large openings shall be used.
7. The distance birds are carried shall be minimised, for example by bringing transport containers/crates as close to the birds as possible.
8. The containers shall not be overstocked and must be well ventilated. During the time the birds are held in the containers, they shall be protected from bad weather and excessively hot or cold conditions.
9. Every effort shall be made to encourage the development of improved systems for handling large numbers of birds.

### **Article 19**

1. Those parts of the accommodation with which the ducks come into contact shall be thoroughly cleaned, and, where appropriate, disinfected every time the accommodation has been emptied and before new birds are brought in. Accommodation, enclosures and all equipment, including facilities for providing water, shall be kept satisfactorily clean as long as birds are present.
2. Any dead bird must be removed from enclosures and shelters promptly and hygienically in accordance with existing legislation.

### **Article 20**

When there is a risk of attack by predators, measures shall be taken to minimise the risk in accordance with domestic law and other legal instruments for the protection of animals or for the conservation of threatened species.

## CHANGES OF GENOTYPE OR PHENOTYPE

### Article 21

1. Breeding or breeding programmes which cause or are likely to cause suffering or harm to any of the birds involved shall not be practised. In particular, birds whose genotype has been modified for production purposes shall not be kept under commercial farm conditions unless it has been demonstrated by scientific studies of animal welfare that the birds can be kept under such conditions without detriment to their health or welfare.

2. In breeding programmes, particular attention shall be paid to criteria conducive to the improvement of birds' health and welfare, as well as to production criteria. Therefore, the conservation or development of breeds or strains of birds which would limit or reduce animal welfare problems shall be encouraged.

### Article 22

1. For the purpose of this Recommendation, "mutilation" means a procedure carried out for other than therapeutic or diagnostic purposes on single birds and resulting in damage to or the loss of a sensitive part of the body or the alteration of bone structure, or causing a significant amount of pain or distress.

2. The mutilation of ducks shall be prohibited, with the exception of:

- a. circumstances and procedures detailed in paragraph 3 below;
- b. tagging for identification purposes which must be done in such a way as to avoid unnecessary distress.

Methods causing less distress than tagging shall be promoted.

3. Where birds injure one another with the beak or claws measures shall be taken to avoid the need for mutilations referred to below by changing inappropriate environmental and management factors or management systems and selecting appropriate breeds and strains of bird.

If these measures are not sufficient to prevent suffering by the birds, exceptions to this prohibition may be made on a case by case basis by the competent authority only in respect of the following procedures:

- removal of that portion of the hook on the upper mandible projecting beyond the intact lower mandible (see fig. 1 and 2);
- trimming of the claws (see fig. 3).

### Fig. 1

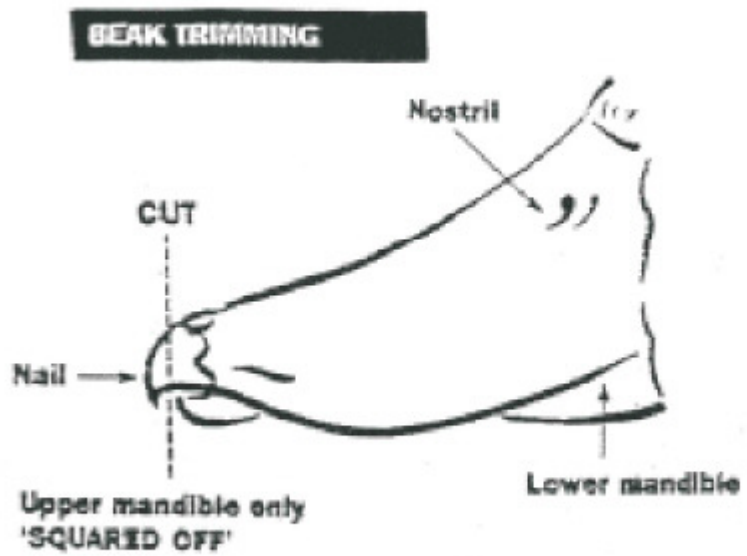


Fig. 2

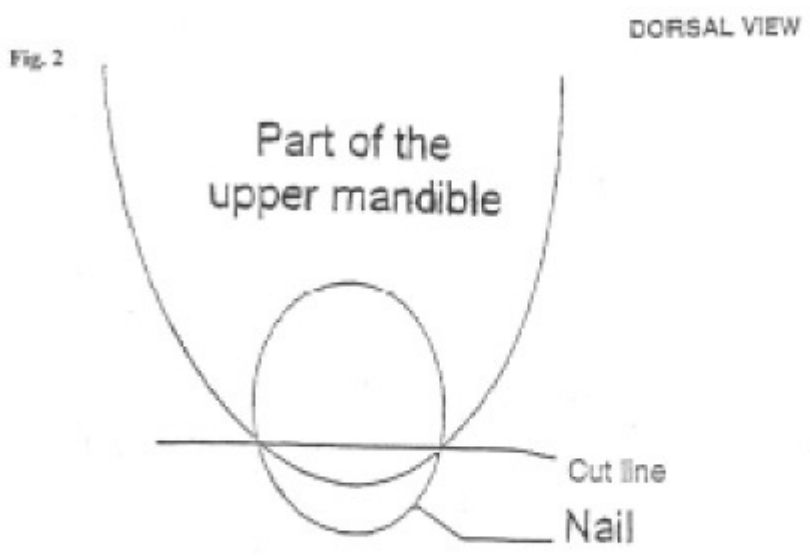
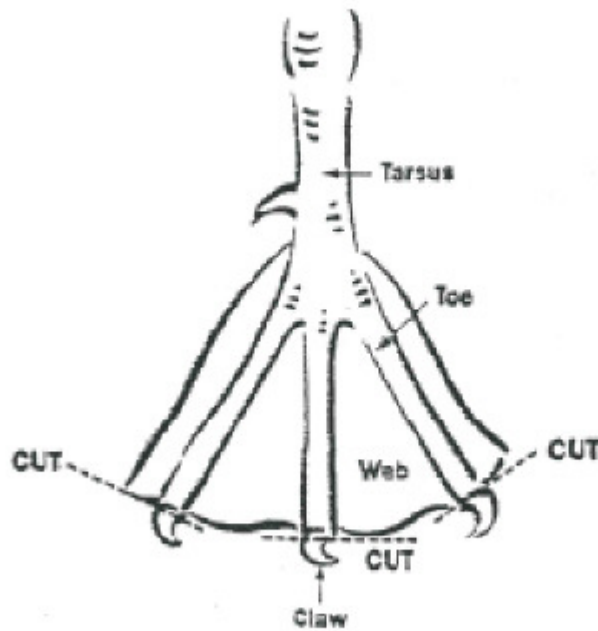


Fig. 3

### CLAW TRIMMING

Fig. 3



Such exceptions may be allowed in accordance with a procedure defined by the competent authority subject to these techniques not being routine.

Exceptions to the general prohibition of mutilation made in accordance with paragraphs 2.a. shall be reviewed regularly by each Party involved to determine whether or not they shall be maintained. The Standing Committee shall be informed annually of the improvement made in this respect and the number of premises for which exemptions have been given.

4. Feathers, including down, shall not be plucked from live birds.

## KILLING

### Article 23

1. If ducks are ill or injured to such an extent that treatment is no longer feasible and transport would cause additional suffering, they must be killed on the spot. This must be done without causing undue pain, agitation or other forms of distress and without delay by a person properly trained and experienced in the techniques of killing unless in emergency when such a person is not immediately available.

2. The methods used shall either:

- cause immediate loss of consciousness and death, or
- rapidly render the duck insensible to pain and distress, until death supervenes, or
- cause the death of a duck which is anaesthetised or effectively stunned.

Drowning and suffocation shall not be permitted. As ducks are not as susceptible to carbon dioxide as certain other birds, the use of carbon dioxide shall be avoided.

Methods which may be used for killing unwanted ducklings and embryos in hatcheries are set out in the

Appendix.

3. The person responsible for the killing shall ensure that for each duck the requirements of paragraph 2 are fulfilled and that the duck is dead.

## **SUPPLEMENTARY PROVISION**

### **Article 24**

1. Countries allowing foie gras production shall encourage research on its welfare aspects and on alternative methods which do not include gavage.

2. Until new scientific evidence on alternative methods and their welfare aspects is available, the production of foie gras shall be carried out only where it is current practice and then only in accordance with standards laid down in domestic law.

In any case, the competent authorities shall monitor this type of production to ensure the implementation of the provisions of the Recommendation.

3. The Standing Committee shall be informed annually of the results obtained and measures taken to improve housing and management procedures and control production.

## **FINAL PROVISION**

### **Article 25**

This Recommendation shall be reviewed within 5 years of coming into force and, if appropriate, amended according to any new scientific knowledge which becomes available, in particular in respect to the provision of water, stocking densities and ways of reducing the need to carry out mutilations.

## **APPENDIX : KILLING OF UNWANTED DUCKLINGS AND EMBRYOS IN HATCHERIES**

1. Ducklings which are not intended for rearing shall be killed as soon as possible.

2. Ducklings should be killed by using a mechanically operated apparatus approved for this purpose in accordance with national legislation, designed and operated in such a way as to ensure that all ducklings are killed immediately even if they are handled in large numbers.

3. Only gases or gas mixtures which do not induce respiratory distress to the birds during induction may be used. The procedures shall be in accordance with Article 23 and approved under the legislation in force in each country.

Measures shall be taken to ensure rapid death and to avoid suffocation under other ducks by putting birds in a single layer and monitoring gas concentrations.

4. To kill any living embryo instantaneously, all hatchery waste shall be treated without delay using the mechanical apparatus mentioned above or any living embryo must be killed without delay in accordance with Article 23.