

## **REPORT ON THE WELFARE OF EU DAIRY COWS**

### **Executive summary and Recommendations**

EU dairy cows suffer from a range of serious health and welfare problems.

Dairy cows' indoors conditions are often poor; this is the case both for zero-grazed cows and those that are housed for only part of the year. They are often kept in barren, overcrowded, sometimes 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.

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. The drive to increase yields continues despite the conclusion by the European Food Safety Authority (EFSA) that "long term genetic selection for high milk yield is the major factor causing poor welfare, in particular health problems, in dairy cows".<sup>1</sup>

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. The move to zero-grazing is taking place despite EFSA's 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."<sup>2</sup>

EFSA identifies foot and leg disorders as a major welfare problem for dairy cows. EFSA notes that there has been no reduction in the prevalence of lameness in the last 20 years.

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.

The welfare of dairy cows is governed by:

- Council Directive 98/58 concerning the protection of animals kept for farming purposes
- the Recommendation concerning cattle adopted by the Standing Committee of the European Convention for the Protection of Animals Kept for Farming Purposes.<sup>3</sup> 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."

Article 3 sets out the core principle of Directive 98/58. 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".

Scientific research helps us to identify what are the key welfare considerations for dairy cows and what are the “all reasonable steps” that must be taken to ensure their welfare. 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”.

The Council of Europe Recommendation is both important in itself as a binding part of EU law and because it is of assistance in interpreting Directive 98/58, in particular Article 3.

In May 2015 the World Organisation for Animal Health (OIE) adopted standards on the welfare of dairy cows. These are not binding. However, as with the Council of Europe Recommendation, farmers who do not respect the OIE standards may find it difficult to establish that they have taken “all reasonable steps” to ensure the welfare of their cows as required by Directive 98/58. Moreover, all the EU Member States are members of the OIE and accordingly, having agreed to the dairy standards they should seek to give effect to them in their dairy sectors.

Responses to a questionnaire sent to all Member States indicate that many are not making a serious attempt to enforce Directive 98/58 and the Council of Europe Recommendation.

### **Recommendations**

- The EU dairy sector should start to take seriously the requirements of Directive 98/58 and the Council of Europe Recommendation (the Recommendation)
- The Member States and the Commission should enforce Directive 98/58 and the Recommendation
- The EU dairy sector, the Member States and the Commission should give effect to the OIE standards on dairy welfare
- The Commission should 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 for ensuring compliance with Directive 98/58, the Recommendation and the OIE standards together with a plan for implementing that strategy.

## **Report**

### **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.<sup>4</sup>

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 often kept in barren, overcrowded, sometimes 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 are emaciated while others have huge udders that make walking difficult.

### **Lameness**

EFSA identifies foot and leg disorders as the major welfare problem for dairy cows in terms of incidence and magnitude of adverse effect.<sup>5</sup> 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.<sup>6</sup> EFSA states that the majority of estimates of lameness are within the range 20 to 25%.<sup>7</sup> EFSA notes that there has been no reduction in the prevalence of lameness in the last 20 years.<sup>8</sup>

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".<sup>9</sup>

### ***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.<sup>10</sup>

### ***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.<sup>11</sup> 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 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.

### ***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."<sup>12</sup>

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".
- 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”.<sup>13</sup>

### **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”.<sup>14</sup>

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”.<sup>15</sup> 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”.<sup>16</sup>

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”.<sup>17</sup>

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.

### **Legal position regarding the welfare of dairy cows**

The European Commission has stated<sup>18</sup> 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.<sup>19</sup> 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”.<sup>20</sup>

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”).<sup>21</sup>

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.

### **The OIE standards on the welfare of dairy cows**

In May 2015 the World Organisation for Animal Health (OIE) adopted standards on the welfare of dairy cows.<sup>22</sup> These are not binding. However, as with the Council of Europe Recommendation, farmers who do not respect the OIE standards may find it difficult to establish that they have taken “all reasonable steps” to ensure the welfare of their cows. Moreover, all the EU Member States are members of the OIE and accordingly, having agreed to the dairy standards they should seek to give effect to them in their dairy sectors.

### **Key provisions of the OIE standards**

***Air quality:*** Ammonia level in enclosed housing should not exceed 25 ppm: Article 7.11.5.1c;

***Lying and resting area:*** In all production systems cattle need a well-drained and comfortable place to rest. All cattle in a group should have sufficient space to lie down and rest at the same time. Floor management in housed production systems can have a significant impact on cattle welfare. Areas that compromise welfare and are not suitable for resting (e.g. places with excessive faecal accumulation, or wet bedding) should not be included in the determination of the area available for cattle to lie down: Article 7.11.5.1e;

***Clean conditions:*** Flooring, bedding, resting surfaces and outdoor yards should be cleaned as conditions warrant, to ensure good hygiene, comfort and minimise risk of diseases and injuries: Article 7.11.5.1e;

***Bedding:*** Bedding should be provided to all animals housed on concrete. In straw, sand or other bedding systems such as rubber mats, crumbled-rubber-filled mattresses and waterbeds, the bedding should be suitable (e.g. hygienic, non-toxic) and maintained to provide cattle with a clean, dry and comfortable place in which to lie: Article 7.11.5.1e;

**Cubicle design:** The design of a standing, or cubicle, or free stall, should be such that the animals can stand and lie comfortably on a solid surface (e.g. length, width and height should be appropriate for the size of the largest animal). There should be sufficient room for the animal to rest and to rise adopting normal postures, to move its head freely as it stands up, and to groom itself without difficulty. Where individual spaces are provided for cows to rest, there should be at least one space per cow: Article 7.11.5.1e;

**Floors:** Floors should be designed to minimise slipping and falling, promote foot health, and reduce the risk of claw injuries: Article 7.11.5.1e;

**Tethering:** If cattle have to be tethered whether indoors or outdoors, they should, as a minimum, be able to lie down, stand up, maintain normal body posture and groom themselves unimpeded. Cows kept in tie stall housing should be allowed sufficient untethered exercise to prevent welfare problems: Article 7.11.5.1e;

**Outdoor access:** Where access to an outdoor area, including pasture, is possible, there may be additional benefits to dairy cattle from the opportunity to graze and exercise, especially a decreased risk of lameness: Article 7.11.5.1f;

**Lameness:** Animal handlers should monitor the state of hooves and claws, and take measures to prevent lameness and maintain foot health: Article 7.11.5.2a ii;

**Non-ambulatory cattle:** These should not be transported or moved unless absolutely necessary for treatment or diagnosis. Such movements should be done carefully using methods avoiding dragging or excessive lifting: Article 7.11.5.2a ii;

**Body condition:** Animal handlers should have adequate knowledge of appropriate body condition scoring systems for their cattle and should not allow body condition to go outside an acceptable range in accordance with breed and physiological status: Article 7.11.5.2b;

**Embryo transfer:** Embryo transfer should be performed under an epidural or other anaesthesia by a trained operator, preferably a veterinarian or a veterinary para-professional: Article 7.11.5.2g;

**Breeding age for heifers:** Heifers should not be bred before they reach the stage of physical maturity sufficient to ensure the health and welfare of both dam and calf at birth: Article 7.11.5.2h;

**Colostrum:** calves should receive sufficient colostrum, preferably from their own dam, and within 24 hours of birth to provide passive immunity. Colostrum is most beneficial if received during the first six hours after birth: Article 7.11.5.2i;

**Disbudding and dehorning:** The selection of polled cattle is preferable to dehorning. Performing disbudding at an early age is preferred, rather than dehorning older cattle. The use of anaesthesia and analgesia are strongly recommended when performing disbudding, and should always be used when dehorning: Article 7.11.5.2m i;

**Tail docking:** Tail docking does not improve the health and welfare of dairy cattle and therefore it is not recommended: Article 7.11.5.2m ii;

**Electroimmobilisation:** This should not be used: Article 7.11.5.2n;

### **Reports on the welfare of dairy cows**

There are a number of reports and other documents on which the Commission, the Member States and the dairy sector 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.<sup>23</sup> In addition, in 2012 EFSA published a Scientific Opinion on the use of animal-based measures to assess the welfare of dairy cows.<sup>24</sup>
- The EU *Welfare Quality* project has produced detailed protocols for assessing the welfare of cattle.<sup>25</sup> 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.<sup>26</sup>

### **Letter and questionnaire sent to Member States on the enforcement of Article 3 of Directive 98/58 in respect of dairy cows**

In March 2015 Compassion in World Farming and Eurogroup for Animals wrote to the Agriculture or other appropriate Ministers in all 28 Member States. In a number of cases the letter was also signed by animal welfare organisations from the Member State concerned.

The letter focussed on the need for the Member States to take effective steps to enforce Directive 98/58 and the Council of Europe Recommendation (the Recommendation) as regards the welfare of the EU's 23 million dairy cows. It recognised that it is difficult for competent authorities (CA) to enforce all aspects of dairy welfare at once so it suggested that initially they focus on certain areas: lameness, cubicle size and design, injuries, tethering and access to pasture.

Enclosed with the letter was a table that set out the steps that the animal welfare organisations believe CAs must take to address these areas. Member States were asked to complete the column regarding the action being taken by their CA. The table is reproduced below. The purpose of the table/questionnaire was twofold:

- To ascertain the extent to which CAs are enforcing Directive 98/58 and the Recommendation in respect of dairy cows
- To draw the attention of CAs to some of the key factors that must be taken into account in enforcing the Directive.

### ***Member States' response to the table/questionnaire***

Twelve Member States responded: Austria, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Ireland, Latvia, Netherlands, Poland, Spain and UK. In addition, Wallonia responded.

Three of these – Austria, Bulgaria and Ireland – gave a broad but undetailed - assurance that Directive 98/58 and/or the Recommendation are enforced. Ireland made the important point that its dairy sector is primarily grass-based.

The Spanish Ministry had two meetings with the Spanish welfare organisation ANDA. Following the first meeting the Ministry had a meeting with the Regional Authorities who in general were not willing to improve the level of enforcement of the Directive.

The Czech Republic said that:

- 15.8% of dairy holdings were inspected as regards welfare in 2014
- They provide instructions and information to inspectors on compliance with Directive 98/58 as regards dairy cow welfare
- Lameness, cubicle size, injuries, tethering and access to pasture are inspected regularly but there is no special scoring system or threshold and no analysis is made of the proportion of non-compliances
- As regards injuries and health, it is the everyday task of farmers to monitor health and to provide first-aid in time if needed and to ask for expert veterinary advice.
- There are some provisions setting minimum sizes for different types of housing

- As regards non-compliance, there are several types of sanctions and remedial actions that can be required. In 2014 there were 19 non-compliances for which sanctions were imposed.

Wallonia inspected 1046 cattle holdings (dairy and beef) in 2014 out of a total 11,377 holdings i.e., 9% of the total were inspected. The inspections are carried out on the basis of a check list. Only 0.1% of cubicles, passages and feeding areas were not clean. Only 0.01% of dairy cows are tethered. The Directive is enforced through warnings, procès-verbal and, in the case of delay in achieving compliance, a further inspection is made.

Denmark has species-specific legislation on the welfare of dairy cows. This includes:

- A Ban on the tethering of cattle as a husbandry system
- A provision that dairy cows shall be inspected daily, including those on pasture
- Limits for CO<sub>2</sub>, ammonia and hydrogen sulphide
- Minimum figures for total available area, size of cubicles, passageways etc.
- Requires provision of a dry, soft lying area
- Requires at least one cubicle per cow
- Requires provision of rotating brushes for cows
- Requires sick-pens and calving boxes
- Provisions on hoof care
- Requires shade for cattle on pasture
- A Ban on fully slatted floors for young stock and calves
- A provision that young stock and calves shall have access to roughage with sufficient fibre to ensure normal function of the rumen

There are transition periods for existing buildings relating to a number of the provisions.

Six Member States – Estonia, Finland, Latvia, Netherlands, Poland and UK – gave detailed responses which are summarised in the below Table. We are most grateful to these Member States for the time they took in completing the Table.

### ***Conclusions from the survey of Member States***

Few Member States are giving any detailed consideration to what is entailed in enforcing the Directive and the Recommendation in respect of dairy cows. Deficiencies in Member States' approach include:

- Only two, The Netherlands and Great Britain, set a maximum permitted level of lameness even as a guideline
- There appears to be insufficient awareness of the importance for welfare of cubicle length and width, cleanliness, floor quality (neither too smooth nor rough) and reducing injuries, sores and swellings
- Tethering is widely used in some Member States even though it arguably does not meet the requirement in Article 3 of Directive 98/58 to take all reasonable steps to ensure the animals' welfare and to ensure that they are not caused any unnecessary suffering
- Many cows are continuously housed throughout the year despite the provision in the Recommendation that cows "should be given the opportunity to go outside whenever possible and in summertime preferably every day". Farmers who ignore this are arguably not taking "all reasonable steps" to ensure cows' welfare particularly in light of:
  - EFSA's high priority conclusion that if dairy cows are not kept on pasture for parts of the year there is an increased risk of lameness, hoof problems, teat tramp, mastitis and other health problems
  - EFSA's high priority recommendation 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".
  - The statement in the OIE's standards that "Where access to an outdoor area, including pasture, is possible, there may be additional benefits to dairy cattle from the opportunity to graze and exercise, especially a decreased risk of lameness".



**Table: Welfare of Dairy Cows: Enforcement of EU Council Directive 98/58 and the Council of Europe Recommendation on Cattle**

Action that should be taken by Competent Authority (CA)	Questions	Answers & Steps being taken by CA
Inspection of dairy holdings	<p>How many dairy holdings are inspected annually?</p> <p>What proportion is this of total dairy holdings in your country?</p>	<p><b>Estonia (EE):</b> 1487 inspected in 2014</p> <p><b>Finland (FI):</b> approx 250 per year</p> <p><b>Latvia (LV):</b> 2502 inspected in 2014</p> <p><b>The Netherlands (NL):</b> 1069 in 2014</p> <p><b>Great Britain (GB):</b> 197 in 2014</p> <p><b>EE:</b> 100%</p> <p><b>FI :</b> 3%</p> <p><b>LV :</b> 30%</p> <p><b>NL:</b> 5.83%</p> <p><b>Poland (PL):</b> 5% of cattle farms (dairy and beef)</p> <p><b>GB:</b> 1.4%</p>
Article 8 of Regulation 882/2004 requires official controls to be carried out in accordance with documented procedures. These must contain information & instructions for staff.	<p>Does CA provide information &amp; instructions for staff on compliance with Directive 98/58 as regards dairy cow welfare?</p> <p>May we see these?</p>	<p><b>EE:</b> provide detailed herd control instructions and working sheet</p> <p><b>FI:</b> Yes</p> <p><b>LV:</b> Yes</p> <p><b>NL:</b> Yes</p> <p><b>PL:</b> Yes</p> <p><b>GB:</b> Yes</p> <p><b>EE:</b> these were supplied to us</p> <p><b>FI:</b> these were supplied to us</p> <p><b>LV:</b> No, these are restricted information</p> <p><b>NL:</b> Yes</p> <p><b>PL:</b> these are available</p> <p><b>GB:</b> No, these are restricted</p>

**LAMENESS**

Lameness should be scored

What method does the CA use for scoring lameness?

**EE:** Method similar to UK and US.

- Lameness Score 0 - Walks evenly. No action required.
- Lameness Score 1 - Walks unevenly. Minor action required. Record and keep an eye on her - some cows normally walk unevenly.
- Lameness Score 2 - Lamé. Action required. This cow is lame and needs to be reported, drafted and examined within 48 hours.
- Lameness Score 3 - Very lame. Urgent action required. This cow is very lame and needs urgent attention. Draft and examine as soon as possible within 24 hours. She may require a vet.

**FI:** no systematic method to score lameness. However official controls include evaluation of how well sick or injured animals are taken care of by a caretaker. Approx 4 % of the holdings do not fulfil legal requirements.

**LV:** The Veterinary Service does not keep record of instances of lameness. In the course of a control at the dairy cow accommodation, an inspector of the Service carries out visual assessment of animals' health and checks if the animal(s) with health problems are provided necessary care and veterinary treatment.

**PL:** No method is laid down. Assessment is made based on the medical knowledge of the inspectors and private veterinarians.

**NL:** A five tier locomotion score is used. This clearly illustrated with photos showing cows both standing still and when moving

**GB:** Four tier scoring: good mobility, imperfect mobility, impaired mobility, severely impaired mobility.

Does it advise farmers how to score lameness/mobility?

**EE:** Yes.

**FI:** Animal Health ETT is an organization owned by industry (e.g. slaughterhouses, dairies). It provides dairy farmers with wide range of instructions and codes of good practice regarding animal health and welfare including lameness. Most of the dairy holdings belong to its national cattle health care register NASEVA.  
Link with instructions provided.

**NL:** Professional help is advised with penalties if this is not done.

**PL:** No

**GB:** Advises farmers to use same scoring system as used by CA.

Action that should be taken by Competent Authority (CA)	Questions	Answers & Steps being taken by CA
<b>LAMENESS (continued)</b>		
A maximum permitted level of lameness should be set so that inspectors & farmers have a clear target	Does the CA set a maximum permitted level of lameness?	<p><b>EE:</b> Max level is not settled by CA central level; it is up to local veterinarian.</p> <p><b>FI:</b> No</p> <p><b>LV:</b> No</p> <p><b>NL:</b> Inspectors intervene when &gt;5% of cows are lame</p> <p><b>PL:</b> No</p> <p><b>GB:</b> The intervention level is 5% at locomotor score 3. Where numbers of dairy cows are found to be lame, inspectors establish if the cause(s) of the lameness has been identified and whether appropriate action has been taken.</p>
Farmers should be given advice on how to achieve low lameness levels	What advice is given to farmers on how to reduce lameness?	<p><b>EE:</b> All farmers have access to veterinary advice and lots of websites.</p> <p><b>FI:</b> See above for ETT; in addition veterinarians with large animal practice are specialised in preventive veterinary medicine (herd health and welfare)</p> <p><b>LV:</b> If in the course of a control the Service finds that an animal requires veterinary treatment, the Service places on the owner an obligation to ensure that the animal is provided veterinary treatment within a specified time or to make improvements to the accommodation or equipment.</p> <p><b>NL:</b> Farmers must have a health plan and a plan on how to deal with issues that arise. This can be prepared by their veterinarian.</p> <p><b>GB:</b> Advice is given, including to consult their veterinarian.</p>
Check if farmers have a foot health programme	What advice is given on regular foot bath & hoof trimming?	<p><b>EE:</b> Regulation requires control of feet at least twice in a year and farmers to act properly when it is needed (bath, medication, trimming etc).</p> <p><b>FI:</b> Not systematically given during official controls. According to Decree hoofs shall be checked frequently enough and hoof trimming shall be performed when needed.</p> <p><b>GB:</b> Advise farmers that regular foot bathing and hoof trimming is good practice.</p>

Action that should be taken by Competent Authority (CA)	Questions	Answers & Steps being taken by CA
<b>LAMENESS (continued)</b>		
Check if cubicles, passages and feeding area are clean	What proportion of such areas are not clean on farms inspected by the CA?	<p><b>EE:</b> CA evaluates the whole holding in whole, and gives advice or instructions on that basis. No data is collected about proportion.</p> <p><b>FI:</b> Approx 3% of the holdings concerning cubicles, 2% of the holdings concerning passages, 1.5% of the holdings concerning feeding and drinking areas do not fulfil legal requirements.</p> <p><b>LV:</b> In 2014, violations were found in 1.2% of controlled cattle accommodations, i.e. enclosures, pens and equipment posing a threat of injury to animals, as well as cases when manure or food remains had not been cleaned from the accommodations/ stalls.</p> <p><b>NL:</b> 95% of farms have less than 5% cubicles that are dirty or wet.</p> <p><b>PL:</b> Problems with cleaning and disinfection have been identified in 2,240 out of the 25,563 inspected farms.</p>
Check if floors are neither rough (can lead to foot injuries) nor too smooth; they must be non-slip	What advice is given to farmers regarding floor deficiencies?	<p><b>EE:</b> Mostly advice is to add litter. Unfortunately it does not help in free range hyperfarms (1000 cows) in wintertime with minus 25°C.</p> <p><b>FI:</b> Not systematically given during official controls. See above for ETT; in addition veterinarians with large animal practice are specialised in preventive veterinary medicine.</p> <p><b>NL:</b> 2% of floors are too slippery. The inspection authority gives no advice.</p> <p><b>GB:</b> Advice given if inspector assesses that this contributes to lameness.</p>
<b>CUBICLES</b>		
Check if cubicles are long enough to prevent cows lying or standing with their back legs in the passageway	What proportion of cubicles are too short on farms inspected by the CA?	<p><b>FI:</b> Approx 9% of the holdings do not fulfil legal requirements concerning cubicle comfort.</p> <p><b>LV:</b> The Service checks if the animal is provided sufficient free space to lie down, turn, rest and get up.</p> <p><b>NL:</b> At 7% of farms the cubicles are smaller than advised by the health service.</p> <p><b>PL:</b> In 2013 irregularities with regard to freedom of movement for animals were observed in 372 farms out of the 25,563 inspected.</p> <p><b>GB:</b> Records do not show this. An assessment is made of cows rising and of lesions linked to cubicles, of space when lying and number of cows using cubicles.</p>

Action that should be taken by Competent Authority (CA)	Questions	Answers & Steps being taken by CA
<b>CUBICLES (continued)</b>		
Check if cubicles are wide enough to prevent cows colliding with the housing equipment while lying down	What proportion of cubicles are too narrow on farms inspected by the CA?	<b>FI:</b> see above <b>LV:</b> see above <b>NL:</b> see above <b>GB:</b> see above
Check if cubicles provide a comfortable lying area to aid rest & prevent sores and abrasions	What proportion of cubicles fail to provide a comfortable lying area on farms inspected by the CA?	<b>FI:</b> see above <b>LV:</b> see above <b>NL:</b> Not known <b>GB:</b> see above
<b>INJURIES</b>		
Check for injuries, sores & swellings	<p>What proportion of cows have injuries, sores &amp; swellings on farms inspected by the CA?</p> <p>What advice is given on how to avoid these problems?</p>	<p><b>EE:</b> No data is collected about proportion. No written instructions on this for last two years.</p> <p><b>LV:</b> no records are kept of injuries, ulcers and swellings found during controls. The controls check if animals receive veterinary treatment.</p> <p><b>NL:</b> On 6% of farms 5-10% of the cows have swollen claws or knees. On 3% of farms this was higher than 10%. On 6% of farms more than 5% have bald withers or lumps on the wither. On 2% this was higher than 20%.</p> <p><b>EE:</b> According to Animal Protection Act dairy cows must be given medical treatment by keeper or veterinarian when it is needed.</p> <p><b>FI:</b> See above for ETT; in addition veterinarians with large animal practice are specialised in preventive veterinary medicine</p> <p><b>GB:</b> Advice is given, including to consult the farmer's veterinarian.</p>

Action that should be taken by Competent Authority (CA)	Questions	Answers & Steps being taken by CA
<b>TETHERING</b>		
<p>Check if any cows are regularly or permanently tethered</p>	<p>What proportion of cows are regularly or permanently tethered on farms inspected by the CA?</p> <p>How does CA assess if farmers who tether cows are taking “all reasonable steps” to ensure their welfare as required by Directive 98/58?</p> <p>Are the tethers long enough to enable cows to lie down, stand up, maintain normal body posture and turn round unimpeded?</p> <p>Are tethered cows allowed a period of untethered exercise? If so, for how long?</p>	<p><b>EE:</b> No data is collected about proportion</p> <p><b>FI:</b> Approx 55%</p> <p><b>LV:</b> No record kept</p> <p><b>NL:</b> Not measured</p> <p><b>PL:</b> No record kept</p> <p><b>GB:</b> Data recorded indicates whether or not there was compliance in this area, but does not include details</p> <p><b>EE:</b> Mostly dairy cows are tethered in small holdings with less than 50 animals. But these animals have access to pasture in summertime from 3 to 5 months.</p> <p><b>FI:</b> Assessment based on visible injuries</p> <p><b>NL:</b> Animals are judged on health</p> <p><b>EE:</b> Yes</p> <p><b>FI:</b> Tethers must allow a cow to lie down, stand up, maintain normal body posture and turn round (not completely).</p> <p><b>LV:</b> Control checks if dairy cows are able to freely lie down, get up, access food and water.</p> <p><b>NL:</b> If they are not long enough immediate action is taken, eventually with threat of penalty.</p> <p><b>PL:</b> Regulations provide animals must be able to lie down freely, to be able to get up and stand up</p> <p><b>GB:</b> Cows must be able to stand, lie down, maintain normal body posture and turn round to groom etc.</p> <p><b>EE:</b> see above answer</p> <p><b>FI:</b> According to Decree tethered dairy cows and heifers shall be kept on yard or pasture at least 60 days between 1<sup>st</sup> May and 30<sup>th</sup> September. Due to Finnish climate time period is limited. Exceptions can be applied if yards or pastures are not possible to maintain due e.g. geographical reasons or due to traffic. Such exceptions have been granted to less than 200 holdings.</p> <p><b>GB:</b> Code requires dairy cows to be untethered at least once a day and inspectors provide this guidance when inspecting tethered cows</p>

Action that should be taken by Competent Authority (CA)	Questions	Answers & Steps being taken by CA
<b>ACCESS TO PASTURE</b>		
<p>Check if cows have access to pasture during the grass growing season? Notes: (1) EFSA has concluded that if dairy cows are not kept on pasture for parts of the year there is an increased risk of lameness, hoof problems, teat tramp, mastitis &amp; other health problems. (2) The Council of Europe Recommendation provides that cows “should be given the opportunity to go outside whenever possible and in summertime preferably every day”. Farmers who ignore this are arguably not taking “all reasonable steps” to ensure cows’ welfare.</p>	<p>Do the cows have access to pasture on farms inspected by the CA?</p> <p>For how much of the year have they got access to pasture?</p>	<p><b>EE:</b> Mostly dairy cows are tethered in small holdings with less than 50 animals. But these animals have access to pasture in summertime from 3 to 5 months.</p> <p><b>EE:</b> In farms of middle size (from 50 to ca` 300 animals) access of all animals to pasture at the same time depends on size of existing land.</p> <p>In large holdings (more than 500 cows) they do not have access to pasture, but they are provided with fresh grass and walls and roof could be opened in the summer.</p> <p><b>FI:</b> Approx 3% of the holdings inspected each year do not fulfil legal requirements concerning keeping cows on pasture or yard.</p> <p><b>LV:</b> Not all dairy cow accommodations allow access to pasture. Dairy cows are allowed access to pastures in spring, from May till autumn, depending on weather conditions.</p> <p><b>NL:</b> Sometimes.</p> <p><b>GB:</b> Only 7% of the farms surveyed continuously housed their cows throughout the year.</p>
<b>ENFORCEMENT</b>		
	<p>What steps are taken to prevent recurrence of non-compliance?</p> <p>What remedial action is required?</p>	<p><b>EE:</b> Dairy holdings are inspected by CA at least once in a year. EE has risk based inspection plan.</p> <p><b>FI:</b> Second inspection to verify compliance; earlier violations increase the risk of being included in future inspections.</p> <p><b>LV:</b> Prevention measures are taken, such as informing owners/keepers about regulatory requirements, health and welfare of animals, etc.</p> <p><b>PL:</b> Where irregularities have been determined, the county level veterinarians issue administrative decisions with a date by which the irregularity must be addressed. If the irregularities are not removed the veterinary officers are obliged, under the 1966 law, to execute the order via, amongst other things, imposing a fine to ensure compliance.</p> <p><b>NL:</b> Warning, penalty, prosecution, intervention. The authorities might do what the farmer is required to do if he does not act in time. The bill will then be presented to the farmer.</p> <p><b>GB:</b> A deadline for compliance to be achieved is set and a follow up visit is conducted to check that compliance has been achieved</p> <p><b>EE:</b> Veterinarian evaluates status of herd and gives advice when needed.</p>

	<p>What penalties are imposed?</p>	<p><b>FI:</b> Animal Welfare Act (247/1996) enables order to be made prohibiting the owner or keeper of the animal from continuing or repeating a procedure that violates this Act or order the owner or keeper to fulfil his or her obligations within a specific time period.</p> <p><b>GB:</b> Depending on the severity of the problem, whether or not the non-compliance has occurred before/if there have been previous problems, the inspector may serve a statutory notice requiring corrective action.</p> <p><b>EE:</b> Oral instruction. Written instruction. Penalty payment (might be continual). Fine up to 3200 €.</p> <p><b>FI:</b> Fines or in serious cases imprisonment. Non-compliances can often lead to repayments of CAP subsidies.</p> <p><b>LV:</b> Warnings, fines, as well as confiscation of animals.</p> <p><b>NL:</b> Penalty for welfare breach is € 1500. If animals are neglected farmers will be prosecuted and brought before court.</p> <p><b>PL:</b> Persons causing cruelty to animals may be sentenced to two years imprisonment.</p> <p><b>GB:</b> Inspectors have power to take possession of animals if they are suffering or likely to suffer. Offenders can be fined or imprisoned for up to 6 months. Court can make disqualification order preventing individuals from keeping animals.</p>
--	------------------------------------	---



## References

- <sup>1</sup> 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.
- <sup>2</sup> *Ibid*
- <sup>3</sup> 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](http://www.coe.int/t/e/legal_affairs/legal_co_operation/biological_safety_and_use_of_animals/farming/Rec%20cattle%20E.asp#TopOfPage)
- <sup>4</sup> 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>
- <sup>5</sup> 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.
- <sup>6</sup> European Animal Welfare Platform: beef and dairy production strategic approach documents. <http://www.animalwelfareplatform.eu/documents/EAWPStrategicApproachDocumentsBeefandDairyProduction.pdf>
- <sup>7</sup> 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>
- <sup>8</sup> *Ibid*
- <sup>9</sup> 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
- <sup>10</sup> 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>
- <sup>11</sup> 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.
- <sup>12</sup> 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.
- <sup>13</sup> *Ibid*
- <sup>14</sup> *Ibid*
- <sup>15</sup> *Ibid*
- <sup>16</sup> 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>
- <sup>17</sup> *Ibid*
- <sup>18</sup> Letter dated 16 December 2013 from Commissioner Borg to an Open Letter presented by Petitioners
- <sup>19</sup> 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](http://www.coe.int/t/e/legal_affairs/legal_co_operation/biological_safety_and_use_of_animals/farming/Rec%20cattle%20E.asp#TopOfPage)
- <sup>20</sup> Letter dated 16 December 2013 from Commissioner Borg to an Open Letter presented by Petitioners
- <sup>21</sup> 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>
- <sup>22</sup> [http://www.oie.int/index.php?id=169&L=0&htmlfile=chapitre\\_aw\\_dairy\\_cattle.htm](http://www.oie.int/index.php?id=169&L=0&htmlfile=chapitre_aw_dairy_cattle.htm)
- <sup>23</sup> <http://www.efsa.europa.eu/en/efsajournal/pub/1143.htm>
- <sup>24</sup> <http://www.efsa.europa.eu/en/search/doc/2554.pdf>
- <sup>25</sup> Welfare Quality assessment protocol for cattle. <http://www.welfarequalitynetwork.net/network/45848/7/0/40>
- <sup>26</sup> European Animal Welfare Platform: beef and dairy production strategic approach documents. <http://www.animalwelfareplatform.eu/documents/EAWPStrategicApproachDocumentsBeefandDairyProduction.pdf>

**EUROGROUP**  
**4ANIMALS**

Eurogroup for Animals  
Rue des Patriotes, 6  
1000 Brussels, Belgium  
T. +32 (0)2 740 08 20  
[www.eurogroupforanimals.org](http://www.eurogroupforanimals.org)

**COMPASSION**  
**in world farming**   
[ciwf.org](http://ciwf.org)

Compassion in World Farming  
River Court, Mill Lane, Godalming GU7 1EZ, UK  
T. +44 1483 521 950 | E. [research@ciwf.org](mailto:research@ciwf.org)  
[ciwf.org](http://ciwf.org)

Registered Charity Number 1095050