

PETITION TO THE EUROPEAN PARLIAMENT ON THE WELFARE OF DAIRY COWS

We the undersigned petition the European Parliament on behalf of the below named EU animal welfare organisations to press the European Commission to take effective steps to ensure that the Member States enforce Council Directive 98/58/EC concerning the protection of animals kept for farming purposes as regards the welfare of the EU's 23 million dairy cows.

A Scientific Report and Scientific Opinions produced in 2009 by the European Food Safety Authority (EFSA) indicate that EU dairy cows suffer from a number of serious welfare and health problems. In addition, in 2012 Compassion in World Farming (Compassion) visited 52 dairy farms in Germany - the EU's largest milk producer - Denmark and Spain. Compassion often found extremely poor welfare. This problem is unlikely to be confined to three Member States.

Dairy cows' indoors conditions are often poor. They are kept in barren, overcrowded, often filthy conditions. The floors are frequently hard and uncomfortable with no straw or other bedding. This can lead to cows having sores and wounds. Many cows suffer from painful lameness. Many are emaciated while others have huge udders that make walking difficult.

In Germany and certain other Member States many cows are tethered i.e. they are tied up with a chain or strap around their neck that is fastened to a hook in the floor or a rail above them. In some cases they are tethered like this 24 hours a day all year round. The tethers are so short that all the cow can do is stand up, lie down and take a few steps backwards, forwards and sideways. Tether systems conflict with the basic needs and the natural behaviour of cattle.

Today's cows are pushed through genetic selection to such high milk yields that many suffer from health problems and after three or four lactations many are worn out and infertile and are prematurely culled.

Dairy cows are increasingly kept in 'zero-grazing' systems in which they are housed indoors for all or the vast majority of the year. Such cows are never or rarely allowed out to graze on pasture during the grass growing season.

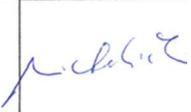
Article 3 of Council Directive 98/58/EC requires Member States to "make provision to ensure that the owners or keepers take all reasonable steps to ensure the welfare of animals under their care and to ensure that those animals are not caused any unnecessary pain, suffering or injury".

Despite repeated requests to act the European Commission has failed to take any effective steps to safeguard the welfare of dairy cows and in particular has failed in its duty as Guardian of the Treaties to ensure that Council Directive 98/58/EC is enforced by the Member States.

Article 13 of the Treaty on the Functioning of the EU (TFEU) provides that in "formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals". In declining to take any steps to address dairy welfare the Commission is failing to respect Article 13 TFEU as it is not paying full regard to animal welfare in the formulation and implementation of the Union's agriculture policy.

Signed by:

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Supporting information

Principal welfare and health problems affecting EU dairy cows

In 2009 the European Food Safety Authority (EFSA) conducted a major review of the scientific literature on dairy cow health and welfare. EFSA produced a Scientific Report, four Scientific Opinions on different aspects of dairy cow health and welfare and an overall Scientific Opinion that integrates conclusions and recommendations from the scientific report with the outcomes from the four separate scientific opinions.ⁱ

EFSA is the body that at the EU level is responsible for providing scientific opinions on the health and welfare of animals. EFSA was established by Regulation (EC) NO 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Article 22 of Regulation 178/2002 states that the mission of EFSA includes the provision of scientific opinions relating to animal health and welfare.

Barren, overcrowded, often filthy conditions



Zero-grazing

Many EU dairy cows are 'zero-grazed' i.e. they have no or very limited access to pasture. Scientific research shows that such limited access to pasture has a detrimental impact on the health and welfare of dairy cows. In their overall Scientific Opinion EFSA stated, in what they characterized as a high priority conclusion, that "If dairy cows are not kept on pasture for parts of the year, i.e. they are permanently on a zero-grazing system, there is an increased risk of lameness, hoof problems, teat tramp, mastitis, metritis, dystocia, ketosis, retained placenta and some bacterial infections."ⁱⁱ

Many cows are kept indoors all year – or almost all year



Access to pasture is also important to enable cows to engage in their normal behaviours which EFSA identifies as including:

- exercise which is needed for normal bone and muscle development
- foraging which accounts for a large proportion (up to 80%) of the daily activity of cows kept in a semi-natural situation. EFSA states that “In the absence of an appropriate foraging environment, welfare can be poor”.
- the investigation and manipulation of their environment. Cows have a natural tendency to explore their environment and they show a fair amount of curiosity.
- appropriate social interactions.

Cows cannot properly carry out these behaviours when they have limited access to pasture. In a high priority recommendation EFSA stated that “When possible, dairy cows and heifers should be given access to well managed pasture or other suitable outdoor conditions, at least during summer time or dry weather”.ⁱⁱⁱ

High milk yields

Many of today’s dairy cows are bred for very high milk yields. A beef cow will produce around 1,000 litres of milk for her calf during her 10 month lactation. In contrast EU dairy cows have been pushed through genetic selection to an average yield of around 6,600 litres per annum. However, the highest yielding cows are now producing around 10,000 litres or more per annum.

Animals bred for such high milk yields are vulnerable to poor welfare and reduced lifespan. EFSA’s overall Scientific Opinion contains high priority conclusions stressing that:

- “Long term genetic selection for high milk yield is the major factor causing poor welfare, in particular health problems, in dairy cows”, and
- “The genetic component underlying milk yield has also been found to be positively correlated with the incidence of lameness, mastitis, reproductive disorders and metabolic disorders”.^{iv}

EFSA also concluded “Excessive or prolonged negative energy balance in dairy cows is more likely to occur in the highest producing animals and has been found to be associated with reduced fertility, digestive, metabolic and infectious disease, especially mastitis”.^v Cows in negative energy balance lose excessive amounts of body condition.

In addition EFSA stated that “with increasing production cows need to spend more time eating and thus have less time available for other activities, and may not be able to allocate time enough to fulfill their need for important activities such as resting”.^{vi}



Pressures on high yielding cows are so great that many are utterly worn out after just three or four milk cycles and are prematurely culled

While these problems can to some degree be addressed by good management and nutrition, cows bred for high yields are at substantially increased risk of suffering from health disorders and it cannot be assumed that these can regularly be prevented by management practices. Moreover, EFSA has pointed out that the management practices needed to tackle these problems “may themselves reduce animal welfare e.g. high-starch grain-based diets and minimal grazing”.^{vii}

EFSA's point about the potential adverse impact of high-starch grain-based diets is important. High yielding cows cannot sustain these yields on grass alone. In order to provide for their nutritional needs, their diet is supplemented by cereals. However, high levels of cereals in relation to fibre can lead to digestive problems including excessive fermentation in the rumen and acidosis as well as to laminitis and high herd culling rates.

Lameness

EFSA identifies foot and leg disorders as the major welfare problem for dairy cows in terms of incidence and magnitude of adverse effect.^{viii} The *European Animal Welfare Platform* (EAWP), a European Commission sponsored project, states that the incidence of lameness on dairy farms across the EU varies, with a producers' estimate of 5-10%. However, EAWP states that independent assessment indicates a figure closer to 25-30% on many farms.^{ix} EFSA states that the majority of estimates of lameness are within the range 20 to 25%.^x EFSA notes that there has been no reduction in the prevalence of lameness in the last 20 years.^{xi}

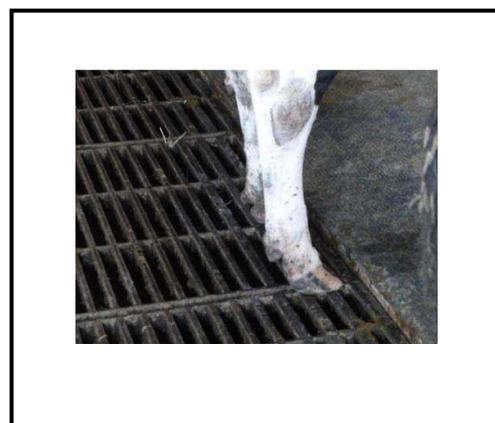
EFSA points out that “Most lame cows are in pain and have greater difficulty in coping with their living conditions than non-lame cows because of the effects of the foot or leg disorder on walking, lying comfort, standing up and avoidance behaviour. Lame cows are more likely to become subordinate...and to develop mastitis and metabolic disease”.^{xii}

Mastitis

Mastitis is a common, painful disease caused by multiple factors. It is a major source of pain for affected cows. EFSA states that mastitis remains a major challenge to the dairy industry and estimates that the incidence of clinical mastitis for the different EU Member States varies between 20-35% cows per herd per year.^{xiii}

Cubicles

Cubicles are the most common form of housing for dairy cows. A number of welfare problems can arise in cubicles. EFSA concludes that if cubicles are too narrow, movement difficulties and teat trampling may occur.^{xiv} The body length of cows has increased over the years; some older cubicles are too short for today's large cows. This forces them to lie or stand with their back legs in the passageway. If the lying area in the cubicles does not provide a suitable surface cows can suffer sores and abrasions.



Cows go through a sequence of movements for lying down and getting up, which may not be possible or may be difficult and protracted if the design of the cubicles is poor. In some cases cows may collide with the housing equipment during lying down; this can result in injuries.

Tethering

In some Member States including Germany many cows are tethered indoors for most or all of the year; sometimes they are tethered 24 hours a day all year round.



Legal position regarding the welfare of dairy cows

The European Commission has recently stated^{xv} that, although there is no species-specific EU Directive on the welfare of dairy cows, their welfare is covered by two important, connected pieces of legislation:

- Council Directive 98/58 concerning the protection of animals kept for farming purposes; this applies to the welfare of all farmed animals and is often referred to as the General Farm Animals Directive
- the Recommendation concerning cattle adopted by the Standing Committee of the European Convention for the Protection of Animals Kept for Farming Purposes.^{xvi} The Commission points out that since the EU has ratified the European Convention, the Recommendation concerning cattle “is legally binding to the Member States. The provisions laid down in the recommendation shall thus be applied on dairy holdings within the EU.”

Directive 98/58

Article 3 sets out the Directive’s core principle. It requires Member States to “make provision to ensure that the owners or keepers take all reasonable steps to ensure the welfare of animals under their care and to ensure that those animals are not caused any unnecessary pain, suffering or injury”.

This places the following legal duties on Member States and, in turn on the owners and keepers of dairy cows. Member States must ensure that owners and keepers take all reasonable steps to:

1. ensure the welfare of dairy cows under their care
2. ensure that those dairy cows are not caused any unnecessary pain
3. ensure that those dairy cows are not caused any unnecessary suffering
4. ensure that those dairy cows are not caused any unnecessary injury.

Scientific research helps us understand what should be taken into account when assessing each of these factors. The Commission has stressed that “the necessary scientific assessment of dairy cow welfare has been performed by the European Food Safety Authority (EFSA) on request by the Commission and these data have been published in several opinions on dairy cows”.^{xvii}

Article 3 is a demanding provision in that it requires owners and keepers not just to take reasonable steps but to take “all” reasonable steps. Further, owners and keepers must “ensure” dairy cows’ welfare and “ensure” that they are not caused any unnecessary pain, suffering or injury.

Recommendation concerning cattle adopted by the Standing Committee of the European Convention (the ‘Recommendation’)

The Commission recognises that the Recommendations made under the European Convention are a binding part of EU law where they use the word “shall” (rather than “should”).^{xviii}

However, even the Recommendations that use “should” are relevant in that they help interpret Article 3 of Directive 98/58. Farmers who ignore a Recommendation that uses “should” may find it difficult to demonstrate that they have taken all reasonable steps to ensure the welfare of cows under their care or to ensure that they are not caused unnecessary pain, suffering or injury.

Commission’s failure to take effective steps to safeguard the welfare of dairy cows

Compassion in World Farming (Compassion) has written to the Commission on a number of occasions (details below) requesting them to take steps to address the poor welfare experienced by a substantial proportion of EU dairy cows. Compassion asked the Commission to propose species-specific legislation on the welfare of dairy cows or to press the Member States to enforce Directive 98/58/EC and the Recommendation concerning cattle adopted by the Standing Committee of the European Convention. Compassion has also requested the Commission to play a leadership role in bringing together the industry and the Member States to devise a strategy for improving the welfare of dairy cows and a plan for implementing that strategy. Compassion has asked the Commission to develop a multi-stakeholder initiative in which retailers, farmers, scientists and animal welfare organisations work together to enhance dairy welfare.

The Commission has not taken any of these steps or any other steps to address the poor welfare of dairy cows.

As indicated above, Compassion has written to the Commissioner or Commission officials urging them to address the poor welfare of dairy cows on several occasions:

- 23 November 2011
- 31 January 2012
- 9 March 2012
- 23 April 2012
- 6 December 2012
- 31 January 2013
- 27 January 2014

On 23 October 2013 a petition signed by 250,000 EU citizens was presented to the Commission. The petition was organised by the Supporting Better Dairy coalition between Compassion, Ben and Jerry's and the World Society for the Protection of Animals. The petition called on the Commission to propose a Directive on the welfare of dairy cows.

In response to the petition Commissioner Borg, in a letter dated 16 December 2013, said “the Commission is currently not going to propose any new animal welfare legislation for specific animal species. Rather the Commission is now focusing on the enforcement of existing legislation which was identified as one of the major problems during the assessment of the situation within the EU prior to the adoption of the EU Animal Welfare Strategy 2012-2015.”

As indicated above, the Commission has taken no effective steps to improve enforcement of the existing legislation i.e. the General Farm Animals Directive (98/58).

There are a number of reports and other documents on which the Commission could rely in identifying the principal welfare problems affecting dairy cows and devising strategies for tackling these problems. These include the following:

- In 2009 the *European Food Safety Authority* (EFSA) produced a Scientific Report on the welfare of dairy cows and five Scientific Opinions on different aspects of dairy cow welfare.^{xix} In addition, in 2012 EFSA published a Scientific Opinion on the use of animal-based measures to assess the welfare of dairy cows.^{xx}
- The EU *Welfare Quality* project has produced detailed protocols for assessing the welfare of cattle.^{xxi} These protocols not only allow a thorough assessment of welfare to be carried out but also are of great assistance in identifying the key issues that need to be given consideration when thinking about the welfare of dairy cows.
- The *European Animal Welfare Platform* (EAWP) has produced a strategic approach document on cattle welfare which includes both an inventory of key welfare issues and roadmaps for addressing them.^{xxii}

All the above reports were funded by the Commission. It is arguably a waste of taxpayers' money to commission this work and then to make no real use of it to improve dairy welfare.

ⁱ Scientific Opinion of the Panel on Animal Health and Welfare on a request from European Commission on the overall effects of farming systems on dairy cow welfare and disease. *The EFSA Journal* (2009) 1143, 1-38 <http://www.efsa.europa.eu/en/efsajournal/doc/1143.pdf>

Scientific Opinion of the Panel on Animal Health and Welfare on a request from the Commission on the risk assessment of the impact of housing, nutrition and feeding, management and genetic selection on leg and locomotion problems in dairy cows. *The EFSA Journal* (2009) 1142, 1-57 <http://www.efsa.europa.eu/en/efsajournal/doc/1142.pdf>

Scientific Opinion of the Panel on Animal Health and Welfare on a request from the Commission on the risk assessment of the impact of housing, nutrition and feeding, management and genetic selection on udder problems in dairy cows. *The EFSA Journal* (2009) 1141, 1-60 <http://www.efsa.europa.eu/en/efsajournal/doc/1141.pdf>

Scientific Opinion of the Panel on Animal Health and Welfare on a request from the Commission on the risk assessment of the impact of housing, nutrition and feeding, management and genetic selection on metabolic and reproductive problems in dairy cows. *The EFSA Journal* (2009) 1140, 1-75 <http://www.efsa.europa.eu/en/efsajournal/doc/1140.pdf>

Scientific Opinion of the Panel on Animal Health and Welfare on a request from the Commission on the risk assessment of the impact of housing, nutrition and feeding, management and genetic selection on behaviour, fear and pain problems in dairy cows. *The EFSA Journal* (2009) 1139, 1-68 <http://www.efsa.europa.eu/en/efsajournal/doc/1139.pdf>

Scientific report of EFSA prepared by the Animal Health and Animal Welfare Unit on the effects of farming systems on dairy cow welfare and disease. *Annex to the EFSA Journal* (2009) 1143, 1-284 <http://www.efsa.europa.eu/en/efsajournal/doc/1143r.pdf>

EFSA Panel on Animal Health and Welfare (AHAW) Scientific Opinion on the use of animal-based measures to assess welfare of dairy cows. *EFSA Journal* 2012; 10(1):2554. [81 pp.] doi:10.2903/j.efsa.2012.2554. <http://www.efsa.europa.eu/en/efsajournal/doc/2554.pdf>

ⁱⁱ Scientific Opinion of the Panel on Animal Health and Welfare on a request from European Commission on welfare of dairy cows. *The EFSA Journal* (2009) 1143, 1-38.

ⁱⁱⁱ *Ibid*

^{iv} *Ibid*

^v *Ibid*

^{vi} Scientific report of EFSA prepared by the Animal Health and Animal Welfare Unit on the effects of farming systems on dairy cow welfare and disease. *Annex to the EFSA Journal* (2009) 1143, 1-284 <http://www.efsa.europa.eu/en/efsajournal/doc/1143r.pdf>

^{vii} *Ibid*

^{viii} Scientific Opinion of the Panel on Animal Health and Welfare on a request from European Commission on welfare of dairy cows. *The EFSA Journal* (2009) 1143, 1-38.

^{ix} European Animal Welfare Platform: beef and dairy production strategic approach documents.

<http://www.animalwelfareplatform.eu/documents/EAWPStrategicApproachDocumentsBeefandDairyProduction.pdf>

^x Scientific report of EFSA prepared by the Animal Health and Animal Welfare Unit on the effects of farming systems on dairy cow welfare and disease. *Annex to the EFSA Journal* (2009) 1143, 1-284 <http://www.efsa.europa.eu/en/efsajournal/doc/1143r.pdf>

^{xi} *Ibid*

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- xii Scientific Opinion of the Panel on Animal Health and Welfare on a request from European Commission on welfare of dairy cows. *The EFSA Journal* (2009) 1143, 1-38
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<http://www.efsa.europa.eu/en/efsajournal/doc/1143r.pdf>
- xiv Scientific Opinion of the Panel on Animal Health and Welfare on a request from European Commission on welfare of dairy cows. *The EFSA Journal* (2009) 1143, 1-38.
- xv Letter dated 16 December 2013 from Commissioner Borg to an Open Letter presented by Petitioners
- xvi Recommendation concerning cattle adopted on 21 October 1988 by the Standing Committee of the European Convention for the protection of animals kept for farming purposes. http://www.coe.int/t/e/legal_affairs/legal_co-operation/biological_safety_and_use_of_animals/farming/Rec%20cattle%20E.asp#TopOfPage
- xvii Letter dated 16 December 2013 from Commissioner Borg to an Open Letter presented by Petitioners
- xviii Commission staff working document accompanying the EU Strategy for the Protection and Welfare of Animals 2012-2015. <http://www.ipex.eu/IPEXL-WEB/dossier/document/SEC20120055.do>
- xix <http://www.efsa.europa.eu/en/efsajournal/pub/1143.htm>
- xx <http://www.efsa.europa.eu/en/search/doc/2554.pdf>
- xxi Welfare Quality assessment protocol for cattle. <http://www.welfarequalitynetwork.net/network/45848/7/0/40>
- xxii European Animal Welfare Platform: beef and dairy production strategic approach documents.
<http://www.animalwelfareplatform.eu/documents/EAWPStrategicApproachDocumentsBeefandDairyProduction.pdf>