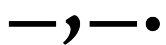
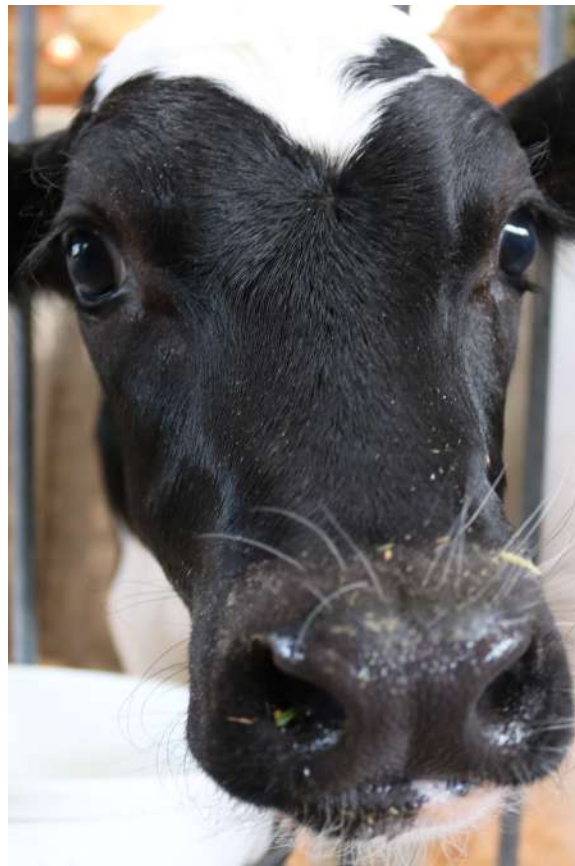


Animal Welfare Standards in the EU Organic Certification

RESEARCH NOTE #5 — Alice Di Concetto, Eugénie Duval & Benjamin Lecorps



The European Institute
for Animal Law & Policy

ACHIEVING BETTER TREATMENT FOR ANIMALS

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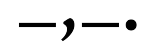
Animal Law Europe, Bruxelles, 2022.



Alice Di Concetto,

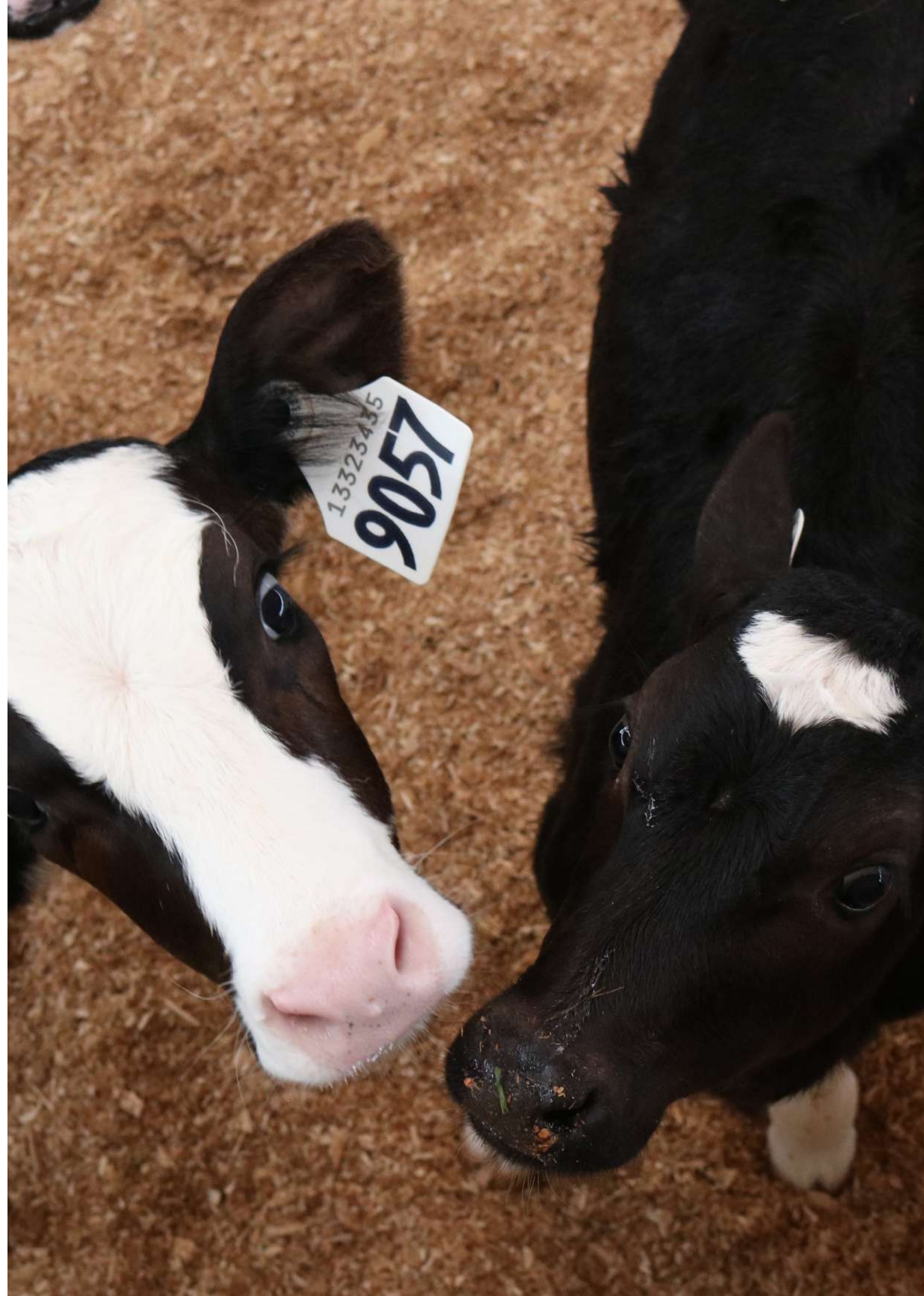
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June 2022



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for Animal Law & Policy**

ACHIEVING BETTER TREATMENT FOR ANIMALS



Executive Summary

Among the EU's official quality certifications, only the Organic Certification explicitly contains animal welfare rules. Adopted in 1991, the EU Organic Regulation was most recently revised in 2018, with the changes of this revision entering into force on the first day of 2022. The inclusion of additional species, such as bees, rabbits, deer, and certain types of fish, is one of the most significant updates that was included in the 2018 revision. The Regulation also now includes animals at additional stages of production – breeding sows and egg-laying hens, as well as juvenile egg-laying hens.

In 2021, the European Commission – the EU's executive branch – further announced the European Green Deal's "EU Organic Action Plan," which is a series of policy, legal, and regulatory measures that aim to reach "at least 25% of EU's agricultural land under organic farming and a significant increase in organic aquaculture by 2030."¹

Overall, animal welfare standards in the EU Organic Regulation have improved over the past 30 years. Moreover, animal welfare rules in the EU Organic Regulation represent a significant improvement compared to minimum animal welfare standards in EU farm animal welfare legislation, even though animals in certified organic production still stand to benefit from further improvements yet to be implemented.

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1. A History of Animal Welfare Standards in the EU Organic Regulation

1 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on *an Action Plan for the Development of Organic Production*, 2 (2021), available online: https://eur-lex.europa.eu/resource.html?uri=cellar:13dc912c-a1a5-11eb-b85c-01aa75ed71a1.0003.02/DOC_1&format=PDF

2 Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007, 2018, OJ L 150, /1–92.

3 Council Regulation 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs OJ L 198 / 1–15.

4 Council Regulation (EC) No 1804/1999 of 19 July 1999 supplementing Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs to include livestock production, 1999, OJ L 222/1–28.

5 *Ibid.*, Annex (I)(III) and (V).

6 Articles 3(iv) and 5(h), Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91, 2007, OJ L 189/6–7.

7 Annex III, Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control, 2008, OJ L 250/38.

8 Case C – 497/17, *Œuvre d'Assistance aux Bêtes d'Abattoirs (OABA) v Ministre de l'Agriculture et de l'Alimentation inter alia*, 26 February 2019.

Among the EU's official quality certifications, only the Organic Certification explicitly contains animal welfare rules. Production rules for EU Organic-certified products are set in Regulation 2018/848 on organic production and labeling of organic products² (Organic Regulation), which entered into force in 1991 and has since been revised twice – in 2007 and 2018.

Originally, the 1991 Organic Regulation did not cover animal-source products – only fruits and vegetables – and so did not include animal welfare standards.³ However, in 1999, the EU institutions amended the 1991 Organic Regulation, by way of a supplementing regulation, to include livestock production within the scope of the Organic Regulation.⁴ With this supplementing regulation came animal welfare standards for cattle, pigs, sheep, goats, horses, and chickens.⁵ The EU institutions then revised the Organic Regulation in 2007, further including the “[respect] of high animal welfare standards”⁶ as one of its general objectives, even though animal welfare standards in the regulation remained unchanged.⁷

In 2019, the European Court of Justice (ECJ) further imposed the requirement that all animals used for meat in organic production must be stunned before being killed.⁸ With this ruling, the ECJ extended the scope of the animal welfare standards in the Organic Regulation, which had traditionally focused on regulating on-farm methods of production, using only non-committal language when referring to the slaughter of organic animals.⁹

While the ECJ decisions take effect immediately, the 2018 revision of the Organic Regulation did not come into effect until January 1st, 2022.¹⁰ Key among the changes finally implemented are the inclusion of additional species in the Organic Regulation, such as bees, rabbits, deer, and certain types of fish.¹¹ The Regulation also now includes animals at additional stages of production – breeding sows and egg-laying hens (“parent stocks”), as well as juvenile egg-laying hens (“pullets”).

In 2021, the European Commission – the EU's executive branch – further announced the European Green Deal's “EU Organic Action Plan,” which is a series of policy, legal, and regulatory measures that aim to reach “at least 25% of EU's agricultural land under organic farming and a significant increase in organic aquaculture by 2030.”¹²

9 Articles 14(b)(viii) and 15(1)(b)(vi), Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91, 2007, OJ L 189/10–11. The Organic Implementing Regulation does not provide any rules regarding the slaughter of animals either.

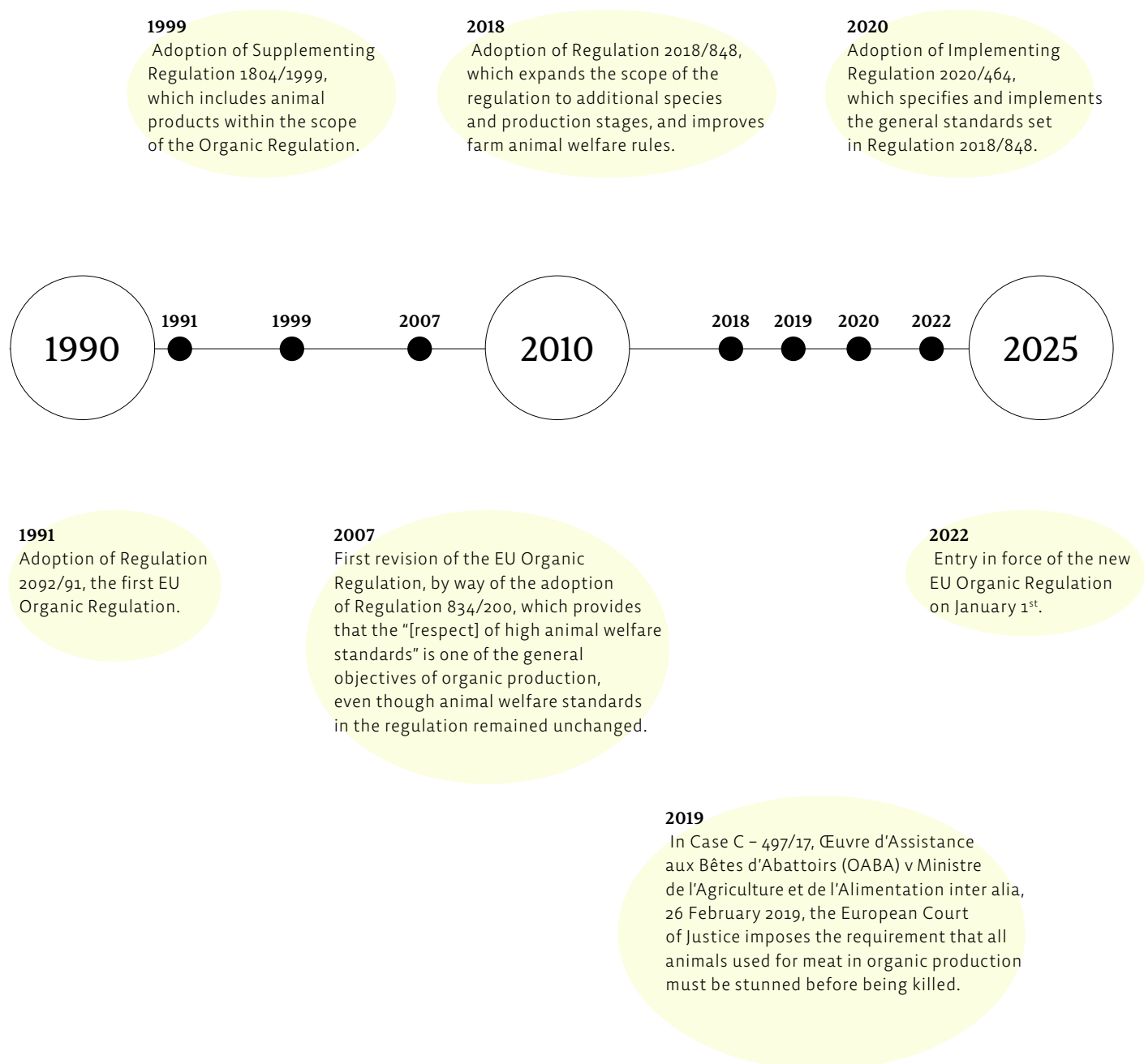
10 Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007, 2018, OJ L 150, /1–92.

11 The 2018 Organic Regulation included general provisions on fish but the Organic Implementing Regulation did not include detailed standards as for other species.

12 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on *an Action Plan for the Development of Organic Production*, 2 (2021), available online: https://eur-lex.europa.eu/resource.html?uri=cellar:13dc912c-a1a5-11eb-b85c-01aa75ed71a1.0003.02/DOC_1&format=PDF

Overall, animal welfare standards in EU Organic Regulation have improved over the past 30 years. Moreover, animal welfare rules in the EU Organic Regulation represent a significant improvement compared to minimum animal welfare standards in EU farm animal welfare legislation. However, such animal welfare standards in the EU Organic Regulation can remain relatively limited.

HISTORY OF ANIMAL WELFARE STANDARDS IN THE EU ORGANIC REGULATION



An organic egg farm in Italy. This farm has six sheds with thousands of hens in each. Italy (2019). ©Stefano Belacchi / Essere Animali / We Animals Media

2. The EU Organic Certification: Definition and Regulatory Framework

13 To learn more about the visual identity of the Euro-leaf, see https://ec.europa.eu/info/sites/default/files/food-farming-fisheries/farming/documents/organic-logo-user-manual_en.pdf (last visited June 20th, 2022).

14 Article 32, Regulation 2018/848, OJ L 150/38 - 39.

15 These quality labels are the PDO (Protected Designation of Origin), the PGI (Protected Geographical Indication, GI (Geographical Indication), Mountain Products, and Products of EU's Outermost Regions labels.

16 Article 30, Regulation 2018/848, OJ L 150/37 - 38.

17 Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007, 2018, OJ L 150/1-92.

18 Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, 2020, OJ L 98/2-25.

19 For a comprehensive analysis of the standards contained in EU Farm Animal Legislation, see Alice Di Concetto, *For a More Humane Union: A Legal Analysis of E.U. Farm Animal Welfare Legislation*, The European Institute for Animal Law & Policy (2022).

20 Council Directive 98/58 of 20 July 1998 concerning the protection of animals kept for farming purposes, 1998, OJ L 221/23 - 27.

21 Council Directive 1999/74 of 19 July 1999 laying down minimum standards for the protection of laying hens, 1999, OJ L 203/53 - 57.

22 Council Directive 2008/119 of 18

2.1. Definition

The EU organic label is a voluntary, public food label represented by a logo called the "euro-leaf."¹³ Besides the euro-leaf, all products labeled "organic" must carry mandatory information, including the EU or non-EU origin of the food products.¹⁴ Like the other six EU food quality labels,¹⁵ the EU organic label certifies that products have been produced according to rules that go above and beyond minimum standards set in EU food and agricultural legislation. However, unlike mandatory labeling systems, such as the mandatory labeling of country of origin for fresh meat sold in the EU, the EU organic label only applies to certified organic products; non-certified organic products do not carry a negative organic label, such as "non-organic."

Further differing from private labels, the EU organic label is a public label, in the sense that its standards are set in EU law. However, the EU organic label coexists with other private organic labels, such as Demeter or Biogarantie. Because the Organic Regulation requires all producers using the term "organic" on their products to comply with the minimum standards set in the Organic Regulation,¹⁶ all private organic labels comply with the EU organic standards, usually imposing stricter rules than those required by the EU.

2.2. Regulatory Framework

EU organic production rules are set in a series of acts. Regulation 2018/848 on Organic Production and Labeling of Organic Products sets the general objectives and rules on EU Organic Production,¹⁷ with another 26 implementing or delegated regulations specifying rules related to topics such as production, marketing, record-keeping, traceability, and trade. Of these 26 regulations, Implementing Regulation 2020/464 sets "production rules on livestock and aquaculture animals," including animal welfare rules applicable to farm animals in organic certified farms.¹⁸ EU organic animal welfare rules go above and beyond the minimum standards laid down in EU farm animal welfare legislation,¹⁹ which is comprised of seven acts:

- Council Directive 98/58 of 20 July 1998 Concerning the Protection of Animals Kept for Farming Purposes (General Farming Directive)²⁰
- Council Directive 1999/74 of 19 July 1999 Laying Down Minimum Standards for the Protection of Laying Hens (Hens Directive)²¹

December 2008 laying down minimum standards for the protection of calves, 2009, OJ L 10/7 - 13.

23 Council Directive 2008/120 of 18 December 2008 laying down minimum standards for the protection of Pigs, 2009, OJ L 47/5 - 13.

24 Council Directive 2007/43 of 28 June 2007 laying down minimum standards for the protection of chickens kept for meat production, 2007 OJ L 182/19 - 28.

25 Council Regulation 1/2005 of 22 December 2004 on the protection of animals during transport and related operations, 2005 OJ L 3/1 - 44.

26 Council Regulation 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, 2009 OJ L 303/1 - 30.

27 Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs, 2008 OJ L 163/6 - 23.

28 *Ibid.* Article 12, 2008, OJ L 163/6 - 23.

29 Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, 2021 OJ L 435/1-186.

30 *Ibid.* Article 70, 2021, OJ L 435/64. Also called "Measure 11."

- Council Directive 2008/119 of 18 December 2008 Laying Down Minimum Standards for the Protection of Calves (Calves Directive)²²
- Council Directive 2008/120 of 18 December 2008 Laying Down Minimum Standards for the Protection of Pigs (Pigs Directive)²³
- Council Directive 2007/43 of 28 June 2007 Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production (Broilers Directive)²⁴
- Council Regulation 1/2005 of 22 December 2004 on the Protection of Animals During Transport and Related Operations (Transport Regulation)²⁵
- Council Regulation 1099/2009 of 24 September 2009 on the Protection of Animals at the Time of Killing (Slaughter Regulation)²⁶

The Organic regulations are further integrated into different legislative acts, such as Regulation 589/2008 on the Eggs Marketing Standards,²⁷ which requires the labeling of the housing methods of egg-laying hens on all shell eggs sold in the EU.²⁸ EU organic regulations are also integrated into the Common Agricultural Policy Regulation on National Strategic Plan,²⁹ which subsidizes organic producers.³⁰

3. An Overview of Animal Welfare Standards in EU Organic Regulations

31 Article 5, Regulation 2018/848, OJ L 150/20.

32 *Ibid.*, Recital 1 and Article 5 (d) and (j), 2018, OJ L 150/1 - 23.

33 Alain Boissy *et al.*, *Assessment of Positive Emotions in Animals to Improve their Welfare*, *Physiology & Behavior* (2007).

34 Sentient Animal Law Foundation, "What's the Cost of Working with Outdated Animal Law?" <https://sentientanimallaw.org> (last visited June 22nd, 2022).

35 Recital 44, Regulation 2018/848, OJ L 150/7.

36 Articles 5 and 6 Council Directive 1999/74 of 19 July 1999 Laying Down Minimum Standards for the Protection of Laying Hens, 1999, OJ L 203/54 - 55; Article 3 Council Directive 2008/119 of 18 December 2008 Laying Down Minimum Standards for the Protection of Calves, 2009, OJ L 10/8 and Article 3 Council Directive 2008/120 of 18 December 2008 Laying Down Minimum Standards for the Protection of Pigs, 2009, OJ L 47/6 -7.

37 Silvana Popescu *et al.*, *Dairy cows welfare quality in tie-stall housing system with or without access to exercise*, *Acta Veterinaria Scandinavi* (2013).

38 Para. 1.7.5., Annex II, Regulation 2018/848, OJ L 150/66.

39 Recital 25, Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control, OJ L 250/3.

40 *Ibid.*

Organic production is a "sustainable management system"³¹ for agriculture which includes, among other objectives, "high animal welfare standards"³² compared to the minimum standards provided in EU farm animal welfare legislation. The animal welfare standards in the EU Organic Regulation aim to provide animals with better protection from negative experiences, limiting pain or suffering induced by routine management practices. However, because "good welfare is not simply the absence of negative experiences,"³³ organic rules also ensure that animals can express natural behaviors, taking into account the animals' interests to have positive experiences.³⁴

3.1. Protection from Negative Experiences

Consistent with the idea that "suffering, pain or distress should be avoided, or should be kept to a minimum at all stages of the animals' lives,"³⁵ the EU organic legislation includes rules that aim to better protect animals from restrictive housing systems, social isolation, and invasive procedures.

3.1.1. PROTECTION FROM RESTRICTIVE HOUSING SYSTEMS

While EU law still allows the use of cages on farms,³⁶ their use is prohibited in organic production, which is a significant step forward compared to common industry practices. The EU Organic Regulation also explicitly forbids the tethering of animals, a practice that is still common in the dairy industry in some countries, such as Sweden and Germany.³⁷ However, small organic farms with a maximum of 50 animals (excluding young animals) can benefit from an exemption from the prohibition on tethering when producers can show that keeping cows in groups in a way that is appropriate to their behavior requirements is not possible, and provided cows "have access to pasture during the grazing period and have access to open air areas at least twice a week when grazing is not possible."³⁸ In 2020, the EU Legislature better defined the scope of such an exemption from tethering in the Implementing Regulation, as the previous Implementing Regulation provided a much broader exemption for all farms "of small size"³⁹ However, the scope of this exemption is no longer limited territorially to "geographical location and structural constraints, in particular with regard to mountainous areas,"⁴⁰ meaning that any farm outside mountainous areas can now apply for this exemption.

41 Article 3(4), Council Directive 2008/120 of 18 December 2008 Laying Down Minimum Standards for the Protection of Pigs, 2009, OJ L 47/7.

42 Annex II, Paragraph 1.9.3.2. (d), Regulation 2018/848, OJ L 150/68.

43 Institut National de l'Origine et de la Qualité, "Nouveau Guide de lecture applicable à partir du 1er janvier 2022", <https://www.inao.gouv.fr/Les-signes-officiels-de-la-qualite-et-de-l-origine-SIQO/Agriculture-Biologique> (last visited June 22, 2022).

44 Annex II, Paragraph 1.7.5., Regulation 2018/848, OJ L 150/66.

45 Annex II, Paragraph 1.9.3.2. (d), Regulation 2018/848, OJ L 150/68.

46 Article 3 Council Directive 2008/119 of 18 December 2008 Laying Down Minimum Standards for the Protection of Calves, 2009 OJ L 10/8.

47 Annex II, Paragraph 1.9.1.2. (c), Regulation 2018/848, OJ L 150/67.

48 João Costa *et al.*, *Invited Review: Effects of Group Housing of Dairy Calves on Behavior, Cognition, Performance, and Health*, *Journal of Dairy Science* (2016).

49 Annex II, Paragraph 1.4.1. (d), Regulation 2018/848, OJ L 150/63.

50 Tail-docking (except for sheep), beak-trimming (except in the first three days of life) and teeth-clipping are not mentioned in the Organic Regulation. Such practices are therefore not allowed anymore on certified organic farms.

51 Annex II, Paragraph 1.7.10., Regulation 2018/848, OJ L 150/66.

Pig organic farms are also exempted from the prohibition on the use of cages in organic farming. However, in contrast with the minimum standards set in EU farm animal welfare legislation,⁴¹ the Organic Regulation allows restrictions to the sows' freedom of movement only for "short periods."⁴² In France, official guidelines provide that certified organic producers should limit such short periods to 8 days around farrowing.⁴³

3.1.2. PROTECTION FROM SOCIAL ISOLATION

Social isolation, which can be defined as the absence of full physical contact with peers, is a common industry practice in animal agriculture. The Organic Regulation explicitly prohibits isolation of livestock, except for a limited period when this is justified for veterinary, animal welfare reasons or when the "workers' safety is compromised."⁴⁴ The EU Legislature provided additional species-specific provisions requiring that some species must be kept in groups, including rabbits and sows, with the exception of the latter when at the end of the pregnancy and the suckling period.⁴⁵

The Organic Regulation further regulates the social isolation of calves in the dairy industry to a much larger extent than EU animal welfare legislation does. While the Calves Directive allows calves to be isolated up to 8 weeks,⁴⁶ the Organic Regulation restricts such a duration to one week maximum.⁴⁷ The measure in the Organic Regulation is consistent with the extensive literature showing that social isolation of calves, and of many other species, leads to very serious harms, such as impaired development of social, cognitive, and emotional skills.⁴⁸

3.1.3. PROTECTION FROM INVASIVE PROCEDURES

Other invasive procedures, such as force-feeding, are also either banned or restricted in organic systems,⁴⁹ meaning that foie gras production is not eligible for organic certification.

The EU's Organic Legislation also regulates physical mutilations. First, only a restricted number of procedures involving animal mutilation are allowed under the Organic Regulation, and the scope of these mutilations has been reduced by the 2018 revision of the Organic Regulation.⁵⁰ Castration remains "allowed in order to maintain the quality of products and traditional production practices."⁵¹

52 Annex II, Paragraph 1.7.8., Regulation 2018/848, OJ L 150/66.

53 *Ibid.*

54 *Ibid.*

55 Alice Di Concetto, For a More Humane Union: A Legal Analysis of E.U. Farm Animal Welfare Legislation, 50, *The European Institute for Animal Law & Policy* (2022).

56 Annex II, Paragraph 1.7.9., Regulation 2018/848, OJ L 150/66.

57 *Ibid.*

58 For dairy cows, see for example: Marina von Keyserlingk et al., *Scientific Reports* (2017); Amélie Legrand et al., *Preference and Usage of Pasture Versus Free-Stall Housing by Lactating Dairy Cattle*, *Journal of Dairy Science* (2009); Gareth Arnott et al., *Review: Welfare of Dairy Cows in Continuously Housed and Pasture-Based Production Systems*, *Animal* (2017).

59 Annex II, Paragraph 1.7.3., Regulation 2018/848, OJ L 150/66.

60 Annex II, Paragraphs 1.9.1.1. (b), 1.9.2.1. (b) and 1.9.5.2. (d) (ii), Regulation 2018/848, OJ L 150/66 - 71.

61 Articles 12 and 16, Commission Implementing Regulation (EU) 2020/464 of 30 May 2018, on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007, 2020, OJ L 98/7 - 9.

62 *Ibid.*, Article 16 (3), 2020, OJ L 98/10.

63 Annex II, Paragraph 1.6.5., Regulation 2018/848, 2018, OJ L 150/65.

However, tail-docking for sheep, beak-trimming in the first three days of life, and dehorning are only allowed “on a case-by-case basis,” when such measures may “improve the health, welfare or hygiene of livestock or where workers’ safety would otherwise be compromised.”⁵² These procedures also need to be “notified and justified”⁵³ to the competent authority. The 2018 Organic Regulation further reduced the scope of the mutilations allowed by prohibiting tail-docking (except for sheep) and beak-trimming (except in the first three days of life).⁵⁴ Such requirements stand in contrast with the minimum standards set for conventional farming, which allows virtually all manner of physical mutilations on farm animals.⁵⁵

Secondly, the Organic Regulation requires producers to mitigate pain in animals through anesthesia, analgesia, or a combination of the two, when performing mutilations.⁵⁶ Furthermore, pain mitigation procedures under organic rules must also be carried out by a qualified worker and at the most appropriate age for the animal.⁵⁷ Such requirements ensure higher animal welfare standards than provided in EU farm animal welfare legislation, which does not require producers to provide pain mitigation when performing mutilations.

3.2. The Promotion of Positive Experiences

The EU Organic Legislation goes much further than a minimalist approach to animal welfare, which simply restricts animal suffering on farms. Additional requirements aim to consider animals’ natural needs are met, beyond the animals’ interest not to suffer. Rules in the EU Legislation thus require that organic farmers provide their animals with the ability to express natural behaviors or access important resources, either by providing the animals with access to a more naturalistic environment, or by implementing housing conditions that are more appropriate to animals’ needs.

3.2.1. A MORE NATURALISTIC ENVIRONMENT

Mandatory access to the outdoors is one of the most significant improvements of the Organic Legislation when it comes to farm animal welfare. In many conventional farms, animals do not have outdoor access and so spend their entire lives indoors, which prevents them from expressing natural behaviors.⁵⁸

The Organic Regulation provides that “livestock shall have permanent access to open air areas that allow the animals to exercise, preferably pasture, whenever weather and seasonal conditions and the state of the ground allow.”⁵⁹ The Organic Regulation further requires that the outdoor area must be pasture for some animals, such as cows, sheep, goats, horses, deer, and rabbits.⁶⁰ Other species, including poultry and porcine animals must have access to open air areas that must be “attractive”⁶¹ to meet animals’ natural needs. For example, poultry must have access to an area covered with vegetation and more specifically with a diverse range of plants⁶² --the 2018 Regulation further provides that verandas cannot qualify as “open air areas.”⁶³



- 64 Annex II, Paragraph 1.9.4.4. (k), Regulation 2018/848, OJ L 150/70.
- 65 Article 12 (1), Commission Implementing Regulation 2020/464, OJ L 98/7.
- 66 *Ibid.*, Article 8 (2), 2020, OJ L 98/7.
- 67 Annex II, Paragraph 1.6.2., Regulation 2018/848, OJ L 150/65.
- 68 *Ibid.*, Paragraph 1.6.10., 2018, OJ L 150/65.
- 69 Annex II, Paragraph 1.9.5.2. (d) (iii) and (iv), Regulation 2018/848, OJ L 150/70 - 71.
- 70 Article 20 (1) (e) (iv) and (2) (d) (ii), Commission Implementing Regulation 2020/464, OJ L 98/10 - 11.
- 71 Article 15 (5), Commission Implementing Regulation 2020/464, OJ L 98/9.
- 72 Annex, Chapter I, Council Directive 2008/120 of 18 December 2008 laying down minimum standards for the protection of pigs, 2009, OJ L 47/10. See, Katriina Heinola et al., *Comparison of 12 Different Animal Welfare Labeling Schemes in the Pig Sector*, Animals (2021).
- 73 Annex II, Paragraph 1.9.3.2. (b) and (c), Regulation 2018/848, 2018, OJ L 150/68.
- 74 Merete Studnitz et al., *Why Do pigs Root and in What Will They Root?: A Review on the Exploratory Behaviour of Pigs in Relation to Environmental Enrichment*, Applied Animal Behaviour Science (2007).
- 75 Annex II, Paragraph 1.9.3.2. (f), Regulation 2018/848, OJ L 150/68.
- 76 Claudio Oliviero et al., *Effect of the Environment on the Physiology of the Sow During Late Pregnancy, Farrowing and Early lactation*, Animal Reproduction Science (2008); Loni Loftus et al., *The Effect of Two Different Farrowing Systems on Sow Behaviour, and Piglet Behaviour, Mortality and Growth*, Applied Animal Behaviour Science (2020).
- 77 Alice Di Concetto, *For a More Humane Union: A Legal Analysis of E.U. Farm Animal Welfare Legislation*, The European Institute for Animal Law & Policy (2022).
- 78 Annex II, Paragraphs 1.9.1.2. (b); 1.9.2.2. (d) and 1.9.5.2. (a), Regulation 2018/848, OJ L 150/67 - 70.
- 79 *Ibid.*
- 80 *Ibid.*, Paragraph 1.9.4.4. (a), 2020, OJ L 150/69.
- 81 Cécilia Wimmeler et al., *Review: Concrete Outdoor Runs for Organic Growing-Finishing Pigs – a Legislative, Ethological and Environmental Perspective*, Animal (2022).

Waterfowl must also have a stream, pond, lake, or a pool.⁶⁴ The 2020 Implementing Regulation also specifies that the preferred outdoor area for pigs is a forest or a field with trees.⁶⁵ When outdoors, deer must be able to access areas covered with vegetation that will allow them “to rub off velvet from their antlers”⁶⁶ and hide their calves.

Because access to the outdoors can sometimes expose animals to harmful climatic conditions and predators, the Organic Regulation now requires that animals have access to a shelter or shade,⁶⁷ and that pens shall not be very wet or marshy.⁶⁸

Besides outdoor access, the Organic Regulation requires producers to provide enrichment materials to the animals. For rabbits, mandatory enrichment materials include raised platforms, nesting material,⁶⁹ and materials upon which rabbits can gnaw.⁷⁰ Similarly, the 2020 Implementing Regulation requires the provision of perches, raised and sitting levels (or both) for poultry, including for animals of a young age.⁷¹ The Organic Regulation also goes beyond minimum enrichment standards for pigs⁷² by providing more specific requirements than the Pigs Directive. For instance, the EU Organic Regulation requires the provision of ample dry bedding made of straw or another suitable material that allows pigs to express their natural needs and to rest,⁷³ thereby allowing pigs to root, which is “high priority behavior in pigs.”⁷⁴ In addition, as per the Organic Regulation, the outdoor exercise area must also allow pigs to express their rooting and dunging behaviors.⁷⁵ Finally, since 2022, EU organic producers have had to provide sows with straw or other suitable natural materials before farrowing, to allow them to build nests, a central component of their behavioral repertoire.⁷⁶

3.2.2. A MORE APPROPRIATE HOUSING

Minimum standards in EU farm animal welfare legislation provide little guidance on housing design and stocking densities, even in the species-specific directives for egg-laying hens, calves, pigs, and broiler chickens.⁷⁷ The Organic Legislation thus provides additional requirements for the animals within its scope. According to the Organic Regulation, housing conditions must meet the animals’ ethological needs. Additional requirements may also apply depending on the species. For example, ample bedding must be provided (made of straw or another suitable material) for the resting area for cattle, sheep, goats, horses, cervids, and rabbits.⁷⁸ Such bedding must also be comfortable, clean, dry, of sufficient size, and solid (not slatted).⁷⁹ In poultry farms, one third of the indoor buildings’ floor area must be covered with litter.⁸⁰ For pigs, as of 2022, half of pigs’ outdoor area floor must be of solid construction (not slatted), which is important for pigs’ welfare as pigs performing behaviors such as playing are less likely to get injured on a dry solid floor.⁸¹

82 Annex II, Paragraph 1.6.3., Regulation 2018/848, OJ L 150/65.

83 For example, pigs over 110 kg must now have a bigger space (indoor: 1,5 m² instead of 1,3 m²; outdoor : 1,2 m² instead of 1 m²). Annex I, Part III, Regulation 2020/464, OJ L 98/16.

84 Annex I, Part II and Annex II, Regulation 2020/464, OJ L 98/16 - 23.

85 Annex II, Paragraph 1.9.2.2. (f), Regulation 2018/848, OJ L 150/68.

86 *Ibid.*, Paragraph 1.9.3.2. (c), 2018, OJ L 150/68.

Lastly, the Organic Regulation sets a limit on stocking densities and sets a minimum space allowance per individual animal, which provides more space to animals compared to conventional standards. As a general principle, the Organic Regulation provides that animals must be granted “sufficient space to stand naturally, to move, to lie down easily, to run round, to groom themselves, to assume all natural postures and to make all natural movements, such as stretching and wing flapping.”⁸² Density levels and space allowance remain the same as in the previous Organic Regulation, with a few exceptions⁸³, and new rules have been introduced for the additional species covered by the legislation, such as fish and deer.⁸⁴ Moreover, additional rules specify that cervids must have enough space to be able feed all at the same time⁸⁵ and, similarly, that pigs must all have enough space to be able to lie down simultaneously.⁸⁶



4. Current Challenges and Future Directions

87 Annex II, Paragraphs 1.7.8. and 1.7.10., Regulation 2018/848, OJ L 150/66.

88 Alessandro Cozzi et al., *Dehorning of Cattle in the EU Member States: A Quantitative Survey of the Current Practices*, Livestock Science (2015).

89 Annex II, Paragraph 1.7.9., Regulation 2018/848, OJ L 150/66.

90 Emeline Nogues et al., *Pain in the Weeks Following Surgical and Rubber Ring Castration in Dairy Calves*, Journal of Dairy Science (2021).

91 Sarah Adcock and Cassandra Tucker, *Conditioned Place Preference Reveals Ongoing Pain in Calves 3 Weeks After Disbudding*, Scientific Reports (2020); Benjamin Lecorps et al., *Pessimistic Dairy calves Are More Vulnerable to Pain-Induced Anhedonia*, Plos One (2020).

92 Alessandro Cozzi et al., *Dehorning of Cattle in the EU Member States: A Quantitative Survey of the Current Practices*, Livestock Science (2015).

93 Florence Kling-Eveillard et al., *Attitudes of Farmers towards Cattle Dehorning*, Livestock Science (2015).

94 Ute Knierim et al., *To Be or Not to Be Horned – Consequences in Cattle*, Livestock Science (2015).

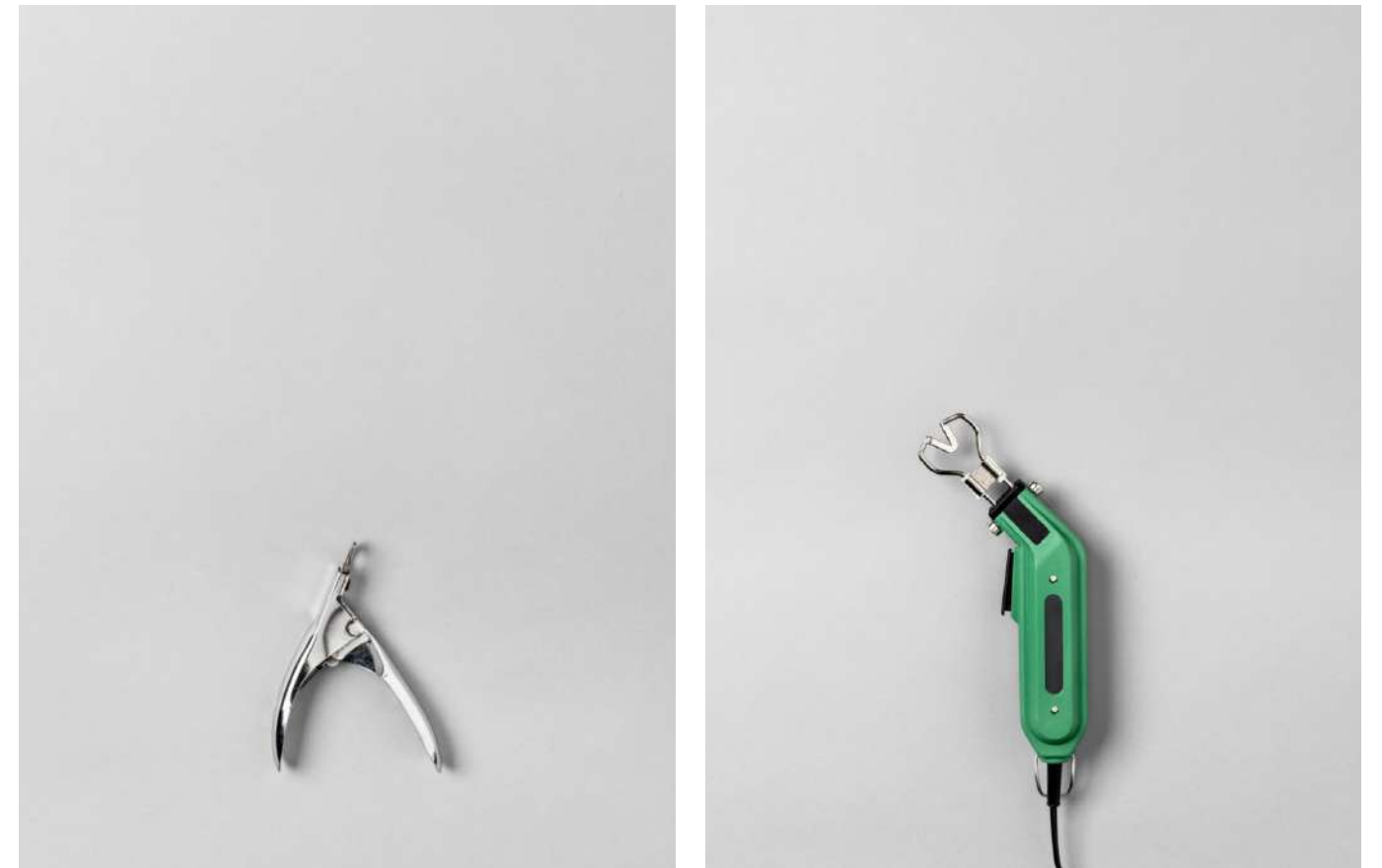
The Organic Regulation sets higher animal welfare standards relative to minimum legal standards, but some challenges remain.

4.1. Physical Mutilations

Although the EU organic production rules regulate physical mutilations, most such as disbudding of dairy calves, castration of piglets and beef cows, and beak-trimming of chickens are still allowed, but under certain conditions.⁸⁷ There is a lack of data about the proportion of organic farms that still perform these types of mutilations, but existing research suggests that these procedures are still relatively common.⁸⁸ When allowed, the Organic Regulation requires that physical mutilations must be carried out using pain control.⁸⁹ However, Organic production rules remain vague on many aspects relevant to the administration of pain control.

Most physical mutilations can be carried out using various methods, which can involve different degrees and duration of pain. For instance, recent studies have shown that band castrated calves experience pain for weeks if not months, even in cases where calves were provided the best pain control available at the moment of castration.⁹⁰ The non-invasive and time-efficient nature of band castration makes it an attractive solution for producers, as compared to surgical castration, which likely results in less pain for the animal. Without guidance, producers are likely to choose band castration over surgery.

The Organic Legislation also allows disbudding, whereas such a procedure may lead to long-lasting pain for days or weeks.⁹¹ Unlike castration, however, few alternatives exist to disbudding given the threat that horned cows pose to workers' safety and, in some circumstances, to other cows. For this reason, it is estimated that most farms perform disbudding, although the procedure is less common in organic farms, especially in organic beef.⁹² Practices and views largely differ from farmers that raise horned and hornless cattle.⁹³ Keeping horned cows means changes are needed to mitigate risks for both humans and animals, especially in dairy farms. Horned cattle are not necessarily more aggressive – aggressions tend to decrease in horned herds probably because costs of aggressions are much higher⁹⁴ – but must be kept in conditions that truly minimize competition for access to resources, such as food, and provide more space per animal. It is also obvious that horned cows are strongly advantaged if not all cows have horns in the herd, which entails that the transition from a hornless herd to a horned one can be quite challenging.



From left to right, top to bottom: beak cutter, electric tail docker, Burdizzo castrator.
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- 95 Charlotte Winder *et al.*, *Effects of Local Anesthetic or Systemic Analgesia on Pain Associated with Caustery Disbudding in Calves: A Systematic Review and Meta-Analysis*, *Journal of Dairy Science* (2018).
- 96 Thomas Ede *et al.*, *Assessing the Affective Component of Pain, and the Efficacy of Pain Control, Using Conditioned Place Aversion in Calves*, *Biology Letters* (2019).
- 97 Melissa Cantor *et al.*, *Effect of Milk Feeding Strategy and Lactic Acid Probiotics on Growth and Behaviour of Dairy Calves Fed Using an Automated Feeding system*, *Journal of Animal Science* (2019).
- 98 Richard D'Eath *et al.*, *Mitigating Hunger in Pregnant Sows*, *Advances in Pig Welfare* (2018).
- 99 Richard D'Eath *et al.*, *"Freedom from Hunger" and Preventing Obesity: the Animal Welfare Implications of Reducing Food Quantity or Quality*, *Animal Behaviour* (2009).
- 100 By setting minimum slaughter age for poultry animals to "prevent the use of intensive rearing methods." Annex II, Paragraph 1.9.4.1., Regulation 2018/848, OJ L 150/69.
- 101 Article 2, Regulation 2020/464, OJ L 98/6.
- 102 Cantor *et al.*, *Current Perspectives on the Short- and Long-Term Effects of Conventional Dairy Calf Raising Systems: A Comparison with the Natural Environment*, *Transnational Animal Science* (2019).
- 103 Daniel Weary *et al.*, *Understanding Weaning Distress*, *Applied Animal Behaviour Science* (2008).
- 104 Katharina Rosenberger *et al.*, *The Effect of Milk Allowance on Behaviour and Weight Gains in Dairy Calves*, *Journal of Dairy Science* (2017).

Although physical mutilations must be carried out using some forms of pain control in organic farms, the EU did not enforce the mandatory use of both local anesthesia (that eliminates pain during the surgery) and analgesia (that provides pain relief after the procedure) for procedures such as disbudding and castration (of both beef calves and piglets). Scientific evidence supports multimodal pain control strategies.⁹⁵ For instance, a calf being disbudded without local anesthesia would experience the acute, and arguably intense operative pain, while a calf just receiving a local anesthesia would experience a surge in pain a few hours after the procedure is carried out.

Similarly, Organic Regulations do not specify which analgesics shall be used. Not all analgesics provide similar pain control, especially on the duration of the analgesia provided, as some drugs have analgesic properties only for a few hours, when others can provide relief for 24 hours or more. Animal-based evidence shows that certain drugs can provide long-lasting pain control, such as meloxicam, and so are more efficient to mitigate disbudding pain.⁹⁶ In the absence of specific rules on the administration of pain control, organic rules do not guarantee that animals receive the best protection from pain.

4.2. Feed Restrictions

Food deprivation remains common practice in non-organic animal agriculture. Feed restrictions are commonly used either for productivity purposes or to prevent animals from growing at a speed that would be detrimental to their health. Feed restrictions are used across many industries and concern a large range of animals.

For instance, feed-restricted dairy calves are maintained on low milk intakes to promote a quick transition to solid feed, mostly for economic reasons.⁹⁷ Gestating sows from highly selected breeds are also routinely feed-restricted to avoid abundant fat storage during pregnancy, which is a risk factor for lameness and other health issues in sows.⁹⁸ Industrial, fast-growing broiler breeders are also severely feed-restricted so as to avoid growth at a speed that would lead to health issues or death.⁹⁹

Even though the Organic Regulation implicitly prohibits the use of fast-growing breeds,¹⁰⁰ feed restrictions remain unregulated. In the case of dairy calves, for instance, the EU organic production rules merely require that calves should be fed milk for 3 months.¹⁰¹ However, rules do not specify feeding methods, frequency, nor feed volumes when such specifications are essential for calf welfare, especially in group-housed calves.

For instance, the provision of a teat should be mandatory given the importance of suckling behaviors for calves.¹⁰² The organic production rules should further require an unlimited or extensive milk feeding regime with a minimum of at least 8 liters of milk per day during the pre-weaning period, delivered at least twice daily.

Lastly, organic rules should regulate weaning methods for young mammals. Although practices vary greatly from one farm to the other, weaning can be interrupted abruptly, especially in piglets and dairy calves. Evidence shows that abrupt weaning is distressful,¹⁰³ whereas alternatives, such as progressive reductions in milk intakes, can mitigate this stress.¹⁰⁴

- 105 Rebecca Meagher *et al.*, *Invited Review: A Systematic Review of the Effects of Prolonged Cow-calf Contact on Behaviour, Welfare, and Productivity*, *Journal of Dairy Science* (2019).
- 106 Margret Wenker *et al.*, *Effect of Cow-Calf Contact on Cow Motivation to Reunite with their Calf*, *Scientific Reports* (2020).
- 107 Daniel Weary *et al.*, *Effects of Early Separation on the Dairy Cow and Calf: 1. Separation at 6 h, 1 Day and 4 Days After Birth*, *Applied Animal Behaviour Science* (2000).
- 108 Benjamin Lecorps *et al.*, *Postpartum Stressors Cause a Reduction in Mechanical Brush Use in Dairy Cows*, *Animals* (2021).
- 109 Ruan Daros *et al.*, *Separation from the Dam Causes Negative Judgment Bias in Dairy Calves*, *Plos One* (2014).
- 110 Joanne Edgar *et al.*, *Influences of Maternal Care on Chicken Welfare*, *Animals* (2016).
- 111 M Bestman *et al.*, *Feather-Pecking and Injurious Pecking in Organic Laying Hens in 107 Flocks from Eight European Countries*, *Animal Welfare* (2017).
- 112 Joanne Edgar *et al.*, *Influences of Maternal Care on Chicken Welfare*, *Animals* (2016).

4.3. The Absence of Maternal Care

Most farm animal species naturally provide maternal care to their offspring. However, in most farms, the possibility to provide maternal care is restricted or completely absent, including on organic farms. The absence of maternal care should be understood from the perspective of both the mother, who may suffer due to being separated from her offspring, from the inability to perform maternal care, and the young animal, whose development may be impaired due to maternal absence.

Yet, practices such as cow-calf separation (generally a few hours following the calf's birth) are allowed under organic standards. Research shows that calves benefit from maternal contact¹⁰⁵ and that dairy cows are still motivated to provide maternal care.¹⁰⁶ However, allowing cow-calf contact may render separation (that will occur eventually) more distressing for both the calf and the cow. For instance, cows react more to calf separation if they spend some time with their calf, consistent with the idea that the emotional bond takes time to establish.¹⁰⁷ Once established though, separation can be very distressing for both the cow¹⁰⁸ and the calf.¹⁰⁹ Thus, attempts to provide some forms of contact between cows and calves for a few days or weeks may cause more harm than good. There is limited information on best practices of prolonged cow-calf contact and the ways in which to mitigate the economic costs of such a practice, which probably explains the lack of considerations in current regulations. Research is being conducted on this topic so lawmakers can, in the near future, make more informed decisions regarding cow-calf contact.

To solve a part of the issue, some farmers use nurses (i.e., cows that raise multiple calves). Although this solution provides an opportunity for calves to receive maternal care (even if not from their birth-mother) and an opportunity for some cows to provide maternal care (even if not to their birth-calves), this practice does not prevent most cows from experiencing the distress associated with cow-calf separation. This imperfect solution may nevertheless be encouraged in future regulations. Providing a maternal figure (either by using nurses or cow-calf contact systems) for all dairy calves could be a requirement for at least the duration of the milk feeding period (minimum 90 days in organic farms) given the advantages in terms of calf health and welfare.

Separation from the mother before hatching is also common in the organic poultry sector. The heavy segmentation of the supply chain, which relies on the separation between reproduction and production stages, means almost all chicks are raised without access to their mother hen, with detrimental consequences to chicks' behavior and development.¹¹⁰ For instance, chicks raised without a mother hen are generally more fearful, which may promote the expression of damaging behaviors, such as feather pecking, which remains widespread in organic poultry flocks.¹¹¹ Effects on mother hens have been less explored in the scientific literature, but the research that has been conducted shows such separation represents a missed opportunity for hens to display natural behaviors.¹¹²

- 113 Janja Sirovnick et al., *Why-Oh-Why? Dark Brooders Reduce Injurious Pecking, Though Are Still Not Widely Used in Commercial Rearing of Layer Pullets*, *Animals* (2022).
- 114 *Ibid.*
- 115 Article 3 (a), Council Regulation (EC) No 1/2005 of 22 December 2004 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, OJ L 3/5.
- 116 *Ibid.*, Article 35 and Annex I, Paragraph 1.9., 2005, OJ L 3/15 - 22.
- 117 On the detrimental effects of long distance transport of cows on their welfare, see for instance: Karen Schwartzkopf-Genswein et al., *Road Transport of Cattle, Swine and Poultry in North America and its Impact on Animal Welfare, Carcass and Meat Quality: A Review*, *Meat Science* (2012).
- 118 See for instance: Jan Hultgren, *Is Livestock Transport a Necessary Practice? Mobile Slaughter and On-Farm Stunning and Killing Before Transport to Slaughter*, *CAB Reviews* (2018); Marit Skog Eriksen et al., *Mobile Abattoir Versus Conventional Slaughterhouse—Impact on Stress Parameters and Meat Quality Characteristics in Norwegian Lambs*, *Applied Animal Behaviour Science* (2013).
- 119 Eugénie Duval, *Le droit de l'Union relatif à l'agriculture biologique: la promotion d'un meilleur bien-être des animaux d'élevage ?*, in Isabelle Michallet (dir.), *Bien-être et normes environnementales*, Mare et Martin (2022).

Although the industry is far from being able to provide hen-chick contact, some solutions exist to mitigate the negative welfare effects of this practice on chicks. Artificial brooders (equipment providing heat and darkness used as an artificial replacement of a mother hen) have been shown to buffer against some of the negative effects associated with the absence of a mother hen (e.g., feather pecking).¹¹³ EU regulations do not make the presence of artificial brooders explicit. In the future, the legislator could encourage the use of artificial brooders in farms that do not allow hen-chick contact. Although this practice does not solve the issue of hen-chick separation, it provides some welfare benefits to chicks and could be implemented quickly.¹¹⁴

Piglets, however, may benefit from an extended period of contact with their mothers, beyond current minimum legal standards, on account of the limited use of farrowing crates, which contributes to better and longer maternal care.

4.4. Transport

With the exception of vague language requiring that the duration of transport be minimized,¹¹⁵ only two specific provisions in the organic regulations refer to the transport of animals. One of these provisions prohibits the administration of tranquilizers prior to or during transport for animals, and the other bans the use of any type of electrical prodding during loading and unloading.¹¹⁶ Apart from these two provisions, animals in organic agriculture are subjected to the same rules in the Transport Regulation that apply to non-organically produced animals. These rules allow for long-distance transport, which greatly increases the risk of poor animal welfare, especially for vulnerable animals and during adverse climatic conditions.¹¹⁷

Given the adverse impacts of transport on animals, the Organic Regulation should provide a strict eight-hour cap on the duration of transport of animals so as to encourage local slaughter, including on-farm slaughter, which has shown promise in mitigating some of the issues associated with transportation.¹¹⁸

The Legal Implications of European Court of Justice Case Law on Transport Rules

In a 2019 ruling, the European Court of Justice (ECJ) decided that only the practice of pre-stunning animals before slaughter is in line with the objective of ensuring high animal welfare standards and is therefore compatible with the organic regulations. The ECJ's reasoning here could be transposed to the area of transport, making it so that only animals transported for less than eight hours would be eligible for organic certification.¹¹⁹



Annex

COMPARATIVE OVERVIEW BETWEEN MINIMUM ANIMAL WELFARE STANDARDS IN EU FARM ANIMAL WELFARE LAWS AND ANIMAL WELFARE RULES IN EU ORGANIC REGULATION

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
All	Use of highly selected breeds	"No animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare."	Annex, Paragraph 21, Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/27	"Operators shall consider giving preference to breeds or strains with a high degree of genetic diversity, the capacity of animals to adapt to local conditions, their breeding value, their longevity, their vitality and their resistance to disease or health problems, all without impairment of their welfare. In addition, breeds or strains of animals shall be selected to avoid specific diseases or health problems associated with some breeds or strains used in intensive production, such as porcine stress syndrome, possibly leading to pale-soft-exudative (PSE) meat, sudden death, spontaneous abortion and difficult births requiring caesarean operations."	Annex II, Paragraph 1.2.3. (d) et 1.3.3., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/61
All	Outdoor access	No rule	N/A	"With the exception of porcine animals, poultry and bees, livestock shall have permanent access to pasture whenever conditions allow or shall have permanent access to roughage. Livestock shall have permanent access to open air areas that allow the animals to exercise, preferably pasture, whenever weather and seasonal conditions and the state of the ground allow, except where restrictions and obligations related to the protection of human and animal health have been imposed on the basis of Union legislation."	Annex II, Paragraphs 1.4.1. and 1.7.3., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/63 and 66
All	Housing conditions	Buildings and accommodation "must not be harmful to the animals"	Annex, Paragraphs 8 - 11, Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/26	Indoor: "Insulation, heating and ventilation of the building shall ensure that air circulation, dust level, temperature, relative air humidity and gas concentration are kept within limits which ensure the well-being of the animals. The building shall permit plentiful natural ventilation and light to enter." Outdoor: "Housing for livestock shall not be mandatory in areas with appropriate climatic conditions enabling animals to live outdoors. In such cases, animals shall have access to shelters or shady areas to protect them from adverse weather conditions." "Open air areas may be partially covered. Verandas shall not be considered as open air areas."	Annex II, Paragraphs 1.6.1; 1.6.2., and 1.6.5., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/65
All	Restrictive housing system	Cages are allowed	"Article 3, Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/6 Article 5, Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/55 Article 3(a) Council Directive 2008/119 Laying Down Minimum Standards for the Protection of Calves, 2009 OJ L 10/8."	The use of "cages, boxes and flat decks" is prohibited for all species. Tethering is prohibited "except in relation to individual animals for a limited period and insofar as this is justified for veterinary reasons."	Annex II, Paragraph 1.6.8. and 1.7.5., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/65 and 66
All	Social Isolation	Isolation is allowed until the animals are 8 weeks old.	Article 3(a) Council Directive 2008/119 Laying Down Minimum Standards for the Protection of Calves, 2009 OJ L 10/8.	Isolation is prohibited "except in relation to individual animals for a limited period and insofar as this is justified for veterinary reasons." Isolation of animals is authorized only for a limited period of time, for worker's safety or animal welfare reasons. Member States may authorize the tethering of cattle in farms with fewer than 51 adult animals "where it is not possible to keep the cattle in groups appropriate to their behaviour requirements, provided they have access to pastures during the grazing period, and have access to open air areas at least twice a week when grazing is not possible."	Annex II, Paragraph 1.7.5., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/66

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
All	Mutilations	Mutilations are allowed. However, some mutilations are restricted (e.g., in theory, ban on routine tail-docking and teeth-clipping in pigs).	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27 Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/55 Council Directive 2008/119 Laying Down Minimum Standards for the Protection of Calves, 2009 OJ L 10/7 - 13 Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/ 5 - 13 Council Directive 2007/43/EC Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production, 2007 OJ L 182/19 - 28"	Mutilations are allowed, although restricted: The tail-docking of sheep and beak trimming of birds is allowed in the first three days of life. Dehorning and disbudding are allowed on a case-by-case basis and for health, welfare or hygiene, or workers' safety reasons only. Physical castration is allowed.	Annex II, Paragraphs 1.7.8. and 1.7.10, Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/66
All	Pain control	No pain control required	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27 Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/55 Council Directive 2008/119 Laying Down Minimum Standards for the Protection of Calves, 2009 OJ L 10/7 - 13 Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/ 5 - 13 Council Directive 2007/43/EC Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production, 2007 OJ L 182/19 - 28"	Any suffering to the animals shall be reduced to a minimum by applying adequate anaesthesia and/or analgesia and by carrying out each operation at only the most appropriate age by qualified personnel.	Annex II, Paragraph 1.7.9., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/66
All	Handling	The use of "instruments which administer electrical shocks" is allowed, although their use shall be avoided as far as possible"	Annex I, Chapter III, Para. 1.8., Council Regulation 1/2005 on the Protection of Animals During Transport and Related Operations, 2005 OJ L 3/22	The use of electrical prods "or other painful stimulation to coerce the animals" is prohibited.	Annex II, Paragraph 1.7.11., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/66
All	Duration	Rules limiting the maximum duration for the transport of animals and imposing rest periods.	Annex I, Chapter V, Council Regulation 1/2005 of 22 December 2004 on the Protection of Animals During Transport and Related Operations, 2005 OJ L 3/25 - 26.	Duration of transport of livestock shall be minimised.	Annex II, Paragraph 1.7.6., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/66
All	Slaughter	Stunning is mandatory except for religious purposes. Only listed killing methods are allowed, including Co2 stunning, waterbath for poultry, and maceration of chicks.	Article 4 and Annex I, Council Regulation 1099/2009 on the Protection of Animals at the Time of Killing, OJ L 303/9 and 19 - 23.	Stunning is mandatory with no exemption. Regulation 1099/2009 applies for all other aspects.	Case C-497/17, Œuvre d'assistance aux bêtes d'abattoirs (OABA) v Ministrede l'Agriculture et de l'Alimentation and Others, 2019
Beef cattle and dairy cows	Outdoor access	No rule	Council Directive 98/58 of 20 July 1998 Concerning the Protection of Animals Kept for Farming Purposes, 1998 OJ L 221/23 - 27	Animals shall have access to pasturage for grazing whenever conditions allow. Notwithstanding the previous point, male bovine animals over one year old shall have access to pasturage or an open air area.	Annex II, Paragraph 1.9.1.1. (b) et (c), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/67
Beef cattle and dairy cows	Housing conditions	Buildings and accomodation "must not be harmful to the animals"	Annex, Paragraphs 8 - 11, Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/26	"Housing shall have smooth, but not slippery floors. Housing shall be provided with a comfortable, clean and dry laying or rest area of sufficient size, which shall consist of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product that is authorised pursuant to Article 24 as a fertiliser or soil conditioner for use in organic production."	Annex II, Paragraph 1.9.1.2. (a) et (b), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/67

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
Beef Cattle	Density	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Sets maximum density levels for indoor and outdoor area depending on weight and age.	Annex I, Part 1, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/15
Dairy Cows	Density	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Sets minimum density levels for indoor and outdoor area depending on weight and age.	Annex I, Part 1, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/15
Calves	Weaning	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	The minimum period for feeding with maternal milk is set at 90 days after birth.	Article 2, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/6
Deer	Outdoor access	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Animals shall have access to pasturage for grazing whenever conditions allow.	Annex II, Paragraph 1.9.2.1. (b), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/67
Deer	Outdoor access	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Cervine animals shall be provided with hiding places, shelters and fences that do not harm animals. In red deer pens, animals must be able to roll in the mud to ensure skin grooming and body temperature regulation.	Annex II, Paragraph 1.9.2.2. (a) and (b), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/67
Deer	Weaning	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	The minimum period for feeding suckling cervine animals with maternal milk is set at 90 days after birth.	Article 5, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/6
Deer	Housing conditions	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	The accommodations of animals in outdoor enclosures or pens is specified, such as "visual and weather protection facilities shall be provided to cervine animals preferably by natural shelters like inclusion of groups of trees and shrubs, parts of forests or skirts of woods into the outdoor enclosure or pen."	Article 7 et 8, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/6-7
Deer	Density	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	The rules set maximum stocking density and minimum surface for outdoor areas for silka deer, fallow deer, red deer and Père David's deer.	Annex I, Part II, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/16

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
Pigs	Housing conditions	No specification other than pigs mandatory access to "a lying area physically and thermally comfortable" and floors must be "smooth but not slippery [...] and so designed, constructed, and maintained as not to cause injury or suffering to pigs."	Annex I, Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/10	The housing shall be provided with a comfortable, clean and dry laying or rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material. The litter may be improved and enriched with any mineral product authorised pursuant to Article 24 as a fertiliser or soil conditioner for use in organic production. There shall always be a bed made of straw or other suitable material large enough to ensure that all pigs in a pen can lie down at the same time in the most space-consuming way.	Annex II, Paragraphs 1.9.3.2. (b) et (c) Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/68
Pigs	Enrichment	No specification other than mandatory "permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities."	Para. 4, Annex I, Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/10	"Exercise areas shall permit dunging and rooting by porcine animals. For the purposes of rooting, different substrates may be used. Sows shall be provided with a quantity of straw or other suitable natural material sufficient to enable them to build nests."	Annex II, Paragraphs 1.9.3.2. (e) and (f), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/68
Pigs	Restrictive housing system	The use of farrowing and gestation crates is allowed. Sows and gilts can be kept in groups from four weeks after the service to one week before the expected time of farrowing.	Article 3, Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/6 - 7	Sows shall be kept in groups, except in the last stages of pregnancy and during the suckling period, during which time the sow must be able to move freely in her pen and her movement shall only be restricted for "short periods."	Annex II, Paragraphs 1.9.3.2. (d), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/68
Pigs	Density	High stocking densities are allowed.	Article 3, Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/6 - 7	Sets lower minimum density levels for indoor and outdoor area depending on weight.	Annex I, Part III, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/16
Pigs	Weaning	No rule	Article 3, Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/5 - 13	The minimum weaning period is set at 40 days after birth.	Article 9, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/8.
Pigs	Outdoor access	No outdoor access	Article 3, Council Directive 2008/120 Laying Down Minimum Standards for the Protection of Pigs, 2009 OJ L 47/5 - 13	Open air areas shall be attractive to porcine animals. Where possible, preference shall be given to fields with trees or forests. Open air areas shall provide outdoor climate as well as access to shelters and means allowing the regulation of body temperature of porcine animals.	Article 12, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/7
Poultry	Housing conditions	The use of cages is allowed for egg-laying hens. "All chickens must have permanent access to litter which is dry and friable on the surface."	"Article 6, Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/54 Annex I, para. 3, Council Directive 2007/43/EC Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production, 2007 OJ L 182/24"	Among other specifications: -At least one third of the floor area shall be solid and covered with a litter material such as straw, wood shavings, sand or turf -Poultry shall have access to an open air area for at least one third of their life except where temporary restrictions have been imposed on the basis of Union legislation for egg-laying hens. -Continuous daytime open air access shall be provided from as early an age as practically possible and whenever physiological and physical conditions allow, except where temporary restrictions have been imposed on the basis of Union legislation -Verandas are not considered to be open air areas, except for pullets under 18 weeks -Open air areas for poultry shall be covered mainly with vegetation -Water fowl shall have access to a stream, pond, lake or a pool and when weather conditions do not permit such access, they shall have access to water which enables them to dip their head -Natural light may be supplemented by artificial means to provide a maximum of 16 hours light per day, with a continuous nocturnal rest period without artificial light of at least eight hours -The total usable surface area for fattening poultry in poultry houses of any production unit shall not exceed 1 600 meters; not more than 3 000 laying hens shall be allowed in a single compartment of a poultry house.	Annex II, Paragraph 1.9.4.4., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/69

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
Poultry		Live plucking is not prohibited.	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Live plucking is prohibited.	Annex II, Paragraph 1.9.4.3., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/69
Poultry	Use of highly selected breeds	"No animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare."	Annex, Paragraph 21, Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/27	Sets minimum slaughter age.	Annex II, Paragraph 1.9.4.1., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/69
Egg-Laying Hens	Housing conditions	Sets out rules regarding the keeping of egg-laying hens in unenriched and enriched cage systems.	Articles 5 and 6, Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/54 - 55	Specifies requirements for poultry houses so as to allow "easy access to open air areas" to all birds.	Article 15, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/8
Egg-Laying Hens	Outdoor access	No rule	Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/53 - 57	Poultry have access to an open air area for at least one third of their life except where temporary restrictions have been imposed on the basis of Union legislation. Open air areas for poultry shall be attractive to the birds and shall be fully accessible to all birds.	"Annex II, Paragraph 1.9.4., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/69 Article 16, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/9 - 10"
Egg-Laying Hens	Density	Minimum density levels are set at 550 cm ² of cage area per hen in unenriched cage systems and 750 cm ² of cage area per hen in enriched cage systems.	Articles 5 and 6, Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/54 - 55	Sets minimum density levels for indoor and outdoor area. Sets limits on the flock size in a single compartment of a poultry house for parents, pullets, and egg-laying hens. The usable area of the veranda shall not be taken into account for the calculation of the stocking density and the minimum surface of the indoor and outdoor areas	"Annex II, Paragraph 1.9.4., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/69 Article 15 (c) and (d), Annex, Part IV, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/8 and 17"
Egg-Laying Hens	Enrichment	Cages must be equipped with a nest, litter such that pecking and scratching are possible and appropriate perches allowing at least 15 cm per hen.	Article 6, Council Directive 1999/74 Laying Down Minimum Standards for the Protection of Laying Hens, 1999 OJ L 203/54 - 55	Specifies the type and amount of enrichment materials for indoor and outdoor areas.	Article 16 and Annex, Part IV, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/10 and 17

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
Broilers	Housing conditions	All chickens must have permanent access to litter which is dry and friable on the surface. Ventilation must be sufficient to avoid overheating and, where necessary, in combination with heating systems to remove excessive moisture. The sound level must be minimised. Ventilation fans, feeding machinery or other equipment must be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise. All buildings must have lighting with an intensity of at least 20 lux during the lighting periods, measured at bird eye level and illuminating at least 80 % of the useable area. A temporary reduction in the lighting level may be allowed when necessary following veterinary advice.	Paras. 3 - 6, Annex I, Council Directive 2007/43 Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production, 2007 OJ L 182/24	Specifies requirements for poultry houses so as to allow "easy access to open air areas" to all birds.	Article 15, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/8
Broilers	Outdoor access	No rule	Council Directive 2007/43 Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production, 2007 OJ L 182/19 - 28	Poultry have access to an open air area for at least one third of their life except where temporary restrictions have been imposed on the basis of Union legislation. Open air areas for poultry shall be attractive to the birds and shall be fully accessible to all birds	"Annex II, Paragraph 1.9.4., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/69 Article 16, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/9 - 10"
Broilers	Density	Maximum stocking density in a holding or a house of a holding is limited to 42 kg/m ² .	Article 3, Council Directive 2007/43 of 28 June 2007 Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production, 2007 OJ L 182/21 - 22	Sets minimum density levels for indoor and outdoor area. Sets limits on the flock size in a single compartment of a poultry house for parents and broilers. The usable area of the veranda shall not be taken into account for the calculation of the stocking density and the minimum surface of the indoor and outdoor areas	"Annex II, Paragraph 1.9.4., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/69 Article 15 (c) and (d), Annex, Part IV, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/8 and 17"
Broilers	Enrichment	No rule	Council Directive 2007/43 Laying Down Minimum Rules for the Protection of Chickens Kept for Meat Production, 2007 OJ L 182/19 - 28	Specifies the type and amount of enrichment materials for indoor and outdoor areas.	Article 16 and Annex, Part IV, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/10 and 18 - 19
Rabbits	Use of highly selected breeds	"No animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare."	Annex, Paragraph 21, Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/27	Rabbit farms shall use robust breeds adapted to outdoor conditions.	Annex II, Paragraph 1.9.5.2. (c), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/71

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
Rabbits	Outdoor access	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Rabbits shall have access to pasturage for grazing whenever conditions allow.	Annex II, Paragraph 1.9.5.1. (b), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/70
Rabbits	Housing conditions	Buildings and accomodation "must not be harmful to the animals"	Annex, Paragraphs 8 - 11, Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/26	"Housing shall be provided with a comfortable, clean and dry laying or rest area of sufficient size, consisting of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area."	"Annex II, Paragraph 1.9.5.2. (a), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/70 Article 19 Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/10"
Rabbits	Social Isolation	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Rabbit farms shall use robust breeds adapted to outdoor conditions.	Annex II, Paragraph 1.9.5.2. (c), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/71
Rabbits	Enrichment	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Rabbits shall have access to: covered shelter including dark hiding places; an outdoor run with vegetation, preferably pasture; a raised platform on which they can sit, either inside or out; and nesting material for all nursing does.	Annex II, Paragraph 1.9.5.2. (d), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/71 and Article 20 Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/10
Rabbits	Weaning	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	The minimum weaning period is set at 42 days after birth.	Article 17, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/10
Rabbits	Density	No rule	N/A	Sets minimum density levels for indoor and outdoor area for fattening rabbits, nursing and gestating reproductive female rabbits.	Annex I, Part V, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/19
Bees	Other	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	For beekeeping, preference shall be given to the use of Apis mellifera and their local ecotypes.	Annex II, Paragraph 1.9.6.1., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/71
Bees	Other	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	The practice of destroying the male brood shall only be permitted for the purpose of isolating the infestation of Varroa destructor.	Annex II, Paragraph 1.9.6.3. (c), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/71
Bees	Other	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	The destruction of bees in the combs as a method associated with the harvesting of apiculture products shall be prohibited.	Annex II, Paragraph 1.9.6.4. (a), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/71

ANIMAL	TOPIC	RULE UNDER EU FARM ANIMAL WELFARE LEGISLATION	PROVISION	RULE UNDER ORGANIC LEGISLATION	PROVISION
Bees	Mutilations	Pending the adoption of specific provisions concerning mutilations relevant national provisions shall apply in accordance with the general rules of the Treaty.	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Mutilation such as clipping the wings of queen bees shall be prohibited.	Annex II, Paragraph 1.9.6.4. (b), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/71
Sheep and goats	Outdoor access	No rule	Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/23 - 27	Animals shall have access to pasturage for grazing whenever conditions allow.	Annex II, Paragraph 1.9.1.1. (b), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/66
Sheep and goats	Housing conditions	Buildings and accomodation "must not be harmful to the animals"	Annex, Paragraphs 8 - 11, Council Directive 98/58/EC Concerning the Protection of Animals Kept for Farming Purposes, 1998, OJ L 221/26	Housing shall have smooth, but not slippery floors. Housing shall be provided with a comfortable, clean and dry laying or rest area of sufficient size, which shall consist of a solid construction which is not slatted. Ample dry bedding strewn with litter material shall be provided in the rest area. The litter shall comprise straw or other suitable natural material.	Annex II, Paragraph 1.9.1.2. (a) et (b), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/67
Sheep and goats	Weaning	No rule	N/A	Minimum weaning period is set at 45 days after birth.	Article 2, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/6
Sheep and goats	Density	No rule	N/A	Maximum density levels are laid down for indoor and outdoor area for sheep, lambs, goats, and kids.	Annex I, Part 1, Paragraph 1, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/15
Fish	Breeding	No rule	N/A	Hormones and hormone-derivates shall not be used.	Annex II, Paragraph 3.1.2.2. (a), Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/75
Fish	Housing conditions	No rule	N/A	Closed recirculation aquaculture animal production facilities is prohibited, except for "hatcheries and nurseries or facilities for the production of species used for organic feed organisms."	Annex II, Paragraph 3.1.5.1., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/75
Fish	Handling	No rule	N/A	"The handling of aquaculture animals shall be minimised, and shall be undertaken with the greatest care. Proper equipment and protocols shall be used to avoid stress and physical damage associated with handling procedures. Broodstock shall be handled in such a manner as to minimise physical damage and stress, and shall be handled under anaesthesia where appropriate. Grading operations shall be kept to a minimum and shall only be used where required to ensure fish welfare."	Annex II, Paragraph 3.1.6.2., Regulation 2018/848 on organic production and labelling of organic products, 2018, OJ L 150/79
Fish	Density	No rule	N/A	Maximum density levels are laid down for salmonids in freshwater, salmonids in sea water, cod, sea bream, meagre, turbot, red porgy, red drum, and other Sparidae, and spinefeet, sturgeon in freshwater, fish in inland waters, penaeid shrimps and freshwater prawns.	Annex II, Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98/21 - 22

Animal Welfare Standards in the EU Organic Certification

RESEARCH NOTE #5 — Alice Di Concetto, Eugénie Duval & Benjamin Lecorps



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