



EUROPEAN COMMISSION  
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT  
 Directorate B – Sustainability

Brussels  
 agri.b.4(2022)2155458

Dear [REDACTED]

I would like to thank you for your email of 10 March 2022<sup>1</sup>, in which you ask for clarification on how to implement the provisions related to the tethering of livestock in organic production.

You explain in your email that in Asturias, the number of organic livestock holdings has decreased because of the rules on tethering in organic production set in Regulation (EU) 2018/848<sup>2</sup>, which applies since 1 January 2022. You also mention that tethering is needed for more than 50 animals because animals need to be housed during the winter and are horned. In this regard, you ask whether it would be possible to interpret the legislation as follows: that on holdings with more than 50 adult animals, up to a maximum of 50 animals can be tethered.

I would like to start by recalling that freedom of movement is one of the five fundamental freedoms for animal welfare; this is why under the previous organic production rules, the tethering of livestock could be found under Chapter VI, related to exceptional production rules, and was already restricted under the provisions of Article 39, which stated “*Where the conditions laid down in Article 22(2)(a) of Regulation (EC) No 834/2007 apply, competent authorities may authorise cattle in small holdings to be tethered if 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 according to Article 14(2), and at least twice a week access to open air areas when grazing is not possible*”.<sup>3</sup>

During the negotiations preceding the publication of the new organic rules, Regulation (EU) 2018/848, the issue of tethering was discussed intensively. Recital (44) of Regulation (EU) 2018/848 explains the intentions of the Legislators in relation to tethering and states: “*Organic livestock housing conditions and husbandry practices should satisfy the behavioural needs of the animals and should ensure a high level of animal welfare, certain aspects of which should go beyond the Union animal welfare*

<sup>1</sup> Ares (2022)1857750

<sup>2</sup> [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/20220101/EN)

<sup>3</sup> [CL2008R0889EN0190010.0001.3bi\\_cp 1..2 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/20220101/EN/CL2008R0889EN0190010.0001.3bi_cp 1..2)

*standards applicable to livestock production in general. In most cases, livestock should have permanent access to open-air areas for exercise. Any suffering, pain or distress should be avoided, or should be kept to a minimum at all stages of the animals' lives. **Tethering and mutilation, such as tail-docking for sheep, beak trimming in the first three days of life and disbudding, should only be possible if allowed by competent authorities, and only under certain conditions.***

The provisions of point 1.7.5 of Part II of Annex II of the same Regulation set the conditions under which the competent authorities may authorise a derogation to the general rule that organic livestock should not be tethered and states: *“Tethering or isolation of livestock shall be prohibited, except in relation to individual animals for a limited period and insofar as this is justified for veterinary reasons. The isolation of livestock may only be authorised, and only for a limited period, where workers' safety is compromised or for animal welfare reasons. **Competent authorities may authorise the tethering of cattle in farms with a maximum of 50 animals (excluding young stock) 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.**”*

The provisions under which the derogations for tethering may be granted by competent authorities are clear “in farms with a maximum of 50 animals (excluding young stock)”; hence, it is not possible to certify as organic a farm with more than 50 adult animals where animals are tethered.

This opinion is provided on the basis of the facts set out in your letter of 10 March 2022 and expresses the opinion 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 Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,

