



9.12.2021

NOTICE TO MEMBERS

Subject: **Petition 0336/2012 by C.R. (Danish), concerning the routine tail-docking of piglets in Denmark**

Petition No 0721/2014 by Joanna Swabe (British), on behalf of Human Society International, and two signatories, on the Routine docking of pigs' tails.

Petition No 1141/2014 by Fredrick Federley (Swedish), on the cutting of pigs' tails

1. Summary of petition 0336/2012

Having regard to Council Directive 2008/120/EC laying down minimum standards for the protection of pigs, the petitioner complains that Denmark is in breach of the applicable provisions and is docking the tails of piglets without cause. The petitioner points out that tail-docking has significant consequences for the welfare of the animals and that stating orally that the stock is experiencing a problem with tail-biting should not be sufficient reason for tail-docking. The petitioner is therefore asking the European Parliament to ensure the introduction of EU rules on the need to document tail-docking and at the same time bring an immediate halt to routine, illegal tail-docking in Denmark.

Summary of petition 0721/2014

According to the petition, the EU's directive (2008/120) concerning pigs is being broken on an ongoing basis. The petition draws particular attention to the routine docking of pigs' tails, which said directive forbids. The petition states that the Commission has conducted studies on this matter in pig farms in nearly all Member States. However, the problems continue year after year, with no changes being made. The petition states that the European Parliament and Commission should take steps to put an end to docking, but there is evidence that this is not the only problem with pigs' living conditions that ought to be put right.

Summary of petition 1141/2014

The petition relates to the docking and cutting of pigs' tails in EU countries. The petitioner states that the practice has been banned in the Union for more than ten years, but is nevertheless still carried out in many countries. Sweden is an exception in this respect, having banned the practice a long time ago. According to the petitioner, tail docking is painful to pigs, and is the result of stressful living conditions and small pens. The petition demands a report on compliance with the directive

2. Admissibility

Petition 0336/2012 declared admissible on 4 July 2012.

Petition 0721/2014 declared admissible on 9 March 2015.

Petition 1141/2014 declared admissible on 10 April 2015.

Information requested from Commission under Rule 216(6).

3. Commission reply, received on 28 September 2012

The proper enforcement of Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs¹ is a priority for the Commission. Improving the enforcement of the relevant requirements in this Directive, such as providing pigs with "*access to a sufficient quantity of material to enable proper investigation and manipulation activities*", has already been discussed with the Member States on 26 March 2012. Discussions with the Member States will continue in an effort to address the issue of better enforcement of the current requirements. In addition several other measures are envisaged within the framework of the EU Strategy on Animal Welfare, e.g. providing training of official veterinarians through the Better Training for Safer Food Programme and in 2013 issuing EU guidelines on the protection of pigs. These guidelines will cover among other the topics of tail docking and provision of enrichment material.

It is nevertheless the Member States' responsibility, in this case Denmark, to ensure the proper enforcement of EU legislation. The measures which the Commission already has initiated and will continue to take should help facilitate the Member States' work in ensuring that pig tails are not routinely docked.

The reasons for the lack of implementation in some Member States on the provision of enrichment material, is multifactorial. The non-legislative measures already undertaken by the Commission and additional measures planned for 2013 will be able to address better the multifactorial aspect of lack of implementation. Given these steps it is not appropriate to propose an amendment of existing legislation.

4. Further Commission reply, received on 30 October 2013

Tail-docking is widely practiced in the EU. The fact that it is practised so widely leads to the conclusion that it is done routinely and thus in breach of Council Directive 2008/120/EC Annex I, chapter I(8).

¹ OJ L 47, 18.2.2009, p. 5

The Commission does not believe that infringement procedures would be the most effective instrument to improve compliance. The structure of the industry where piglets are sold across borders makes it difficult to establish proof that tails are docked without justification and routinely. This is because it depends on many factors to be decided on a case by case basis on how tail biting can be avoided in the fattening farms. If fattening farms are not in the constituency of the control service that is controlling the breeding farms it is a complicated exercise to evaluate these factors.

The legislative requirements as laid down in Council Directive 2008/120/EC¹ are quite clear and the Commission is of the opinion that amending the legal text e.g. by altering the burden of proof to the buyer would not necessarily improve the situation. Instead they can better be supplemented by guidelines that facilitate the harmonised enforcement in the Member States by, amongst others, addressing the cross border sales issue.

It should be noted that the proposed amendment of the control regulation (Regulation (EC) No 882/2004), if adopted, will in itself provide additional tools to strengthen enforcement in the Member States. Furthermore, based on the EU Strategy 2012 – 2015² the Commission is considering to propose a framework law on animal welfare that may introduce specific welfare indicators and other tools to improve implementation of animal welfare rules. Such indicators may include the presence or non-presence of tails in pigs at certain production levels. It is thus premature to present legal text reversing the burden of proof to the buyer.

At this stage, the Commission prefers to give priority to the guidelines mentioned and e-learning tools. The project EU WelNet³ is developing an interactive e-learning tool which would promote increased knowledge on the topics of manipulable material and avoidance of tail-docking. The Commission is in parallel working on guidelines and other practical tools again with the aim of improving the degree of compliance.

Conclusion

At this stage the Commission does not consider infringement procedures to be the most effective instrument to improve compliance with Council Directive 2008/120/EC. The Commission does not propose to amend existing animal welfare legislation. In connection with work on a possible animal welfare framework law more efficient ways of helping Member States in their efforts to enforce Union law will be considered. Priority will be given to the development of guidelines and e-learning tools.

5. Commission reply (REV II), received on 17 July 2015

Petitions 336/2012, 721/2014 and 1141/2014

The Commission had already provided two prior communications (on 28/09/2012 and 30/10/2013) on petition 336/2012. The Commission would therefore refer the authors of petitions 721/2014 and 1141/2014 to its observations contained therein.

Directive 2008/120/EC⁴ establishes that tail docking must not be carried out routinely but

¹ OJ L 47, 18.2.2009, p. 5

² https://ec.europa.eu/food/animals/animal-welfare_en

³ <http://www.euwelnet.eu/euwelnet>

only where there is evidence that injuries (...) have occurred. Furthermore, it is laid down that before carrying out these procedures, other measures shall be taken to prevent tail-biting, taking into account environment and stocking densities.

Member States are primary responsible to ensure the correct application of EU law and have at their disposal effective tools to impose sanctions to correct the situation¹.

Conclusion

The Commission will continue to monitor the progress made by Member States to achieve full compliance with the requirements of the Directive on the protection of pigs.

6. Commission reply (REV III), received on 31 January 2017

Petitions 0336/2012, 0721/2014 and 1141/2014

Commission Recommendation (EU) 2016/336², published on 8 March 2016, introduces a number of parameters that are pertinent in reducing tail-biting and lists the characteristics of an optimal enrichment material. The accompanying Staff working document³ contains further details on the issue and also suggests tools and indicators that can be used in assessing the on farm situation.

Further to Recommendation (EU) 2016/336, the Commission organised on 4-6 October 2016 a 3-day meeting and webinar⁴ for the relevant stakeholders on actions to minimise tail-biting and to reduce the need for the tail-docking of pigs. Information presented at this meeting shows that some strategies are being implemented in this area and that there are various projects in several Member States. The Commission is working with the Member States to measure precisely the prevalence of tail-biting/tail-docking to assess progress in this area.

In addition, the Commission organised during the course of 2016 three study visits to Sweden, Finland and Switzerland. In all of these countries pigs are not tail-docked. The national experts from other Member States that accompanied the Commission had the opportunity to see and learn from the preventive approach chosen to avoid problems in intensive pig farming.

Furthermore, the Better Training for Safer Food programmes on welfare of pigs has focussed on implementation of the Recommendation by officials at farm level⁵. Other related measures that also aim to raise awareness of this issue are currently under preparation. For example,

⁴ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).

¹ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

² Commission Recommendation (EU) 2016/336 of 8 March 2016 on the application of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs as regards measures to reduce the need for tail-docking; OJ L 62, 9.3.2016, p. 20

³ SWD(2016) 49final https://ec.europa.eu/food/animals/animal-welfare/animal-welfare-practice/animal-welfare-farm/pigs_en

⁴ See http://ec.europa.eu/dgs/health_food-safety/information_sources/events/20161004_tail-docking_en.htm

⁵ https://ec.europa.eu/food/safety/animal-feed_en https://ec.europa.eu/food/safety/animal-feed_en

audits of the main pig producing countries in the EU are planned for 2017 and the Commission will continue to request updates on the state of implementation from Member States not subject to the audit. Depending on the outcome of the audits and the replies from Member States, the Commission may then be in a position to assess the need for further action to ensure compliance with EU rules on tail-docking and the provision of enrichment material.

Conclusion

The Commission is committed to ensuring that the Member States take appropriate action to end the practice of routine tail-docking as soon as possible.

7. Commission reply (REV IV), received on 22 September 2017

Petitions 0336/2012, 0721/2014 and 1141/2014

Commission Recommendation (EU) 2016/336¹, published on 8 March 2016, introduces a number of parameters that are pertinent in reducing tail-biting and lists the characteristics of optimal enrichment materials. The accompanying Staff working document² contains further details on the issue and also suggests tools and indicators that can be used in assessing the on farm situation.

Further to Recommendation (EU) 2016/336, the Commission organised on 4-6 October 2016 a 3-day meeting and webinar³ for the relevant stakeholders on actions to minimise tail-biting and to reduce the need for the tail-docking of pigs. Information presented at this meeting showed that some strategies were being implemented in this area and that there were various projects in several Member States.

In addition, the Commission organised during the course of 2016 three study visits to Sweden, Finland and Switzerland. In all of these countries pigs are not tail-docked. The national experts from other Member States that accompanied the Commission had the opportunity to see and learn from the preventive approach chosen to avoid problems in intensive pig farming.

The Commission has developed a three year (2017-2019) work plan to facilitate actions by Member States on tail-biting and tail-docking of pigs. The work plan follows a multi-track approach and aims to improve pig farm management measures and supply of enrichment materials, and to reduce routine tail-docking of piglets. As part of this work plan, the Commission:

- has sent questionnaires to Member States in 2016 and 2017 to measure precisely the prevalence of tail-biting and tail-docking and to assess progress in this area. In

¹ Commission Recommendation (EU) 2016/336 of 8 March 2016 on the application of Council Directive 2008/120/EC laying down minimum standards for the protection of pigs as regards measures to reduce the need for tail-docking; OJ L 62, 9.3.2016, p. 20

² SWD(2016) 49final https://ec.europa.eu/food/animals/animal-welfare/animal-welfare-practice/animal-welfare-farm/pigs_en

³ See http://ec.europa.eu/food/fvo/news_detail.cfm?id=75

general, Member States have not been able to provide reliable data on prevalence of either and progress on implementation has been limited;

- will write to Member States requiring them to measure their producers' compliance with the requirements on avoidance of routine tail-docking and requesting action plans to improve this;
- will be carrying out during 2017 and 2018 audits of the main EU pig-producing countries. Depending on the outcome of the audits and the replies from Member States, the Commission may then be in a position to assess the need for further action to ensure compliance with EU rules on tail-docking and the provision of enrichment materials;
- is organising on 28-30 November 2017 a 3-day meeting and webinar¹ for the relevant stakeholders on "Rearing pigs with intact tails in Europe". The objective is to inform industry, Member States' competent authorities, researchers and retailers of how producers in different Member States have made the transition to rearing pigs with intact tails;
- has developed educational materials for farmers on prevention of tail-biting and avoidance of routine tail-docking. This material will be disseminated in autumn 2017.

Furthermore, the Better Training for Safer Food (BTSF) programme on welfare of pigs has focussed on the implementation of Recommendation (EU) 2016/336 by officials at farm level². The Commission also set up a network in 2017 for those officials who have attended these courses, where information on the activities above and training presentations from the BTSF courses can be easily accessed.

Conclusion

This is a topic where little progress has been made by Member States over many years. The Commission does not underestimate the challenge of bringing about change on this issue and it is committed to ensuring that the Member States take appropriate action to end the practice of routine tail-docking as soon as possible.

8. Commission reply (REV V), received on 28 March 2018

Petitions 0336/2012, 0721/2014 and 1141/2014

Following the meeting of the Committee on Petitions of 22-23 January 2018, the Commission can confirm that tail-docking is currently prohibited in Finland and Sweden.

This is a topic where little progress has been made by Member States over many years. The Commission does not underestimate the challenge of bringing about change on this issue and it is committed to ensuring that the Member States take appropriate action to end the practice

¹ See http://ec.europa.eu/dgs/health_food-safety/information_sources/events/20161004_tail-docking_en.htm

² https://ec.europa.eu/food/safety/animal-feed_en

of routine tail-docking as soon as possible.

9. Commission reply (REV VI), received on 30 November 2018

Petitions 0336/2012, 0721/2014 and 1141/2014

The Commission is implementing the final stages of a three year (2017-2019) project to reduce animal suffering during the rearing of piglets by improving the application of Council Directive 2008/120/EC. The project focusses specifically on the rules on the avoidance of routine tail-docking of piglets and the provision of manipulable material. The Commission has been working intensively with Member States to improve the application of existing legal requirements arising from Council Directive 2008/120/EC and Council Directive 98/58/EC on rearing conditions for pigs:

- The Commission developed educational materials for farmers on prevention of tail-biting and avoidance of routine tail-docking, published them on its website (https://ec.europa.eu/food/animals/welfare/practice/farm/pigs/tail-docking_en) and disseminated them widely during 2017 and 2018. This information was well accepted and welcomed by the pig sector and Competent Authorities;
- The Commission carried out five audits to evaluate the suitability and effectiveness of measures in place to prevent tail-biting and to avoid routine tail-docking of pigs (Netherlands, Spain, Denmark, Italy in 2017, and Germany in 2018). The audit reports confirm previous findings that these Member States (to a lesser extent Denmark) do not have suitable criteria to enforce the legal requirements relating to the avoidance of routine tail-docking and therefore permit it.

As a result of these findings and as part of the project work plan, the Commission wrote to Member States in November 2017 asking them to put action plans in place by January 2018 to reach compliance with Directive 2008/120/EC by the end of 2018. The Commission wrote again to Member States in January 2018 and provided additional explanations to the letter of November 2017, a template for Action Plan submission, and examples of compliance criteria¹ and improvement measures.

In June 2018, the Commission performed a detailed assessment of the content and quality of the 26 Action Plans submitted. There was a wide variation of responses: from almost complete, to ones with very limited content. However, most of the Member States have provided plans for more detailed compliance criteria to permit inspectors to properly assess and enforce the legal requirements, and to give clarity to the industry on clear definitions of what is compliant.

Following this latest assessment, the Commission wrote again to the Member States in July 2018 seeking updates and clarifications on their Action Plans, with a deadline of 31 August 2018 for response. The Commission is carrying out a further detailed assessment of these

¹ Despite the legal difficulties with the extensive use of "open norms" in Directives 2008/120/EC and 98/58/EC such as "improvement measures", "adequate", "satisfactory" etc., Commission policy has been to ask Member States to define criteria for compliance with these requirements to enable practical, consistent enforcement through official controls and for this information to be available to the pig sector.

latest updates during November/December 2018, which may lead to further changes in the assessment of Member States' progress.

What is clear from the Action Plans is that Member States and the pig-sector have responded to the requests and have dedicated resources to improving procedures to enable controls to be carried out more consistently, with more transparency, and with the potential of improved enforcement. The vast majority of Member State authorities are taking a constructive approach to this issue, but they are working in conditions where the perceived understanding is that rearing pigs with intact tails in intensive systems is impossible. What remains to be seen is whether the Plans will be implemented consistently and whether action to improve conditions will be rigorously enforced. The Commission recognises, therefore, that Member States need continued support so that real improvements are made on farms and that they can change their approach to tail-docking.

Some Member States have expressed difficulties with enforcing requirements of the Directives which are drafted as "open norms". Commission services are working with Member States to address these difficulties:

- The work of the Animal Welfare Platform sub-group on pigs which meets for the first time on 26 November 2018 is focusing to provide advice and assistance to Commission services on certain of these requirements;
- In a coordinated approach, the EU Reference Centre for Animal Welfare is also being asked to focus its work plan initially to address the issues of tail-biting and avoidance of routine tail-docking of pigs;
- The Commission is organising a two-day meeting and webinar¹ on 27 to 28 November 2018 for the relevant stakeholders on progress with rearing pigs with intact tails in Europe. The meeting will be webcast and can be followed on the Commission's web-streaming service²;
- The Better Training for Safer Food (BTSF) programme on welfare of pigs has focussed on improved implementation of legal requirements by officials at farm level following the Commission's project on pigs and Recommendation (EU) 2016/336.

Conclusion

This is a topic where little progress has been made by Member States over many years. However, recently planned actions should, if implemented effectively and provided they are properly enforced, provide improvements in the way management measures are implemented on farms, improve compliance with legislation, and thus improve the welfare of pigs. This should in turn enable the pig sector to gradually reduce the number of tail-docked pigs over time.

The Commission does not underestimate the challenge of bringing about change on this issue and it is committed to ensuring that the Member States take appropriate action to end the practice of routine tail-docking as soon as possible.

10. Commission reply (REV VII), received on 8 March 2019

² See http://ec.europa.eu/food/audits-analysis/news_detail.cfm?id=105

Petitions 0336/2012, 0721/2014 and 1141/2014

The Commission will produce an overview report during 2019 on the outcome of the three-year project to reduce animal suffering during the rearing of piglets. It is also reviewing the possibilities for future follow-up actions on enforcement of Council Directive 2008/120/EC¹ and Council Directive 98/58/EC² as part of the planning activities for 2020 and beyond.

The Commission is currently considering options for the most effective enforcement of the legislation on the avoidance of tail docking, including the possibility of infringements against certain Member States whose Action Plans do not contain measures to improve compliance with legal requirements.

Such possibilities are being considered within the current legislative framework in light of the evidence obtained from audits and Member States' Action Plans.

In parallel, the Commission is finalising the assessment of the 26 Member States' Action Plans³. The most recent assessment of Member State Action Plans was presented at a meeting of the pig sector and Competent Authorities in Paris on 10 January 2019 and is enclosed in Annex.

Conclusion

Progress on compliance with the requirements to avoid routine tail docking of pigs is being made but the transition to rearing pigs with intact tails will take time. The Commission focusses its efforts on achieving the best outcome through a variety of enforcement tools.

Attached: Presentation on Commission actions on pig welfare (given on 10 January 2019 in Paris)



Adobe Acrobat
Document

11. Commission reply (REV VIII), received on 9 December 2021

Petitions 0336/2012, 0721/2014 and 1141/2014

The above petitions, all of which concern issues related to tail docking of pigs, were discussed in the meeting of the Committee on Petitions of 30 September 2021. During the meeting, the petitioners made a presentation, declaring that most of the farmers and the Member States fail to respect EU rules on tail docking. They asked for Member States' action plans to include specific criteria to demonstrate compliance with legislation, and called for legal action against

¹ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (Codified version), *OJL 47, 18.2.2009*.

² Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes, *OJL 221, 8.8.1998*.

³ Finland and Sweden have total bans on tail-docking of pigs.

Member States that do not enforce EU law. One petitioner stated that neither the Commission nor the Member States take the situation seriously and called on the Commission to impose sanctions on Member States that do not respect EU law.

The Commission's observations

The phasing-out of routine tail docking is a priority for the Commission, as shown by its inclusion in the letter of Commissioner responsible for Health and Food Safety to the competent Ministers of Member States, in May 2020, concerning the Farm to Fork Strategy¹. In this letter, the Commissioner addressed the urgent need to put an end to routine tail docking.

The Commission has also raised the issue of tail docking in its Recommendations to Member States' Common Agricultural Policy Strategic plans², addressing the specific situation of each Member State.

Furthermore, in the summer of 2021, the Commission services concluded the assessments of the Member States' action plans for the prevention of routine tail docking. The assessments pointed to weaknesses in each action plan. The Commission has asked Member States to update their action plans and provide quantifiable data to measure the progress made in this area.

In parallel, the Commission will, in the framework of the Farm to Fork Strategy, by the end of 2023, revise the animal welfare legislation, including on the welfare of pigs. The proposals will be based on the European Food Safety Authority (EFSA) scientific opinions. The Commission will consider the issue of routine tail docking in its proposal for new EU rules on the welfare of pigs.

Conclusion

The Commission has made significant efforts at both political and technical level, to end the practice of routine tail docking. The Commission will continue to take steps towards a better enforcement of EU legislation, including to revise the legislation in order to make it easier to apply and enforce. The experience from the implementation of the current rules on tail docking will be considered in this context.

¹ COM(2020) 381 final; https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en

² https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cap-strategic-plans_en