



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.3.2007
COM(2007) 83 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL**

**on the implementation of the derogations from housing requirements for organic
livestock in buildings from before 24 August 1999 and before 24 August 2000**

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the implementation of the derogations from housing requirements for organic livestock in buildings from before 24 August 1999 and before 24 August 2000

INTRODUCTION

According to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuff, the Commission shall prepare a report¹ to Council before 31 December, 2006, on the implementation of several derogations for organic livestock, namely:

- tethering of cattle in buildings from before 24 August 2000,
- different livestock housing requirements in buildings from before 24 August 1999, namely on access of waterfowls to swimming water, on poultry housing conditions, flock sizes and access to outdoor area of poultry as well as on access to open-air runs and pasture for mammals and on the size of indoor and outdoor space of housing.

These derogations are foreseen to run out on 31 December 2010. There is no legal requirement for a revision before that date.

In order to obtain data for the preparation of this report, all Member States and several European non-Member States² were asked to complete two questionnaires. 20 Member States as well as Bulgaria, Norway and Switzerland responded to one or both of the questionnaires.

SUMMARY

Quite a number of Member States find the phasing out of the derogation allowing the tethering of cattle by 31 December 2010, problematic and demand a prolongation of at least five years. Mainly climatic (regions with long winter housing), geographical, structural and economic arguments have been put forward.

Despite their currently widespread use, few Member States require prolongations of the derogations on access of waterfowls to swimming water, on poultry housing conditions, flock sizes and access to outdoor area of poultry. Various Member States demand a prolongation of the derogations on access to open-air runs and pasture for mammals as well as on the size of indoor and outdoor space.

¹ Annex I, part B, point 6.1.7 and Annex I, part B, point 8.5.3, of Council Regulation (EEC) No 2092/91, as amended by Council Regulation (EC) No 1804/1999 of 19 July 1999.

² Non-Member States who apply Council Regulation (EEC) No 2092/91 as part of treaties with the Community.

Questionnaire on the implementation of the derogation on tethering of cattle in buildings already existing before 24 August 2000 (Annex I, part B, point 6.1.5)³

Countries not using the derogation: IE, EL, CY, LT, PT;

Countries presently using the derogation: BE, CZ, DK, DE, EE, FR, IT, LV, LU, HU, NL, AT, SI, FI, SE;

Countries requiring a prolongation: BE, DE, EE, FR, IT, LU, HU, NL, AT, PL, SI, SE, BG

Overview of present use of the derogation (Annex I, part B, point 6.1.5) in the countries

State	BE	CZ	DK	DE	EE	FR	IT	LV	LU
absolute No / % of all cattle holdings	93 / 29.4%	62 / 10%	21 / 4%	2318 / 21%*	267 / 58%	287/8% (60% in mountain areas)	239 / 4.3%	1766 / NA	10 / 25%
Average size of organic cattle holdings/LU	37.5	80	50	31 (weighted average)	10.4	65 dairy / 56 beef	18.62	7.3	55
% of holdings expected to comply by 2010	NA ⁴	all	all	NA	NA	NA	NA	NA	95
No of years of prolongation requested after 2010	5	0	0	≥ 5	5	unlimited also for new stables	unlimited in mountain areas	ND	15**

State	HU	NL	AT	PL	SI	FI	SE	BG	NO	CH
absolute No / % of all cattle holdings	8 / 12%	104 / 22%	9589 / 65%	749 / 22%	744 / 67.5%	33 / 12.7%	251 / 60.6%***	1 / 16.7%	300 / 50%****	ND ⁵
Average size of organic cattle holdings /LU	NA	31	22.7 bovines	5 dairy cows	5	34.5	50.5 for dairy / 25 for beef	50 bovines	13	16 dairy cows
% of holdings expected to comply by end of 2010	NA	NA	NA	NA	NA	all	NA	NA	NA	NA
No of years of prolongation requested after 2010	5	5 = tendency	NA	un-limited	5	0	unlimited for certain areas	10	NA	unlimited under certain conditions

* big regional variation, up to 50% in some Länder,

** only for old stables placed inside villages,

*** 2004 data,

**** 2005 data.

Detrimental effects noticed in tethering systems

- claw and leg health problems (lack of exercise): DK, EE, SI,
- problems with calving: SI,
- cattle become too wild after release from tethering: SE.

³ The following Member States have not provided information regarding Annex I, part B, point 6.1.5; ES, MT, UK and RO.

⁴ NA: No Answer.

⁵ ND: No Data.

Positive effects of tethering systems

- no dehorning: DE,
- less stress for lower ranking animals (no competition for feed, resting place etc.): DE, CH,
- more intensive observation, allowing for preventive action: DE, CH, FR,
- less claw problems: NO.

Arguments used for prolongation request

- a) geographic constraints
 - mountain areas: DE, AT, FR,
 - lack of straw in mountains: FR;
- b) structural constraints
 - lack of additional land and/or placed inside villages: LU, SI, SE,
 - landscape preservation: DE, SE,
 - more time for new Member States to ensure development: HU, BG;
- c) economic constraints
 - redemption period for the investment in the stable: BE, LU,
 - rural development programs 2007–2013 (5 year commitment needed, farmers might discontinue organic farming without derogations): EE, SI,
 - poorly developed markets lead to reduced possibilities to valorise organic meat and thus invest in stables: SI,
 - small farms not profitable to rebuild/invest: IT, NL, SE, FR, PL.

Other remarks

FR wants unlimited prolongation for tethering for a maximum of 6 months per year also in new buildings, under certain conditions regarding access to exercise area;

PT opposes any further derogations.

Questionnaire on the implementation of the derogation on tethering of cattle in buildings already existing before 24 August 1999

Mammals/restricted access to open-air runs and for herbivores to pasture (Annex I, part B, point 8.3.1)⁶

Countries not using the derogation: CZ, EL, IE, CY, LV, LT, SE, BE, FR, PL, PT, BG, NO;

Countries presently using the derogation: DK, LU, HU, NL, AT, SI, EE, IT;

Countries requiring a prolongation: LU, HU, SI, FI, AT⁷, PL, IT.

⁶ The following countries have not provided information regarding Annex I, part B, point 8.5.1; ES, MT, UK, CH and RO.

⁷ AT answers do not provide explicit statements on present use and need for prolongation, so interpretation of their point of view has been attempted.

Overview of present use of the derogation (Annex I, part B, point 8.3.1) in the countries

State	DK	EE	IT	LU	HU	NL	AT	PL	SI	FI
absolute No / percentage of holdings	ND	267/ 58%	40/ 0.7%	9/ 19%	5/ 3%	43/ 7%	5893/ ~35%	190/ 6%	697/ 43.5%	67/ 17%
No of these holdings expected to comply by end of 2010	all	50%	9	5-6	2		ND	ND	half	all
No of years of prolongation requested	0	5	NA*	15**	5	0	ND	≥ 10	5	0

* mountain holdings will be unable to comply,

** for old stables placed inside villages only.

Detrimental effects mentioned: none.

Arguments used for prolongation request

- a) geographic constraints
 - mountain areas: IT, AT,
 - lack of additional land: LU and PL (holdings placed inside villages);
- b) structural constraints
 - the type of holdings: SI (only small), EE,
 - more time for new Member States as it is the farms with old stables converting: HU.

Other remarks

NL: farmers wait with investment decision until there is more certainty about market situation in 2010;

IT: cattle only.

Water fowl/access to swimming water (Annex I, part B, point 8.4.2)

Countries not using the derogation: BE, CZ, DK, EL, EE, IE, IT, CY, LT, LU, LV, HU, NL, PT, SE, SI, FI, BG, NO;

Countries presently using the derogation: AT, FR, PL;

Countries requiring a prolongation: AT⁷, PL.

Overview of present use of the derogation (Annex I, part B, point 8.4.2) in the countries

State	FR	PL	AT
absolute No / percentage of holdings	100/ND	ND/80%	49/ND
% of holdings expected to comply by end 2010	ND	ND	ND
No of years of prolongation requested	NA	unspecified length	ND

Detrimental effects mentioned: FR – health problems; according to national veterinary advice only access to running rather than still water assures that the birds do not catch diseases.

Arguments used for prolongation request: AT – lack of practical solutions.

Poultry/housing requirement, flock and unit size (Annex I, part B, point 8.4.3)

Countries not using the derogation: BE, CZ, EE, EL, IE, CY, LT, LU, LV, HU, PL, PT, NO;

Countries presently using the derogation:

- for housing requirements: NL, AT, SI, FI, FR, IT, BG,
- for flock+unit size: AT, SE, FI, FR, DK, BG;

Countries requiring a prolongation: AT⁷.

Overview of present use of the derogation (Annex I, part B, point 8.4.3) in the countries

State	DK	FR	IT	NL	AT	SI	FI	SE	BG
housing requirements: absolute No / % of holdings	0	140/ 21.5%	1/ 0.6%	5/ 3%	660/ ~7.5%	281/ 62.8%	17/ 33%	0	2/ 18%
flock size: absolute No / % of holdings	NA	163/ 25%	0		ND		2/ 4%	21/ 18.9%*	2**
unit size: absolute No / % of holdings	0	0	0	0	1	0			
% of these holdings expected to comply by end 2010	NA	all	all	all	all	ND	NA	100% in theory	ND
No of years of prolongation requested	NA	0	0	0	ND	ND	NA	(0) see remark	

* 21 holdings with more than 3 000 laying hens in one building, amounts to 55% of organic laying hens in SE.

** chickens and laying hens only. Refers to 2 farms still in conversion, no information yet on their situation.

Detrimental effects mentioned: none

Arguments used for prolongation request: none

Other remarks

NL, FI: used for number of pop-holes only;

SE: used for laying hens only. Do not ask for prolongation, but for removal of limit for number of birds in a building;

DK: used for laying hens only.

Poultry / access to open-air runs (Annex I, part B, point 8.4.5)

Countries not using the derogation: FR, IT, EE, NL, IE, LU, SE, SI, LV, HU, FI, BE, EL, CY, CZ, DK, LT, PL, PT, NO;

Countries presently using the derogation: AT, BG;

Countries requiring a prolongation: AT⁷.

Overview of present use of the derogation (Annex I, part B, point 8.4.5) in the countries

State	AT	BG
absolute No / percentage of holdings using the derogation	125/1.4%	2/18%
% of holdings expected to comply by end of 2010	ND	0
No of years of prolongation requested	NA	NA

Detrimental effects mentioned: none

Arguments used for prolongation request: none

Other remarks

NO: feed and water not allowed outside (following Avian Influenza restrictions);

BG: refers to 2 farms still in conversion, no information yet on their situation.

Mammals/reduced indoor and outdoor space (Annex VIII, point 1)

Countries not using the derogation: IE, LU, EL, LT, BE, CY, PL, PT;

Countries presently using the derogation: FR, IT, EE, NL, AT, SE, SI, LV, HU, FI, CZ, DK, BG, NO;

Countries requiring a prolongation: EE, LV, HU, AT⁷, FR, IT, NO.

Overview of present use of the derogation (Annex VIII, point 1) in the countries

State	CZ	DK	EE	FR	IT	LV	HU	NL	AT	SI	FI	SE	BG	NO
absolute No / % of cattle holdings	62/ 10%	ND	24/ 5%	176/ 4.9%	187/ 3.4%	185/ 11%	see be low	6/ 1%	129/ 0.9%	337/29.8%	77/ 25%	ND	1/ 16.7%	ND
absolute No / % of sheep holdings					101/ 4.5%		s.b.	0	17/ 0.6%	104/ 5%	12/ 17%	ND		ND
absolute No / % of goat holdings					70/ 14%	4/ 5%	s.b.	2/ 3%		8/ 7%	1/ 14%	ND		ND
absolute No / % of pig holdings				3 (out- door)/ 1.3%	3/ 1%		s.b.	18/ 20%	185/ 3.5%	114/ 24.7%	2/ 12%	ND	2/ 25%	ND
absolute No / % of horse holdings					5/ 1.2%		s.b.		4/ ND	19/ 12.1%		ND		ND
% of holdings expected to comply by end of 2010	all	all	50%	cattle: ND pigs: all	cattle:59% other:70%	50%	≤ 50%	nearly all	ND	cattle:50% pigs: 5% other: most	all	all	cattle: 1 pigs: 0	ND
No of years of prolongation requested	0	0	5	un- limited	unlimited for mountain holdings	3	≥5	0	NA	5	0	0	ND	7 for cattle 5 for sheep

Detrimental effects mentioned: none

Arguments used for prolongation request

a) geographic constraints

- mountain areas: IT;

b) structural constraints

- more time for new Member States as it is the farms with old stables converting: HU;

- c) economic constraints
- rural development programs 2007–2013 (5 year commitment needed, farmers might discontinue organic farming without derogations): EE, LV, SI,
 - small farms not profitable to rebuild/invest: IT.

Other remarks

FR requests unlimited tethering of cattle without prior authorisation and with a surface area of 10.5 m² = sum of external and internal area;

HU: old questionnaire (non-paper) used, does not differentiate between types of animals: 150/12 (8%);

NO: the general derogation for buildings constructed before 24 August 1999 only applies for indoor area. Significant problems expected for sheep and some goat holdings. Want to harmonise derogation for cattle with their national ban from 2024 and the farm support prior to this;

BG refers to 2 farms still in conversion, no information yet on their situation.

Poultry/reduced indoor and outdoor space (Annex VIII, point 2)

Countries not using the derogation: IT, EE, IE, LU, SI, EL, CY, LT, CZ, DK, BE, PL, PT;

Countries presently using the derogation: FR, NL, AT, SE, HU, FI, NO, BG;

Countries requiring a prolongation: AT⁷, FI.

Overview of present use of the derogation (Annex VIII, point 2) in the countries

State	FR	HU	NL	AT	FI	SE	BG	NO
absolute No / % of chicken holdings	41 / 10%	1 / 8%	4 / 50%	185	NA	ND	2 / 18%	ND
absolute No / % of laying hen holdings	149 / 22.9%	3 / 16%			16 / 30%	ND	NA	ND
% of holdings expected to comply by end of 2010	all	all	all	ND	indoor: all outdoor: ND	all	NA	all
No of years of prolongation requested	0	0	0	ND	NA	0	ND	0

Detrimental effects mentioned: FR – some cases of picking and cannibalism in laying hens.

Arguments used for prolongation request: none.

Other remarks

NL finds that outdoor area above 1 m² does not increase animal welfare, rather quality of area matters (plants for shelter); area defined should be linked to that of pullets;

FI finds 4 m² outdoor area far too much;

BG refers to 2 farms still in conversion, no information yet on their situation.