



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Brussels
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I would like to thank you for your email and its attachment of 6 July¹ regarding the keeping of calves in individual boxes under organic production rules.

In your email, you ask questions regarding the articulation between the implementation of the horizontal rules on the welfare of calves set in Directive 2008/119/EC² and the organic rules set in Regulation (EU) 2018/848³.

Article 2(4) of Regulation (EU) 2018/848 states the following: *“except where otherwise provided, this Regulation applies without prejudice to related Union legislation, in particular, legislation in the fields of safety of the food chain, animal health and **welfare**, plant health and plant reproductive material.”*

In addition, one of the objectives of organic production, as laid down in Article 4, point (e), of Regulation (EU) 2018/848, is to contribute to high animal welfare standards and, in particular, to meeting the species-specific behavioural needs of animals.

The provisions of point 1.6.8 of Part II of Annex II to Regulation (EU) 2018/848 stem from this objective and state *“cages, boxes and flat decks to raise livestock shall not be used for any livestock species.”* In the case of calves, additional rules are laid down under point 1.9.1.2 (c) stating: *“notwithstanding point (a) of the first subparagraph of Article 3(1) and the second subparagraph of Article 3(1) of Council Directive 2008/119/EC (1), the housing of calves in individual boxes shall be forbidden after the age of one week, unless for individual animals for a limited period, and insofar as this is justified for veterinary reasons.”*

Hence, it is quite clear from the provisions mentioned above that, under the organic production rules, which aim to ensure higher animal welfare than for conventional animals, it is prohibited to keep calves in **individual** boxes or pens **after the age of one**

¹ Ares (2021)4392209

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02018R0848-20201114&qid=1625845019823>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008L0119-20191214&qid=1625845554365>

week. The objective is to ensure a collective housing instead of an individual housing for calves⁴.

The present opinion is provided on the basis of the facts as set out in your email of 6 July 2021 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



⁴ Please see in particular Recital 7 of Directive 2008/119/EC:

“It is recognised scientifically that calves should benefit from an environment corresponding to their needs as a herd-living species. For that reason, they should be reared in groups. Calves, both group-housed and individually penned, should have sufficient space for exercise, for contact with other cattle and for normal movements when standing up or lying down.”