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Position paper on a new EU legislative frame for animal welfare

1. Introduction

According to the Farm to Fork Strategy, there is a need to improve animal welfare in the EU. In the light of this, the Commission will revise EU's animal welfare legislation. The aim is to align the legislation with the latest scientific evidence, broaden its scope, make it easier to enforce and ultimately ensure a higher level of animal welfare.

The governments of Belgium, Denmark, Germany, the Netherlands and Sweden strongly support the Commission's initiative to revise the EU-legislation on animal welfare and welcome the Commission's recent communication dated 30 of June 2021 on the European Citizens' Initiative (ECI) "End the Cage Age". In doing so, we hope that the recommendations in this paper, specifying where a revision of existing legislation or new legislation is urgently needed, will be helpful.

In our view, it is important that a new legislative frame for animal welfare is ambitious and that it includes:

1) An update of current legislation also taking into account areas, where practical experience has identified enforcement problems due to too general or imprecise provisions.
2) New specific legislation for animals that are kept or traded in the context of economic activity, and where there is currently only a very general legislation or no legislation.

The new legislative frame should, where possible, take animal-based indicators into account. Animal-based indicators cannot replace all resource-based measures, but they may be a good enforcement tool, if they are legally certain, scientifically based, and not too time consuming for neither operators nor inspectors.

2. Considerations regarding a new legislative frame for animal welfare

Article 13 of the Treaty of the Functioning of the European Union clearly states that animals are sentient beings. This implies that animals have an intrinsic value, which must be acknowledged independently of any direct or indirect utility value the animals may have for humans. This must be borne in mind, when drawing up proposals for updated or new animal welfare legislation.

2.1. Current legislation

Current EU legislation on animal welfare has the form of directives[1] and regulations[2]. Furthermore, the Council of Europe's recommendations concerning the keeping of a number of farm animal species are regarded as part of the EU acquis.

[1] Council Directive 98/58/EC concerning the protection of animals kept for farming purposes, Council Directive 2008/119/EC laying down minimum standards for the protection of calves (consolidated version), Council Directive 2008/120/EC laying down minimum standards for the protection of pigs (codified version), Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens, and Council Directive laying down minimum standards for the protection of chickens kept for meat production

[2] Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 and Council Regulation No. 1099/2009on the protection of animals at the time of killing

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The directives are all minimum directives, thus allowing Member States to apply, within their territories, stricter provisions than those laid down in the directives. The regulations allow to a much more limited extent Member States to maintain or apply stricter provisions on their territories.

2.2. Format of a new legislation

From the assumption that future EU legislation covering transport of animals and slaughter will remain regulations, the question is whether future legislation on animals kept or traded in the context of an economic activity should have the form of a minimum directive or a regulation. The directives set the minimum standards and give Member States the possibility to maintain or adopt stricter measures, and thus raise the level of animal welfare in their country.

Regulations set as a starting point the same standards in all Member States. However, a regulation may allow Member States to maintain or adopt stricter rules in certain areas. This is for example the case for Regulation(EC) No 1099/2009 on the protection of animals at the time of killing and Regulation (EU) 2016/429 ('Animal Health Law'). Thus, a regulation, although to a lesser extent, may give Member States the possibility to maintain or adopt stricter measures.

The undersigned Member States strongly request that no matter the format of future EU legislation, it must allow Member States to maintain or adopt stricter rules for a higher level of animal welfare.

2.3. One legislative act covering all aspects or different acts according to context?

The common denominator for the existing EU legislation is that it sets the overall principle for animal welfare from the time the animals are born and until they are slaughtered or otherwise dead.

Despite this, there are important differences, both with regard to the target groups (farmers, transporters and slaughterhouse operators) and with regard to how the general principle – to protect animals against pain, suffering, distress, and fear – is transformed into specific legislative provisions. It is important that the new legislation is manageable and easy to understand, so that members of the different target groups easily can identify the provisions, which are applicable to their activities.

From this perspective, it seems appropriate to split the legislation according to the different contexts – 1) keeping of animals, 2) transport of animals, and 3) slaughter of animals. Furthermore, a legislative act, which covers all aspects, would be very extensive in size, and the users may lose track of what is important for them. To have three separate legislative acts also has the advantage that a revision of the transport Regulation, which is highly needed, can be dealt with separately as a first immediate step. The rest of this paper will address the need for an update of existing EU legislation on keeping of animals and for new legislation on other animal species kept or traded in the context of economic activity.

3. Future EU legislation on animals kept or traded in the context of economic activity

3.1. General considerations

The future species-specific EU legislation should cover at least the main animal species kept or traded in the context of an economic activity in the European Union. The Council conclusions on animal welfare from December 2019 recognises the need to update current legislation and invite the Commission to assess the need for and impact of a new legislation covering all animal species kept in the context of an economic activity. The conclusions mention cattle at least six months old, farmed rabbits, pullets, dogs and cats but also, turkeys, broiler and laying hen breeders, sheep, goats and farmed fish. However, in this paper new legislation on pullets, broiler breeders, laying hen breeders, dairy cows, rabbits and turkeys is given first priority.

The recommendations addressed below focus on minimising animal welfare problems. In accordance with the principle of proportionality, they are regarded as appropriate and not going beyond what is at least necessary to

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achieve the objective of improving animal welfare. However, where appropriate, for example according to an impact assessment, a sufficient transitional period should be considered.

3.2. Provisions applicable to all species specific legislation

The following provisions must be considered and be aimed at the species in question, and thus it would not be suitable to insert them in a general part of the legislation.

3.2.1. Training of staff

The person having the daily responsibility for the [species] must have received appropriate training. To this end, appropriate training courses must be available. This person shall ensure that other staff engaged to attend to the [species] have received relevant instructions and guidance to enable them to acquire the necessary skills in good management procedures, including understanding the welfare needs of the [species] under their care, and how to comply with relevant legislation.

3.2.2. Guides to good management practice

A provision by which Member States encourage the development, dissemination and use of guides to good management practice must be considered. These guides should provide specific guidance on how to comply with the general provisions. In particular, the guides should address [e.g. in the case of pullets: type of feed and litter, light and lighting regime, position of perches, and genetic strain].

3.3. Update of the EU-legislation on pig welfare

Directive 2008/120/EC laying down minimum standards for the protection of pigs is a codified version of Directive 91/630/EEC, and amendments from 2001. Since 2001, new scientific evidence, practical experience, new production systems and consumer awareness indicate a need for an update. The European Food Safety Authority (EFSA) has published a number of opinions on pig welfare[3], which together with practical experience are reflected below. Topics, which need an update, include tail-docking, group housing of sows from weaning, surgical castration, and loose housing in the farrowing pen.

3.3.1. Tail-docking of piglets

Under current intensive farming conditions, tail docking reduces the frequency of tail biting, but does not eliminate the underlying problem, which is considered to be unfavourable conditions. A major underlying motivation is considered to be the need to perform exploration and foraging behaviour. Since tail docking is painful, both in the short term and as a result of possible long-term pain from neuroma formation, measures other than tail docking need to be implemented to control tail-biting and its adverse effects for welfare.

3.3.1.1. Measures to prevent tail-biting

Council Directive 2008/120/EC states that tail docking must not be carried out routinely, but only where there is evidence that injury to other pigs' ears or tails have occurred. Furthermore, measures shall be taken to prevent tail biting taking into account environment and stocking densities. For this reason, inadequate environmental conditions or management systems must be changed.

"Other measures", "inadequate environmental conditions" and "management systems" are not specified in the Directive and are referred to as "open norms".

[3] Welfare aspects of the castration of piglets, 2004, Welfare of weaners and rearing pigs: effect of different space allowances and floor types, 2005, Animal health and welfare in fattening pigs in relation to housing and husbandry, 2007, Animal health and welfare aspects of different housing and husbandry systems for adult breeding boars, pregnant, farrowing sows and unweaned piglets, 2007, The risk associated with tail biting and possible means to reduce the need for tail docking considering the different housing and husbandry systems, 2007, The use of animal-based measures to assess welfare in pigs, 2012, A multifactorial approach on the use of animal and non-animal-based measures to assess welfare in pigs, 2014, and Assessment of documentation provided on the use of rubber slats in the flooring area of pig holdings, 2014

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These unclear provisions have led to different enforcement in the Member States. One result of this is that the vast majority of piglets in the EU are tail-docked.

In this light, the Commission published its Recommendation (EU) 2016/336, which was accompanied by a Commission staff working document on best practices. Although Commission Recommendations are normally not legally binding, this Recommendation bears legal weight, as it expresses the Commission's understanding on how the so-called "open norms" in the Directive shall be interpreted and enforced in Member States. This entails a need to incorporate the elements on risk assessment and enrichment material from the Recommendation as provisions in the revised legislation. Furthermore, the provisions, which relate to the parameters of the risk assessment, need an update to be as clear and specific as possible. A continuous update of the staff working document according to scientific evidence, practical experience, or advice from EURCAW-pigs must be considered.

3.3.1.2. Documentation when tail docked pigs are traded

The updated legislation has to address the fact that the requirement to take measures to prevent tail biting must be applicable to the whole chain from birth to slaughter. Tail-docking is performed on the new-born piglet, while tail biting typically occurs in the weaning and rearing farms. This entails a need to add a requirement for documentation, when tail-docked pigs are traded or otherwise transferred from one farm to another. This documentation must reflect that farmers, who receive and/or deliver tail-docked pigs, are in the process of analysing and improving the housing condition and/or their management in order to minimise tail biting, but meanwhile need tail-docked pigs.

3.3.1.3. Space allowance

The EFSA opinion from 2014 on a multifactorial approach mentions a high stocking density as a risk factor for tail biting in weaner and rearing pigs. This is also reflected by the EURCAW-Pigs in an answer to a question on tail biting risk factors, where it is stated that irrespective of possible confounding factors, several epidemiological studies indicate a clear link between space allowance and tail biting.

This means a need to consider higher minimum space requirements than those in Directive 2008/120/EC.

3.3.1.4. Flooring

The type of floor surface in accommodation for pigs is of importance both for the comfort of pigs lying on the floor, for the risk of injury to legs and feet, for the possibility to give the pigs access to straw or the like, and it also influences the risk of tail biting.

The EFSA opinion from 2007 concludes that maintaining pigs on floors without straw bedding is a major hazard for tail biting, and that in unbedded systems a higher proportion of slatted flooring is an additional hazard.

This indicates that from an animal welfare point of view, partly slatted floors are preferable in comparison to fully slatted floors, and must therefore be considered.

3.3.2. Castration of pigs

EFSA opinion from 2004 on welfare aspects of the castration of piglets concludes that castration is painful, regardless of the surgical procedure. This animal welfare problem resulted in the elaboration of the European declaration on alternatives to surgical castration of pigs (the Brussels declaration). The declaration aimed at stopping surgical castration by 2018. This aim was not reached due to a number of constraints, e.g. complex market barriers related to institutional, organisational and social/cultural aspects, no globally recognised method for the assessment of boar taint, and the need for certain production types to continue castration.

A legislative requirement for the use of anaesthesia and prolonged analgesia must be introduced as a condition for surgical castration of piglets, until the constraints for a stop of surgical castration are cleared away.

3.3.3. Group housing for all pregnant sows and gilts and for sows and gilts in the service area

The Directive implies that pregnant sows and gilts shall be kept in groups from four weeks after service to one week before expected time of farrowing - a major step forward for the welfare of pregnant sows and gilts.

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The EFSA opinion from 2007 on animal health and welfare aspects of different housing and husbandry systems for e.g. pregnant sows states that housing of sows in individual stalls from weaning and until four weeks after service severely restricts their freedom of movement and causes stress. Furthermore, it does not allow sows to move and socially interact during a period of the reproductive cycle where they are highly motivated to do so.

Practical experience has now shown that it is possible to manage group housing of sows from weaning without welfare problems and without compromising litter size. It may be necessary to allow some sows to retreat for a few days during heat, if there is a risk that they would injure themselves or others due to mounting behaviour.

Sows must be kept in groups from the time of weaning and for gilts from the time of introduction into the service area.

3.3.4. Loose housing in the farrowing pen

The EFSA opinion from 2007 concludes that housing of sows in farrowing crates severely restricts their freedom of movement and increases the risk of frustration. Furthermore, it does not allow them to select a nest site, to perform normal nest building behaviour, or to leave the nest site for eliminative behaviour. The EFSA opinion also concludes that piglet mortality due to crushing has been reported to be higher in loose housing systems.

Experience from farmers, who keep loose-housed sows in the farrowing unit has shown that it is possible to manage both sows and piglets successfully in this system. Therefore, we support the request from the European Citizens' Initiative (ECI) "End the Cage Age".

3.4. Update of the EU-legislation on laying hen welfare

Existing legislation on laying hens, Directive 1999/74/EC, date back to 1999. Since then new scientific evidence, including from EFSA[4], practical experience, new production systems and consumer awareness indicate a need for an update. At least the following must be addressed:

3.4.1. Laying hens kept in cage systems

In the enriched cage systems in use in the EU today, hens have access to a nest, to litter on a more or less permanent basis, and to perches. This was regarded as a step forward for the welfare of laying hens compared to the previously used cage systems. However, over the last number of years consumers have to a higher and higher degree chosen not to buy cage eggs. This is a clear sign that time has come to move towards to systems, in which the hens to a higher degree have the possibility to express their natural behaviour, such as moving around and flapping their wings more freely, pecking and scratching in litter, and perform dustbathing.

The use of cage systems for laying hens must be phased out.

3.4.2. Provisions for laying hen breeders

Laying hen breeders must, as far as possible, be kept in systems comparable to the systems used for laying hens.

The selection of breeders for future laying hens should not only focus on production traits, such as egg production, egg quality and feed conversion. Traits such as nesting behaviour, intact feather cover, skeletal health, behaviour and liveability in large flocks, and perch use are important for the welfare of laying hens.

Legislation on laying hen breeders must be proposed.

3.4.3. Provisions on the welfare of pullets reared for the production of eggs for human production

Directive 1999/74/EC applies from the time, when the hens start laying eggs, and thus does not cover pullets. During the rearing period pullets are only covered by the provisions in Council Directive 98/58/EC concerning the protection of animals kept for farming purposes. These provisions are general, and do not address the complex animal welfare challenges, which may arise during the rearing period. The conditions during rearing do not only affect the welfare of the pullets, they may also have a long-term effect, which influence the functioning of

[4] The welfare aspects of various systems of keeping laying hens, The EFSA Journal (2005) 197, 1 – 23; Scientific Opinion on welfare aspects of the use of perches for laying hens, EFSA Journal 2015;13(6):4131

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them as laying hens. Examples of conditions during rearing, which may have an effect on the welfare of laying hens, are access to perches and litter from early life and early experience in a three-dimensional space. This shows a clear link between the rearing period and the later laying period.

Therefore pullets must be included, when current legislation on laying hens is updated. The following topics must be addressed.

3.4.3.1. Choice of rearing system

During the rearing period, the pullets must be kept in a system, which prepares them to the system, in which they will be kept as laying hens. This is to minimise fear and distress, when pullets are moved from the rearing system to the laying system, and to reduce problems such as feather pecking and injuries from colliding with equipment, which may be due to problems in navigating in the laying systems.

If pullets reared in floor systems are transferred to multi-tier systems, where feeding and drinking equipment and nest boxes are located at different levels there is an increased risk not only that the birds may suffer from emaciation and dehydration but also for problems with floor eggs. When reared in a complex environment the pullets will develop better skills to navigate in a complex laying system.

The use of cage systems for pullet rearing must be phased out. This should be done simultaneously with the phasing out of cage systems for laying hen.

3.4.3.2. Feed and water

The drinking equipment used during the rearing period, must be similar to that in the laying period. E.g. problems may occur, if birds are moved from systems with open drinking water, e.g. cups, to systems with nipple drinkers.

The effect of type of feed on e.g. feather pecking later in life must be considered. There are indications that feeding pullets with pellets rather than mash may lead to poor plumage quality and a higher incidence of feather pecking due to a shorter feeding time, when birds are fed pellets. It also seems that sudden diet changes during rearing can be associated with an increased incidence of feather pecking in the hens. Provision of a sufficient amount of whole grain in the litter may reduce feather pecking later in life, as it increases foraging directed to the floor.

3.4.3.3. Access to enrichment

The development of different behaviours typically starts at an early age. Early experience with enrichment is important. If pullets are deprived of enrichment, it may have long-lasting consequences.

<u>Litter</u>

To increase foraging behaviour and to reduce the risk of feather pecking, pullets must from day one have access to friable litter of good quality, such as straw, wood shavings, sand or peat. It is demonstrated that laying hens, who as pullets did not have access to litter, performed significantly more feather pecking than other hens.

<u>Lighting regime during the first days of life</u>

The pullets must have a lighting regime that follows a 24-hour rhythm, which includes both appropriate periods of darkness to allow rest and appropriate periods of light to ensure proper development of their eyes. Pullets should also have access to dark brooders (warm, dark, enclosed areas), as this rather than heat lamps may reduce the prevalence of feather pecking, both on a short and long-term.

<u>Perches</u>

Pullets are highly motivated to use a perch and must have access to perches from the 7th day of life.

The use of perches by laying hens in alternative systems, seem to be impaired, if they did not have access to perches from a young age. There is evidence that birds with early experience of perch use have a higher accuracy in flights and jumps between different levels of multi-tier systems, and a lower prevalence of floor eggs and cloacal cannibalism.

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3.4.3.4. Stocking density

When stocking density is to be decided, consideration must be given to the pullets' demand on the whole environment, their age, live weight, health, and their needs to show certain behaviours, taking into account the size of the group.

Pullets reared in alternative systems at low stocking densities seem to show less feather pecking both during rearing and in the laying period. Therefore, the stocking density in the last part of the rearing period may not exceed 18 pullets/m2 of useable area.

3.4.3.5. Indoor climate

Pullets must be kept in an accommodation equipped with ventilation and if necessary heating and cooling systems, in such a way that

1) the concentration of ammonia (NH_3) does not exceed 20 ppm, and the concentration of carbon dioxide (CO_2) does not exceed 3000 ppm measured at the level of the pullets' heads.

2) the inside temperature is appropriate for the age of the birds.

High concentrations of ammonia cause irritation of the eyes and respiratory system and may induce severe feather damage.

CO_2 in concentrations normally found in livestock accommodation is in itself not harmful for animals, but an increase in CO_2 levels is typically accompanied by an increase of noxious gasses and dust. The indoor concentration of CO_2 is an indicator of air quality.

3.4.3.6. Beak trimming

Beak trimming must be phased out.

3.5. Update of the EU-legislation on the welfare of chickens kept for meat production (broilers)

When formulating proposals for updating the legislation on broilers, the EFSA opinion from 2012[5] , the external scientific report from 2012[6], and practical experience have been taken into account. At least the following topics must be addressed.

3.5.1. Provisions for the welfare of broiler breeders

There is a need for provisions for broiler breeders. The genetic selection, which has lead to increased growth rate and reduced feed conversion ratio, has also lead to animal welfare problems in broiler breeders. The breeding companies have guidelines on management and housing, which may have improved conditions for broiler breeders, but has not eliminated the welfare problems, which especially relate to feed restriction, mutilations and stocking density.

At least the following must be addressed for broiler breeders.

Feed restriction

In order to limit growth rate and body weight of broiler breeders and to optimise reproductive performance, the amount of feed given to the birds is limited throughout their whole life resulting in permanent hunger, although there is a higher degree of restriction during the rearing period.

Feeding strategies, such as feed diluted with insoluble fibres and using spin feeders have been found to have an effect in reducing the feeling of hunger and competition around feeding. However, the cost of high fibre diets (increased amounts of manure, ingredient costs etc.) are high. Despite this, legislation on broiler breeders must at least require the use of feed dilution and spin feeders or other alternatives to reduce the feeling of hunger and competition around feeding.

[5] Scientific Opinion on the use of animal-based measures to assess welfare of broilers, EFSA Journal 2012;10(7):2774

[6] Scientific report updating the EFSA opinions on the welfare of broilers and broiler welfare. Supporting Publications 2012:EN-295 [116pp]. Available online www.efsa.europa.eu/publications

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Mutilations

Mutilation such as de-spurring, de-toeing, comb dubbing and beak trimming are today standard practice. Beak trimming is carried out to reduce feather pecking and cannibalism, and to protect females from injuries during mating, when males grasp the nape of hens. De-toing and de-spurring on males is to protect the hens from injuries during mating. Comb dubbing is to protect males from injuries, when using certain types of feeding equipment.

Mutilations may only be carried out, when all other measures to prevent injuries are exhausted. When carried out, it must be done at an early age and using the least painful method. Experience has shown that broiler breeders may be managed without mutilations, and they must be phased out over time.

Environmental enrichment

Perches or raised platforms meet the behavioural need of birds to perch, and they promote early learning to navigate in a three-dimensional space. Perches or raised platforms must therefore be provided from an early age.

There is evidence that bales of wood shavings, alfalfa or straw are attractive to the birds, may help reduce problems with feather pecking and cannibalism, and promote foraging activity. Such bales must therefore be available to birds from an early age.

Stocking density and mating behaviour

Mating behaviour is affected by stocking density. Lower stocking densities improve mating behaviour resulting in a higher frequency of courtship behaviour preceding mating, as well as fewer forced matings. Reducing stocking density would thus improve hen welfare, and there are indications that it would improve fertility and hatchability. The stocking density in the production period must allow the performance of a normal mating behaviour.

Management must ensure that sexually mature males are not kept together with hens, who are not.

3.5.2. Genetic selection

The selection of breeders for future broilers should not only focus on production traits, such as growth, size of breast muscle, and feed conversion. Breeding programmes must also include the promotion of broiler health and welfare, e.g. by reducing locomotor problems and the incidence of ascites.

3.5.3. Stricter provisions on the use of indicators of poor broiler welfare

According to annex III of Directive 2007/43/EC, the official veterinarian shall evaluate the results of the post-mortem inspection to identify indications of poor welfare conditions such as abnormal levels of contact dermatitis, parasitism, and systemic illness in the holding or the unit of the house of the holding of origin.

EU-guidelines with threshold values for what is meant by “abnormal levels”, at least for the most usable indicator for poor welfare conditions, must be considered. The term “contact dermatitis” includes footpad lesions, hock burn and breast blisters. Footpad lesions are directly related to wet or moist litter, whereas hock burns are also related to the weight of the birds. Experience from some Member States has shown that footpad lesions is a very useful indicator of wet or moist litter and ammonia concentrations in the litter, and that on-farm measures to reduce the occurrence of footpad lesions has a significantly positive impact on broiler welfare.

The scoring of footpad lesions at the slaughterhouse must be made obligatory, together with common threshold values, which specify actions are to be taken, when footpad lesions above threshold levels are identified at the slaughterhouse. It must furthermore be specified that the official veterinarian in the slaughterhouse shall communicate findings to the competent authorities, also if the origin of the broilers is in another Member State.

3.5.4. Enrichment for broilers

There is evidence that enrichment of the environment improves the welfare of broilers. Therefore, enrichment must be provided, for example low horizontal platforms or access to roughage.

Low horizontal platforms with ramps are shown to improve broiler welfare. Broilers make good use of the platforms, probably as they comply with their perching behaviour, and they also stimulate locomotion.

Access to roughage, e.g. in the form of straw bales, increases the foraging behaviour and activity of broilers, which also help improve welfare.

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3.6. Update of the EU-legislation on calf welfare

Council Directive 2008/119/EC laying down minimum standards for the protection of calves represents a codified version of Council Directive 91/629/EEC, and amendments from 1997. Since 1997, new scientific evidence and practical experience indicate a need for an update. When formulating the proposals below, the EFSA opinion from 2006[7] and practical experience were taken into account. At least the following topics must be addressed.

3.6.1. Housing of calves

Calves are social animals and must be kept in groups whenever possible. The risk of cross suckling can be mitigated by access to milk-feeding systems with teats or dummy teats and sufficient access to roughage and water.

3.6.2. Feed and water

The provision of solid feeds with an adequate content of fibre from an early age is a prerequisite for the development of a healthy and functional rumen and the prevention of abnormal oral behaviours. A sufficient amount of roughage to promote rumination must be given to calves no later than one week of age. Calves over two weeks of age must have permanent access to water of sufficient quality.

3.6.3. Mutilations

Mutilations other than those carried out for therapeutic, diagnostic or identification purposes must be prohibited with the following exceptions:

Disbudding

Disbudding in order to avoid dehorning may be carried out at an early age before the horn bud has attached to the skull. Disbudding must be carried out using thermal cautery of the horn bud. The hair around the horn bud must be removed. Disbudding must be carried out by a veterinarian or other trained person and the calf must be given anaesthesia and prolonged analgesia.

Selection of polled breeds as an alternative to disbudding or dehorning must be encouraged.

Castration

Where it is necessary to castrate a calf, this must be done at an early age and must be carried out by a veterinarian or other trained person, and the calf must be given anaesthesia and prolonged analgesia.

3.7. New legislation on welfare of dairy cows

With the exception of calves up to the age of six months, cattle are only covered by the general provisions in Directive 98/58/EC concerning the protection of animals kept for farming purposes. Therefore, there is a need for specific provisions for cattle over the age of six months. However, dairy cows must be given first priority.

Mainly EFSA opinions from 2009[8] have been taken into account when formulating the proposals for new legislation in this chapter. However, elements from the OIE standard on animal welfare and dairy cattle production systems (chapter 7.11 of the Terrestrial Animal Health Code) and available national legislation have also been

[7] Scientific Opinion on The risk of poor welfare in intensive calf farming systems – An update of the Scientific Veterinary Committee Report on the Welfare of calves, The EFSA Journal (2006) 366, 1-36

[8] Scientific Opinion on the overall effects of farming systems on dairy cow welfare and disease, the EFSA Journal (2009) 1143, 1-38

Scientific opinion on welfare of dairy cows in relation to behaviour, fear and pain based on a risk assessment with special reference to the impact of housing, feeding, management and genetic selection, The EFSA Journal (2009) 1139, 1-66

Scientific opinion on welfare of dairy cows in relation to metabolic and reproductive problems based on a risk assessment with special reference to the impact of housing, feeding, management and genetic selection, The EFSA Journal (2009) 1140, 1-75

Scientific opinion on welfare of dairy cows in relation to udder problems based on a risk assessment with special reference to the impact of housing, feeding, management and genetic selection, The EFSA Journal (2009) 1141, 1-60

Scientific opinion on welfare of dairy cows in relation to leg and locomotion problems based on a risk assessment with special reference to the impact of housing, feeding, management and genetic selection, the EFSA Journal (2009) 1142, 1-57

Scientific Opinion on the use of animal-based measures to access welfare of dairy cows. EFSA Journal 2012; 10(1):2554

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included. The outcome of the pilot project on the welfare of dairy cattle, including measures to protect unweaned dairy calves and end-of-career animals for which a call for tenders has been launched, could also be an inspiration for new legislation.

There are considerable differences in how dairy cattle are kept in the European Union. Differences in herd size, in housing system – loose housing or tie-stall systems, and in grazing strategies – seasonal grazing, all-year grazing or zero-grazing. All systems may have challenges in relation to animal welfare.

Genetic selection for higher milk yield has had welfare consequences for dairy cows, such as predisposition for lameness, mastitis, reproductive and metabolic disorders. To keep these conditions at an acceptable level set high demands for competence of staff managing the dairy cows.

3.7.1. Housing conditions

3.7.1.1. Tethering as a husbandry system

Tie-stalls restrict movement, grooming activity and social behaviour of cows. Furthermore, scientific studies have shown that dairy cattle are reluctant to be tied, both initially and after a period of exercise, and that tethered cattle have more lameness than those free to move with good flooring and resting facilities.

Tethering (tie-stalls) as a husbandry system must be phased out.

3.7.1.2. Loose housing systems with cubicles

In housing systems with cubicles, there must be at least one cubicle per cow.

The design of the cubicles, including positioning of neck-rails and brisket boards, must allow the cows to lay down, rest and get up unimpeded. The width of cubicles must be at least 1.8 times cow hip width. The cubicle must be long enough and have an appropriate neck rail positioning to enable a cow to stand comfortably with all four feet in front of the rear kerb. The floor in cubicles must have a suitable soft and dry bedding.

It is important to prevent hock, knee and skin lesions and swellings. Signs of such injuries could be used as an indicator of insufficient design of cubicles, including width and length, and insufficient number of cubicles. Dirty animals could be an indicator of insufficient quality of bedding or insufficient number of cubicles.

3.7.1.3. Loose housing systems with deep litter

Loose housing systems with deep litter must have a lying area, which is large enough to allow all cows to lie down comfortably at the same time and to move around without undue disturbance to other cows.

Dirty animals could be an indicator of insufficient quality of bedding.

3.7.1.4. Comfort behaviour

Comfort behaviour is important for the welfare of dairy cows. Access to rotating cow brushes help cows to groom themselves also in parts of the body that they have difficulty in reaching themselves. Therefore, cows in loose housing systems must have access to an appropriate number of rotating cow brushes.

3.7.1.5. Calving area and hospital pen

A sufficient number of hospital pens must be available for ill or injured cows, so that they can be isolated from the group without delay, when this is necessary.

Under natural conditions, a cow will separate herself from the group before and during calving. If cows kept indoors have to calve in the group this will cause disturbance to the cow and risk of injury to the calf. A sufficient number of calving pens must therefore be ensured. The cow must be moved to an individual calving pen before calving to minimise welfare problems for both cow and calf. The calving pen must be designed so that the cow have some visual and auditory contact with other cows.

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3.7.2. Milking equipment and milking process

Milking equipment/machines must be used and maintained according to manufacturers' specifications to avoid trauma to the teat and udder. Waiting times in collecting or milking areas before milking must be short and may never be more than one hour.

Robot-milking systems must be accurately adjusted and checked daily. When robot-milking systems are used, cows must be inspected twice per day, and they must have access to feed independently of visiting the milking robot, except for initial training purposes.

3.7.3. Feed and water

Depending of stage of lactation a dairy cow drink 30 – 174 l of water per day, and if access to water is inadequate, this will not only affect milk yield, but may also cause physiological and behavioural disturbances to the cow. Dairy cows must have permanent access to water of a suitable quality from an open water surface, either from a sufficient number of troughs or self-filling water bowls. In case of water bowls, a sufficient water pressure must be ensured.

Dairy cows must be fed a diet that provides sufficient energy, nutrients and dietary fibre appropriate to the stage of lactation. Roughage must be available in a sufficient quantity.

3.7.4. Mutilations

At least the following procedures resulting in damage to or loss of a sensitive part of the body or alteration of bone structure must be forbidden:

- Tongue modifications to avoid tongue rolling
- Tail docking, unless necessary for veterinary reasons
- Hot iron branding

If dehorning is necessary, it must be performed under anaesthesia and prolonged analgesia.

3.8. New legislation for the welfare of rabbits kept for meat production

Rabbits kept for meat production are only covered by the general provisions in Directive 98/58/EC concerning the protection of animals kept for farming purposes. Specific provisions for rabbits kept for meat production would most probably lead to enhanced animal welfare. Mainly the EFSA opinion from 2019[9] has been taken into account, when formulating the proposals for new legislation below. Elements from available national legislation have also been included.

3.8.1. Housing conditions

The production systems are very diverse throughout the European Union ranging from conventional cages over enriched cages, elevated pens to outdoor systems and organic systems. All systems have advantages and disadvantages in relation to rabbit welfare. With regard to conventional cage systems, according to EFSA (2019) it is likely that the welfare of reproducing does is lower in conventional cages compared to other systems, and likely to extremely likely that the welfare of growing rabbits is lower in conventional cages, but higher in elevated pens compared to other systems. Furthermore, it is likely to extremely likely that the welfare of kits is lower in outdoor systems compared to other systems, and that kit welfare is higher in elevated pens.

3.8.1.1. Conventional cages

Restriction of movement together with lack of possibility to perform gnawing behaviour and resting problems for growing rabbits made up the greatest welfare consequences in conventional cages. These welfare problems seem to be inherent to the system, and the possibility for optimisation of the system does not seem to be realistic. The use of these systems must be phased out.

[9] EFSA opinion on the health and welfare of rabbits farmed in different production systems, adopted November 2019, EFSA Journal 2020; 18(1):5944

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3.8.1.2. Other housing systems

Other farming systems differ in design and make use of different solutions to increase activity, e.g. jumping and hopping, by use of a lower stocking density, and by use of different forms of enrichment materials. No matter the design, the following must at least be addressed:

Space allowance

The space given to rabbits must include a comfortable lying area, which allows the rabbits to lie down fully stretched all at the same time if kept in a group and to perform a number of consecutive hops. The height of the system must at least allow the rabbits to sit normally with ears erect, to stand on their hind legs, and include elevated platforms.

Floor design

Floors, including platform floors, must form an even, rigid and non-slip surface. If wire mesh is used, a comfortable lying area must be provided, e.g. a mat or plastic grid with an appropriate size of openings to ensure both sufficient drainage and the avoidance of injuries.

Pododermatitis could be an animal-based indicator for inadequate floor design or floor cleanliness

Enrichment structures

Platforms to increase activity and to provide escape options as well as gnawing material and hiding places such as pipes, boxes or walls will promote rabbit welfare.

Elevated platform(s) of a sufficient size for the weight, age and number of rabbits, who are to use it, must be provided. Specific requirements for elevated platform(s) are needed and must at least contain specifications regarding the minimum size of the elevated platform, the minimum area per animal on the elevated platform, the minimum height underneath and the minimum width of the elevated platform.

Gnawing material is an important type of enrichment for rabbits. It enables rabbits to perform normal gnawing behaviour, and reduces the risk of redirecting gnawing to equipment or conspecifics. Rabbits must have permanent access to a suitable gnawing material such as wooden sticks.

A nest box for reproducing does

Does must have access to an adequately sized nest box and suitable nesting material from one week before the expected time of kindling and until weaning. As a guideline, the nest box must have a floor area of at least 800 cm2 and have an internal height of at least 25 cm. The nest box must be designed and placed in a way, which prevents the doe from jumping on top of it. The floor of the nest box must be at the same level or lower than the system floor. Limiting the doe's access to the nest box may be considered, as it may reduce kit mortality and injuries to the kits.

3.8.2. Roughage

Rabbits are herbivores, and under natural/semi natural conditions they eat a variety of plants, and foraging occupies 30 – 70 % of their daily activity. To fulfil this foraging activity and normal chewing activity, rabbits must have permanent access to roughage such as straw or hey.

3.8.3. Management measures

Rabbits must be inspected at least twice a day

The minimum mating age of a doe must be 15 weeks.

The weaning age of the kits may not be less than 28 days, and after weaning rabbits for meat production must be kept in groups with as little mixing as possible, unless they reach sexual maturity before slaughter.

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3.9. New legislation for the welfare of turkeys kept for meat production

Turkeys are only covered by the general provisions in Directive 98/58/EC concerning the protection of animals kept for farming purposes. Specific provisions for all turkeys must be proposed, however, turkeys kept for meat production must be given first priority. When formulating the proposals for new legislation below, the Council of Europe recommendation concerning turkeys and elements from available national legislation have been taken into account.

3.9.1. Housing conditions

Turkeys shall not be kept in cages, but kept in flocks, where they are able to move around freely.

3.9.1.1 Stocking density

The stocking density must allow all turkeys to rest simultaneously, move around freely at all ages, flap their wings, and perform normal preening behaviour.

3.9.1.2. Flooring

The floor must be of an appropriate design and material and may not cause discomfort or injury to the turkeys. The floor must be covered with an appropriate bedding material, which must be kept dry and friable in order to minimize the risk of foot pad lesions, hock burns or breast blisters. Perforated or slatted floors may not be used. However, drained floors could be allowed under drinking facilities.

3.9.1.3. Enrichment

Enrichment material or structures, such as straw or hay bales or perching places (e.g. elevated platforms with ramps), must be permanently available to promote activity and exploratory behaviour and reduce injurious behaviour.

3.9.1.4. Feeding and watering equipment

Feeding and watering equipment must be designed, constructed, placed, operated and maintained so that it minimises spillage of water in order to avoid moist or wet litter under water troughs, and so that all birds have sufficient access to both feed and water at all times without undue competition.

3.9.1.5. Indoor climate

Turkeys must be kept in well-ventilated accommodation, where necessary equipped with mechanical ventilation as well as heating and cooling systems, in such a way that

1. the concentration of ammonia (NH_3) does not exceed 20 ppm, and the concentration of carbon dioxide (CO_2) does not exceed 3000 ppm measured at the level of the turkeys' heads.

2. the inside temperature is appropriate for the age of the birds.

High concentrations of ammonia cause irritation of the eyes and respiratory system and may induce severe feather damage. CO_2 in concentrations normally found in livestock accommodation is in itself not harmful for animals, but an increase in CO_2 levels is typically accompanied by an increase of noxious gasses and dust. The indoor concentration of CO_2 is an indicator of air quality.

3.9.1.6. Light

The light levels must be sufficient for turkeys to investigate their surroundings and show normal levels of activity. As a guideline, the light intensity must be at least 20 lux, measured as the average in three planes at right angles to each other. As an emergency measure to mitigate an outbreak of injurious pecking the light level may be reduced, but may not be below 5 lux. Supplementary ultra-violet light must be considered.

With an exception for the first days after the day-old chickens are introduced into the house, the lighting regime must follow a 24-hour cycle and include an uninterrupted dark period, as a guideline eight hours, but no less than four hours. Twilight periods must be implemented.

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3.9.2. Management measures

3.9.2.1. Mutilations

Mutilations must whenever possible be avoided and after an appropriate period be phased out. Until phased out, beak trimming may be performed to avoid injurious pecking, but it may only be carried out, when all other measures to prevent injuries are exhausted. When carried out, it must be done at an early age and using the least painful method.

3.9.2.2. Other management measures

Turkeys must be inspected at least twice a day. Turkeys in hospital pens must be inspected more frequently.

A sufficient number of hospital pens with a low stocking density must be available for appropriate care, unless ill or injured turkeys that need to be isolated from the flock are killed without delay.

If turkeys are to be driven from one place to another, e.g. prior to loading, this must be done quietly and slowly.

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