



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Directorate G - Veterinary and International Affairs  
**Animal Welfare**

Brussels,  
SANTE G3/BB/rb D(2015) [REDACTED]

Dear [REDACTED],

**Subject: Welfare of dairy cows**

Commissioner Andriukaitis asked me to thank you for your e-mail of 20 January 2015 on the above subject and to reply on his behalf as head of unit responsible for animal welfare in the Directorate General for Health and Food Safety. You are especially concerned for the welfare of dairy cows and ask that the EU introduce animal welfare legislation whereby grazing is made mandatory while the use of tethers is banned. You are furthermore of the opinion that cows are often kept in barren, overcrowded and unhygienic conditions.

Council Directive 98/58/EC *concerning the protection of animals kept for farming purposes*<sup>1</sup> provides a general framework of rules which should ensure the well-being of these animals. Article 3 of this Directive requires that "*Member States shall 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*". No specific EU animal welfare directive or regulation exists which regulates the keeping of dairy cows. However, on the basis of the European Convention for the Protection of animals kept for farming purposes<sup>2</sup> the Council of Europe adopted a recommendation concerning cattle<sup>3</sup>. Since the EU has ratified the Convention, this recommendation forms part of EU law. It is primarily the Member States' responsibility to ensure proper enforcement of these rules.

The Recommendation concerning cattle adopted in 1988 provides a number of specific provisions, some of which address the housing conditions, space allowances and freedom of movement. However, there is currently no mandatory requirement for access to pasture and the tethering of animals is permitted. Member States may, according to Article 10(2) of Directive 98/58, adopt stricter national provisions and, furthermore, Member States maintain their competence in areas which are not covered by EU rules. One example of national measures adopted in this field is a requirement introduced by Sweden whereby cows must be kept outdoors for a specified period during the summer.

E-mail: [REDACTED]

<sup>1</sup> OJ L 221, 8.8.1998, p. 23

<sup>2</sup> <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=087&CM=1&DF=&CL=ENG>

<sup>3</sup> [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)

The Commission meanwhile is prioritising work on proper enforcement of existing animal welfare rules. For this purpose several initiatives (e.g. EU WelNet<sup>4</sup>) were established to increase the knowledge of animal welfare issues among different groups of stakeholders which should help improve the way animals are treated. Furthermore, the Food and Veterinary Office of the Commission's Health and Food Safety Directorate General carry out on the spot audits on the implementation of the Recommendations of the Council of Europe. An audit<sup>5</sup>, carried out in Denmark in October 2013, examined the system of welfare controls in farms keeping cattle. No major non-compliances were uncovered during this audit.

Finally, given the efforts being made to improve the application of existing animal welfare legislation the Commission for the time being does not plan to introduce new rules for dairy cows.

I hope that this in some measure addresses your concerns.

Yours sincerely,



Andrea Gavinelli

---

<sup>4</sup> <http://www.euwelnet.eu/euwelnet>

<sup>5</sup> [http://ec.europa.eu/food/fvo/audit\\_reports/details.cfm?rep\\_id=3288](http://ec.europa.eu/food/fvo/audit_reports/details.cfm?rep_id=3288)