



NO MILK TODAY. LET'S TALK ABOUT COWS.

Insights into the Dairy Industry based on the Example of Germany

A Report by Sophie Greger



ANIMALS' ANGELS
PRESS

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The content of this report is based on evidence gathered during Animals' Angels investigations and reviewed academic literature and publications of EU and Germany government agencies (information without guarantee).

Animals' Angels has been monitoring animal transports for many years. Animals' Angels has been there with the animals on the road. This report is a co-operative effort of field inspectors, office team and donors. Animals' Angels' work is financed by private donations only.

N.B. While working on this report Animals' Angels was concerned by the following issue: Do we have the right to use pictures of animals in distress without their consent? Or are we violating their dignity? We have come to the conclusion that as an exception it is justifiable in this case.

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Foreword

This document deals with cows. It's not about the milk, not about the consumer, not about worldwide sales markets. It's about Margaret, Amelie, Katinka and Lottie. It's about the privileges of farmers and their statutory license to abuse 'dairy' cows.

Whoever wants to keep their illusions about idyllic half-timbered farmhouses surrounded by green pastures where clean cows graze should put away this booklet. And whoever wants to find evidence to bolster their beliefs about the "big bad" factory farms and the "good" family-run farms, should also put this booklet away. But whoever wants to know the truth about the origins of milk and cheese, curds and yogurt, should read this booklet very carefully.

We have been conducting thorough research for years. We were there with the cows – in the barn, on the transporter, at the slaughterhouse. We are reporting only what we ourselves have seen or what we have taken from official sources.

The facts that we have compiled are deplorable. This is not surprising: The life of the majority of 'dairy' cows in Germany is deplorable. If the fates of the cows in this document touch you, you need not be ashamed. They touch us too – when we watch, film or write about them.

Animals' Angels is only a small NGO financed exclusively by private donations. The dairy industry, by contrast, has considerable political power and inexhaustible financial resources. But still we are speaking out. For the cows who suffer in silence. Day in and day out, week after week. That's all we can do. On the other hand: words can change the world. Who knows today what effect our words might have tomorrow?

Frankfurt, February 2012

Christa Blanke
Founder, Animals' Angels

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Introduction

The European Union is one of the biggest milk producers in the world. Millions of cows are kept on Europe's dairy farms. The idyllic picture of 'happy cows' rarely accords with the reality of how the animals are bred, kept and treated.

Animals' Angels has inspected dairy farms, cattle markets and slaughterhouses in numerous EU Member States. The evidence gathered reveals that similar welfare problems can be found across Europe. The problems observed seem to be inherent in the European dairy industry.

a) Insights into Europe's Dairy Industry

The following examples are not isolated incidents. Additional photographs may be requested from Animals' Angels.

Animals' Angels Inspections (2005 - 2012)

Spain (2006 - 2010)



**GALICIA, DAIRY FARM,
JUNE 2010**

Tether husbandry on a
Spanish dairy farm.

GALICIA, 11.06.2010.
Animals' Angels



**POLA DE SIERO, ANIMAL
MARKET, APRIL 2010**

Emaciated, thin 'dairy'
cows at a Spanish cattle
market.

**POLA DE SIERO, SPAIN,
05.04.2010.**
Animals' Angels



**GALICIA, DAIRY FARM,
JUNE 2010**

Tether husbandry on a
Spanish dairy farm.

GALICIA, 07.06.2010.
Animals' Angels



**SANTA COMBA,
SLAUGHTERHOUSE,
SEPTEMBER 2006**

Dead, emaciated cow in
the waiting pen of a
Spanish slaughterhouse.

SANTA COMBA, 06.09.2006.
Animals' Angels

Portugal (2005)



**GALICIA, DAIRY FARM,
JUNE 2010**

Tether husbandry on a
Spanish dairy farm.

RATES, 15.11.2005.
Animals' Angels



**RATES, CATTLE MARKET,
MAY 2005**

Malposition of a cows'
front leg and overgrown,
severely neglected hooves
at a Portuguese cattle
market.

RATES, 15.11.2005.
Animals' Angels

Italy (2006 - 2009)



**LOMBARDIA, DAIRY FARM,
APRIL 2006**

Emaciated, thin 'dairy' cow
on an Italian dairy farm.

LOMBARDIA, 20.04.2006.
Animals' Angels



**ITALY, CATTLE MARKET,
AUGUST 2009**

Overgrown, severely
neglected hooves at an
Italian cattle market.

ITALY, 10.08.2009.
Animals' Angels



**LOMBARDIA, DAIRY FARM,
MAY 2006**

Life in Chains: Tether husbandry on an Italian dairy farm.

LOMBARDIA, 09.05.2006.
Animals' Angels



**LOMBARDIA, DAIRY FARM,
MAY 2006**

Overgrown, severely neglected hooves on an Italian dairy farm.

LOMBARDIA, 09.05.2006.
Animals' Angels



**LOMBARDIA,
SLAUGHTERHOUSE,
APRIL 2006**

Downer cows at an Italian slaughterhouse: too weak or injured to get up.

LOMBARDIA, 18.04.2006.
Animals' Angels



**VICENZA, ROAD CHECK,
APRIL 2009**

Euthanization of a downer cow as emergency measure during a police road check in Italy.

VICENZA, 27.04.2009.
Animals' Angels

France (2007 - 2009)



**FOUGÈRES,
CATTLE MARKET,
DECEMBER 2009**

Euthanization of this downer cow as emergency measure at a French cattle market.

FOUGÈRES, 09.12.2009.
Animals' Angels



**NORTHERN FRANCE,
CATTLE MARKET,
MARCH 2007**

Emaciated, thin 'dairy' cow at a French cattle market.

**NORTHERN FRANCE,
08.03.2007.**
Animals' Angels

Netherlands (2005 - 2007)



**NETHERLANDS,
DAIRY FARM,
APRIL 2007**

Emaciated 'dairy' cow at a Dutch dairy farm.

**NETHERLANDS,
OCTOBER 2007.**
Animals' Angels



**NETHERLANDS, CATTLE
MARKET, FEBRUARY 2005**

Downer cow at a Dutch cattle market: too weak or injured to get up.

**NETHERLANDS,
FEBRUARY 2005.**
Animals' Angels

Poland (2008 - 2012)



**BODZENTYN,
CATTLE MARKET,
MARCH 2010**

'Dairy' cow with severely
overgrown hooves

BODZENTYN, MARCH 2010.
Animals' Angels



**BODZENTYN,
CATTLE MARKET,
MARCH 2010**

Emaciated 'dairy' cows at a
Polish cattle market.

BODZENTYN, MARCH 2010.
Animals' Angels



**BODZENTYN,
CATTLE MARKET,
AUGUST 2008**

Downer cow at a Polish
cattle market: too weak or
injured to get up.

BODZENTYN, AUGUST 2008.
Animals' Angels



**BODZENTYN,
CATTLE MARKET,
FEBRUARY 2012**

Emaciated 'dairy' cow at a
Polish cattle market.

**BODZENTYN,
FEBRUARY 2012.**
Animals' Angels / Viva!



**BODZENTYN,
CATTLE MARKET,
FEBRUARY 2012**

Emaciated 'dairy' cow
suffering from a prolapse at
a Polish cattle market.

**BODZENTYN,
FEBRUARY 2012.**
Animals' Angels / Viva!



**BODZENTYN,
CATTLE MARKET,
JULY 2010**

Emaciated 'dairy' cow at a Polish cattle market.

BODZENTYN, JULY 2010.
Animals' Angels



**BODZENTYN,
CATTLE MARKET,
FEBRUARY 2010**

A downer 'dairy' cow gets pulled and pushed into a truck at a Polish cattle market.

**BODZENTYN,
FEBRUARY 2010.**
Animals' Angels



**BODZENTYN,
CATTLE MARKET,
OCTOBER 2009**

A downer ,dairy‘ cow in
a truck at a Polish cattle
market.

**BODZENTYN,
OCTOBER 2009.**
Animals’ Angels

The evidence gathered across Europe reveals severe animal welfare problems in the dairy industry. **THERE IS AN URGENT NEED FOR ACTION.**

This book offers an in-depth insight into Germany’s dairy industry. Like Germany, other EU Member States lack statutory provisions on the husbandry of cows. The lack of specific regulations makes it very difficult for authorities to address and penalise animal welfare problems on farms. The serious lack of legally binding regulation is one main reason for the suffering of Europe’s dairy cows. This and other causes for the existing major welfare problems will be investigated in this report using Germany as an example.

b) Insights into the Dairy Industry on the Example of Germany

Germany is the largest dairy producer in the EU¹. The dairy industry's **ADVERTISEMENTS TRY – SUCCESSFULLY – TO CONVEY THE IMPRESSION THAT GERMAN 'DAIRY' COWS SPEND THEIR LIVES ON LUSH ALPINE MEADOWS IN THE SUNSHINE.**

In 2002 Germany incorporated **ANIMAL PROTECTION INTO THE BASIC CONSTITUTIONAL LAW AS A GOVERNMENT OBJECTIVE** and the Federal Ministry of Food, Agriculture and Consumer Protection never tires of reassuring us that **ANIMAL WELFARE** plays an essential role in German 'farm' animal husbandry.

But the reality looks different. **COWS LEAD A MISERABLE EXISTENCE IN THE GERMAN DAIRY BUSINESS.** Animals' Angels inspected numerous dairy operations as well as staging points and cattle slaughter facilities in Germany from 2008 to 2010. Based on the evidence gathered by Animals' Angels, this report gives an **INSIGHT INTO THE GERMAN DAIRY INDUSTRY.**

I. 'Dairy' Cows at Auctions:

Animals bred for high performance go un milked for many hours

The European Union is one of the biggest milk producers worldwide. Millions of cows are kept on Europe's dairy farms. The idyllic picture of "happy cows" does usually not meet the reality of how the animals are bred, kept and treated.

Animals' Angels has inspected dairy farms, cattle markets and slaughterhouses in numerous EU Member States. The evidence gathered reveals that similar welfare problems can be found across Europe. The problems observed seem to be inherent in the European dairy industry.



Cow Amelie stands in the holding stable of the auction building. She bore her first calf recently. Amelie has been bred so that her body will now produce more than 30 liters of milk per day. Her full udder hurts. She should have been milked a while ago. But she has to wait, wait, wait.

**NOT ONLY ARE WE RESPONSIBLE
FOR THE THINGS WE DO – BUT ALSO FOR THE THINGS
THAT WE ACCEPT WITHOUT A WORD OF PROTEST.**

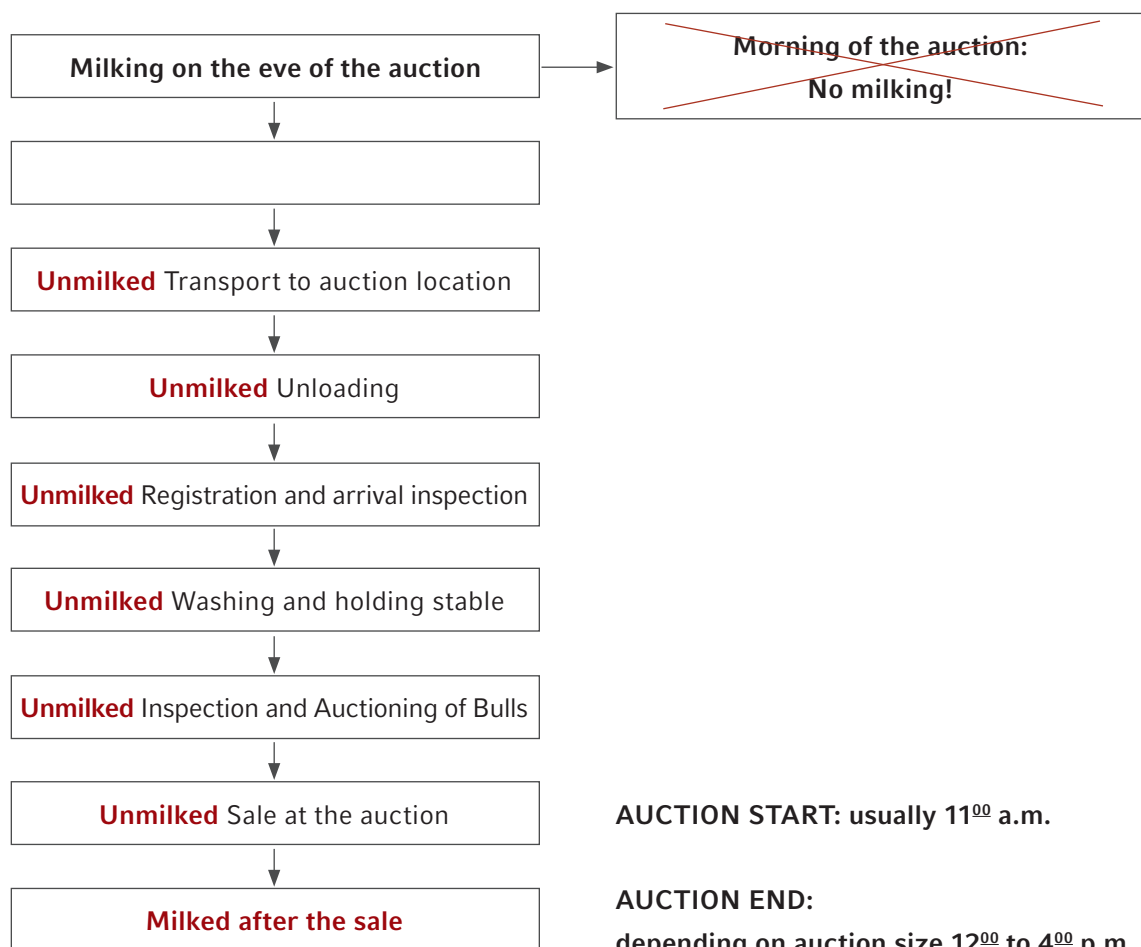
¹ Milchindustrieverband e.V. (2010): Milchwirtschaft in Deutschland. Beilage zum Geschäftsbericht 2009/2010. http://www.meine-milch.de/sites/all/files/article/ZahlenDatenFakten_2010-MIV-neu.pdf, last access: 20.02.2011

1. Background

‘Breeder’ cattle auctions take place in Germany on a weekly basis. In addition to calves and bulls, it is mainly lactating cows that are offered for sale at these auctions. The cows are transported to the auction unmilked in the morning and are not milked until after the sale. This means that the animals are not milked for at least 16 hours, some even for over 20 hours. The high pressure exerted on the udder due to the non-milking causes significant pain and suffering for the cows. Furthermore, not milking the cows has a negative effect on udder health. If the milk drips from the overly full udder, bacteria and germs can enter through the opened teat canal. The result is an increased risk of mastitis.

In April 2010 Animals’ Angels confronted all of the major cattle breeding associations in Germany with this problem – hardly anything has changed.

Change in the milking rhythm on auction day:



Depiction by ANIMALS’ ANGELS

2. Animals' Angels Inspections (2009 - 2010)

Breeder Association	Auction location	Date	End of auction	Cows unmilked until after the sale
Masterrind	Verden	11 Aug. 2009	3:00 p.m.	X
Rinder-Union West eG	Bitburg	8 Oct. 2009	12:15 p.m.	X
Verein Ostfriesischer Stammzüchter	Leer	17 Nov. 2009	1:30 p.m.	X
Zucht- und Besamungsunion Hessen	Alsfeld	9 Dec. 2009	1:15 p.m.	X
Rinderzucht Schleswig-Holstein eG	Neumünster	10 Dec. 2009	12:30 p.m.	X
Weser-Ems-Union eG	Lingen	15 Dec. 2009	4:15 p.m.	X
Masterrind	Uelzen	16 Dec. 2009	1:30 p.m.	X
Rinderunion Baden-Württemberg	Ilshofen	17 Dec. 2009	12:00 p.m.	X
AA points problem out to breeder associations		April 2010		
Rinderzucht Schleswig-Holstein eG	Neumünster	23 Sept. 2010	12:00 p.m.	X
Zucht- und Besamungsunion Hessen	Alsfeld	8 Dec. 2010	1:30 p.m.	X

Depiction by Animals' Angels

The following pictures are examples. The listed problems were observed at all of the inspected auctions. Additional pictures may be requested from Animals' Angels.

Arrival at the Auction Premises



On arrival at the auction premises numerous cows already have milk dripping from their udders.

9:15 AM: 'BREEDER' AUCTION IN VERDEN, 11. AUG. 2009.

Animals' Angels

Washing



The cows are hosed down and washed prior to the auction. Milk puddles form under numerous cows.

10:15 AM: 'BREEDING' CATTLE AUCTION IN UELZEN, 16 DEC. 2009.

Animals' Angels

Holding Shed



In the holding shed one can observe milk dripping and squirting from the over-full udders of many of the cows.

**10:25 AM: 'BREEDER' AUCTION IN LEER,
17. NOV. 2009.**

Animals' Angels

Inspection and Auction of Bulls



In addition to the auctioning of female cattle, some auction places also auction bulls as well as inspect them for breeding approval. Solely based on tradition, the bulls are first in the course of events at the auction day – while the cows are forced to await their turn with over-full udders in the holding sheds.

**10:44 AM: AWARD WINNING BULL AT
'BREEDER' AUCTION IN NEUMÜNSTER,
23. SEPT. 2010.**

Animals' Angels

Auction



Milk puddles form under numerous cows on the way to the auction hall and during the auction.

**3:49 PM: 'BREEDER' AUCTION IN LINGEN,
15. DEC. 2009.**

Animals' Angels

Milking



The animals are milked after the sale. About 16 to 20 hours have passed since the last milking time.

**SALES EVENT IN NEUMÜNSTER,
23. SEPT. 2010.**

Animals' Angels

3. Conclusions

Not milking the cows at auction contravenes animal protection and violates both the Animal Welfare Act (second section, subsection 2, number 1 and subsection 3, number 6); the Tier-schutztransportverordnung [Animal Welfare Transport Regulation] (section 6, subsection 21, paragraph 3, number 18 and number 26) and the European legal provisions on the protection of lactating 'dairy' cows (EC Regulation 1/2005 of the Council on the Protection of Animals during Transport, Annex I, chapter I, number 6). The individual violations are listed in the annex of this report (see page 74).

Despite the existing legal provisions, the manner in which the auctions we witnessed were conducted is customary at nearly all cattle auctions in Germany. **THESE UNACCEPTABLE CONDITIONS GIVE RISE TO CONSIDERABLE DOUBT REGARDING THE IMPLEMENTATION AND ENFORCEMENT OF THE EXISTING ANIMAL WELFARE PROVISIONS IN GERMANY.**

- a. Farmers who milk their cows belatedly, knowingly inflict pain and suffering on their animals. They delay the milking of these highly lactating animals by several hours, in order to receive as high a price as possible for them.
- b. Breeders associations assess tradition as more important as animal welfare and refuse to change the course of events at the auction day and sell the cows first. The cows could be milked much earlier if they were auctioned before the bulls.
- c. The great majority of the breeders associations obviously tolerate this violation of the Animal Welfare Act and EU Transport Regulation EC 1-2005.
- d. The official veterinarians responsible for the auctions are often only present early in the morning during the arrival inspection. When milk drips from the over-full udder of a majority of the cows, most official veterinarians have already left the auction location.
- e. The majority of competent official veterinarians condone the violation of the Animal Welfare Act and EU Transport Regulation 1-2005. In doing so the veterinarians are violating the Animal Welfare Act and the Basic Constitutional Law² (guarantor position of official veterinarians, §16a Animal Welfare Act in conjunction with Art. 20a Basic Constitutional Law and §1 Animal Welfare Act).

² Detailed information on the guarantor position of official veterinarians [in German]: Kemper, R. (2006) [in German]: Rechtsgutachten über die Garantenstellung der Amtstierärztinnen und Amtstierärzte. Berlin. The document is available at Animals' Angels on request.

First step into the right direction

The breeders association Rinder-Union-West eG and the veterinary offices in Krefeld, Hamm and Bitburg that are responsible for the auction locations have incorporated the following section into the auction regulations in response to the Animals' Angels auction report:

"In the case of lactating animals the Seller shall ensure that the last milking interval prior to the sale does not exceed 12 hours (pursuant to the Animal Transport Regulation). Where justified, milking out can be ordered in advance of the auction."

(RINDER-UNION-WEST eG, SALES REGULATIONS, NUMBER 3.4)

Animals' Angels materials on the topic

The Animals' Angels document **'REPORT ABOUT THE PROBLEM OF NOT MILKING COWS AT CATTLE AUCTIONS IN GERMANY'**

📄 can be requested from Animals' Angels together with other reports and photographic materials on the issue (info@animals-angels.de).

II. 'Dairy' Cows in production I: neglected animals, unprofessional farmers



This is Katinka. She is severely emaciated, has pressure ulcers and is limping on her right hind leg. She spends most of her life inside a stable.

NOT ONLY ARE WE RESPONSIBLE
FOR THE THINGS WE DO – BUT ALSO FOR THE THINGS
THAT WE ACCEPT WITHOUT A WORD OF PROTEST.

1. Background

‘Dairy’ cows in Germany are now bred for **MAXIMUM MILK OUTPUT**. The animals exceed **THEIR PHYSICAL STRESS LIMITS** and demonstrate a **HIGH SUSCEPTIBILITY TO ILLNESSES**. Expertise and professional management are absolute prerequisites for keeping ‘dairy’ cows healthy. In German agribusiness many of the farmers are obviously already overtaxed with the assurance of the basic needs of these ‘high-performance’ animals.

DAIRY PRODUCERS IN ALL GERMAN STATES ARE STRUGGLING WITH CONSIDERABLE MANAGEMENT PROBLEMS, OFTEN REGARDLESS OF BUSINESS SIZE AND HUSBANDRY METHOD. This is shown, among other things, by the fact that up to 40% of all cows in German dairy businesses are brought to the slaughterhouse each year³.

The main reasons for slaughtering these often still young cows are health problems and fertility issues.



**COW ON A GERMAN DAIRY FARM,
FEBRUARY 2010: INSUFFICIENT SPACE
TO LIE DOWN.**

Animals' Angels

2. Animals' Angels Complaints (2009 - 2010)

Animals' Angels is a small animal welfare association funded exclusively by voluntary donations and therefore has a limited scope. However, Animals' Angels has filed complaints with the public prosecutor's office or the competent veterinary authority in the following cases.

The conditions in these dairy businesses about which complaints have been filed are the **RESULT OF RANDOM INSPECTIONS OR INFORMATION RECEIVED FROM CITIZENS CONCERNED ABOUT ANIMAL WELFARE**; they represent just the **TIP OF THE ICEBERG**.

Based on the existing findings, it is conjecturable that comprehensive, independent and unannounced animal welfare inspections in all German dairy operations would bring to light numerous violations of animal protection laws in German cow sheds.

Rhineland-Palatinate, Seelen, November 2010

This farmer receives government subsidies from tax money: € 68,712.47
(in 2009, EU Agricultural Fund)



On a pasture a farmer is observed driving his cows toward the stable buildings. At least one fourth of the cows are limping severely. The animals move across the pasture with great difficulty. Animals' Angels files a complaint with the competent veterinary authority.

SEVERELY LIMPING COW ON A PASTURE IN RHINELAND-PALATINATE, NOVEMBER 2010
Animals' Angels

³ Martens H., Luy J. (2008): Wenn Hochleistung krank macht [When High Performance Causes Sickness]. Supplement to Tagesspiegel of Technical University Berlin. www.fu-berlin.de/presse/publikationen/tsp/2008/ts_20080209/ts_20080209_22/index.html, last access: 23 Jan. 2011

North Rhine-Westphalia, Bottrop, September 2010

The farmer receives government subsidies from tax money: €8,729.09
(in 2009, EU Agricultural Fund)



Animals' Angels is tipped off that there are animal welfare problems at a dairy business in NRW. At the location the investigator speaks with neighbours who have noticed the animals in the field. Many of the cows are severely emaciated. Their hooves are overgrown, numerous animals are limping and moving so as to try and relieve their pain. Loud bellowing can be heard from the animals in the stable both day and night.



Animals' Angels reports the farmer to the competent veterinary authority. The authority confirms that there are blatant deficiencies at the business.

EMACIATED COWS ON A PASTURE IN NORTH RHINE-WESTPHALIA, SEPTEMBER 2010.

Animals' Angels

Saarland, Perl-Hellendorf, March 2010

This farmer receives government subsidies from tax money: €7,055.41
(in 2009, EU Agricultural Fund)

A 68-year old farmer is on trial before the Administrative Court of the Saarland. There are 31 'dairy' cows in his barn. Complaints have been filed against the business with the local veterinary authority since 1993. The animal welfare reports describe cadavers lying in the barn, cows standing in muck up to their abdomens, a lack of water, and tether chains that have grown into the animals' necks. In addition, the farmer has prevented the farm veterinarian from treating sick cows.

During the course of the proceedings before the Local Court the herd of cows is seized because of blatant violations. Animals' Angels files a criminal complaint against the veterinary authority for tolerating these animal welfare violations for years.

Saxony-Anhalt, Mühlisdorf, August 2009

This farmer receives government subsidies from tax money: €83,065.56
(in 2009, EU Agricultural Fund)



DEAD CALF ON A DAIRY FARM IN SAXONY-ANHALT, AUGUST 2009. Animals' Angels

Animals' Angels inspects a dairy business in Saxony-Anhalt. Ninety cows are kept in a free-stall barn at the farm. The farmer guides the Animals' Angels Inspectors through the premises and explains that he has no financial leeway whatsoever and the money for the veterinarian is simply not there. That is why he kills sick cows himself. The farmer batters sick cows to death with a hammer. A bull who is too large for the lie-down box and who has to lie on the slatted floor runs with the cows. During the inspection on site Animals' Angels finds a dead calf at the entrance to the barn.

According to the farmer it will stay there 'until the foxes come to get it'.

In close dialog with the competent veterinary authority Animals' Angels files a criminal complaint against the farmer for animal abuse.

Bavaria, Burggen, May 2009

The farmer receives government subsidies from tax money: €6,114.08
(in 2009, EU Agricultural Fund)



Animals' Angels documents the husbandry conditions in a Bavarian dairy business. According to the farmer the animals are kept tethered all year around. The stable is dark. The floor, walls and ceiling are covered with liquid manure. The animals have no bedding.

Animals' Angels reports the business to the competent veterinary authority.



THE MAY SUN IS SHINING, BUT THESE COWS ARE KEPT INSIDE. TIED UP AND ANKLEDEEP IN DUNG.

BAVARIA, MAY 2009.

Animals' Angels

3. Press Review (2009 - 2010)

Horror reports on neglected dairy operations can be found regularly in the German press. Animals' Angels has compiled many of these articles. On most of the farms the suffering disclosed has existed for many years before the authorities and public took notice.

The detailed press reports can be requested from Animals' Angels.

Baden-Württemberg, Wutach, December 2010

**"Neglected, Undernourished: Veterinary Authority Closes Cow Shed;
Prohibits Keeping of Animals" (AHO REDAKTION GROSSTIERE)**

The veterinary authority in the district of Waldshut discovers approximately 50 neglected and undernourished cows in a barn. Due to the horrible conditions the veterinary authority orders the barn to be vacated and the business to be closed down.

Hesse, Korbach/Waldeck, November 2010

**"Farmer Lets Cattle Suffer: One Year in Jail"
(HESSISCHE/NIEDERSÄCHSISCHE ALLGEMEINE ZEITUNG)**

During a routine inspection an official veterinarian discovers several cattle in a cow barn who are bleeding profusely from their heads. The farmer has sawed off the animals' horns without anesthesia. The authorities are already familiar with this farm. The farmer has previously had to pay a fine for failing to supply calves with water and food. He was given a suspended sentence at the beginning of 2010 for abusing two cows.

Baden-Württemberg, Altheim/Alb, October 2010

"Help Comes Too Late for Two Cows" (SÜDWEST PRESSE)

An inspection takes place at a dairy business due to an animal welfare report. The authorities find neglected, emaciated animals with untreated hooves. Eight cows have severe maladies; two of them must undergo immediate emergency slaughter. The bad condition of the animals is due to long-term neglect. At least nine cows have died at this dairy business in the six weeks before the inspection.

Baden-Württemberg, Freudenstadt, August 2010

“€10,000: Farmer Fined for Animal Cruelty”

(AHO REDAKTION GROSSTIERE)

During a routine inspection the veterinary authority finds 17 dead cattle in a barn in which the floating muck is standing up to 30 centimetres high. Two more dead animals are found in the hay barn. Three of the living cattle have to be euthanized because they are completely exhausted. The farm's animal holding is disbanded. Most of the still living but completely emaciated animals have to be slaughtered. The farmer simply let his animals die of starvation over the course of several months.

Mecklenburg-Vorpommern, Sadelkow, August 2010

“Gruesome Animal Cruelty by Milk Producer for Humana Dairy Union”

(MUENCHEN.BUSINESS-ON.DE)

Major violations of the Animal Welfare Act and the Farm Animal Regulations are discovered at a dairy business in Mecklenburg-Vorpommern. The animals stand in their own excrement, decayed cadavers litter the farmyard premises and there are indicators of illegal slaughter.

The animal rights organization PETA files charges against the farm for animal cruelty and against the veterinary authority for allowing this deplorable situation to continue over several years.

North Rhine-Westphalia, Verl, June 2010

“Drama Around Man and Animal: Missing Farmer Probably Dead”

(AHO REDAKTION GROSSTIERE)

At a dairy business in NRW 24 cow cadavers partly reduced to skeletons are discovered. One hundred cows are kept at the farm. Shortly thereafter the 49-year old farmer vanishes without trace. Days later a burned-out car with a corpse is found – the investigators assume that it is the missing farmer.

Baden-Württemberg, Bad Wurzach, June 2010

“Neglected Animals Rescued in Bad Wurzach: Farmer Prohibited from Keeping Animals” (AHO REDAKTION GROSSTIERE)

Around 70 neglected and emaciated cows, sheep, goats, pigs and rabbits are seized by police and veterinarians at a farm in Bad Wurzach. Initially the veterinary authority had attempted to correct the deplorable conditions by issuing orders under administrative law. After this mild course of action proved ineffective, a prohibition on keeping animals and the removal of the ‘farm’ animals were ordered and new criminal charges were filed.

Lower Saxony, Aurich, March 2009

“Mass Grave? Mystery Surrounds Whereabouts of 200 Cow Cadavers” (AHO REDAKTION GROSSTIERE)

A total of 672 cows died at a dairy business in Aurich between 1999 and 2004. 470 of them were taken to a rendering plant. Two dead cows were found on the premises. A speaker for the regional government confirmed the suspicion that more than 200 dead cows were possibly buried illegally. The premises are located in a water protection area.

The public prosecutor’s office is investigating.

Bavaria, Dorfen, March 2009

“Hooves Untrimmed, Open Fracture: Farmer Sentenced to Pay Fine of €1,350” (MUENCHEN.BUSINESS-ON.DE)

A cow at a dairy operation in Bavaria underwent emergency slaughter at the order of the veterinary authority. Due entirely to a lack of foot care, ulcers had developed up to the hock. The hock was also fractured and this caused a rubbed, festering sore. The cow was limping and could barely move. Her nutritional state was correspondingly poor.

4. Conclusions

All of the husbandries listed here contravene Animal Welfare Laws and violate both German (Animal Welfare Act, 2nd section, subsection 2, no. 1 and no. 3; Tierschutznutztierhaltungsverordnung [Welfare Regulation on Husbandries for Farm Animals], section 1, subsection 4, paragraph 1, no. 1, 2, 3, 4, 9, 10) and European legal provisions for the protection of ‘farm’ animals (Council Directive 98/58/EC on the protection of animals kept for farming purposes, Annex, no. 1, 2, 3, 4, 7, 14, 15; Five Freedoms).

The individual violations are listed in the annex to this report (see page 75).

Despite the existing legal provisions these dairy operations as described exist all over Germany. **THESE UNACCEPTABLE CONDITIONS GIVE RISE TO CONSIDERABLE DOUBTS ABOUT THE COVERAGE OF ANIMAL WELFARE ISSUES BY EXISTING LEGISLATION AS WELL AS ITS EXECUTION AND IMPLEMENTATION IN GERMANY.**

- a. The husbandry conditions in numerous German dairy businesses violate the statutory minimum standards for the protection of ‘farm’ animals.
- b. The lack of specific regulation makes it very difficult for authorities to sanction animal welfare problems on farms.
- c. Many official veterinarians condone and defend conditions contrary to animal welfare in dairy businesses despite complaints from the public and animal welfare associations. In doing so the veterinarians are violating the Animal Welfare Act and the Basic Constitutional Law⁴ (guarantor position of official veterinarians, §16a Animal Welfare Act in conjunction with Art. 20a Basic Constitutional Law and §1 Animal Welfare Act).
- d. Conditions in German dairy businesses that violate animal welfare regulations often remain undiscovered for many years due to a lack of inspections by the authorities.
- e. Despite standards of husbandry contravening animal welfare regulations German dairy businesses generally receive the full subvention amounts. The subsidies are reduced in very rare cases only.
- f. It is only a question of time until non-agricultural medium-sized businesses and the Union of Taxpayers denounce the preferential treatment of dairy farmers and demand that this privilege be ended.

Animals' Angels materials on the topic

Animals' Angels has been documenting emaciated and weak 'dairy' cows at cattle markets, at staging points, on animal transports and in slaughterhouses for years.

The **VIDEO 'FORBIDDEN JOURNEYS'** as well as the **'COMPILATION REPORT ON 'DAIRY' COWS'** show the evidence.

✉ They can be requested from Animals' Angels together with other reports and video and photographic materials (info@animals-angels.de).

First step into the right direction

Further cases regarding judgments against farmers accused of neglecting cattle can be found in the all-German case collection of the State of Hesse.

The homepage www.tierschutz-urteile.de contains an extensive overview of animal welfare judgments handed down in Germany to date, including against dairy businesses.

⁴ Detailed information on the guarantor position of official veterinarians [in German]: Kemper, R. (2006): Rechtsgutachten über die Garantenstellung der Amtstierärztinnen und Amtstierärzte. Berlin. The document is available at Animals' Angels on request

III. 'Dairy' Cows in production II: outdated husbandry methods



This is how the cow Hulda lives...
day in and day out...
seven days and seven nights a week...
twelve months a year...
each and every year again.
Chained up in one spot.

**NOT ONLY ARE WE RESPONSIBLE
FOR THE THINGS WE DO – BUT ALSO FOR THE THINGS
THAT WE ACCEPT WITHOUT A WORD OF PROTEST.**

1. Background

EVERY THIRD COW IN GERMANY IS TETHERED IN ITS BARN. That makes tether husbandry one of the most common husbandry forms for 'dairy' cows. Currently, 35.5% of cows are tethered in a barn; in small businesses (< 30 animals) it is as much as 85.5%⁵. A majority of the cows never set foot on a pasture but spend their lives tied up in one spot.

This husbandry method **CONFLICTS WITH THE BASIC NEEDS OF COWS, ALL SCIENTIFIC FINDINGS ON SPECIESAPPROPRIATE CATTLE HUSBANDRY** as well as the **REQUIREMENTS OF THE ANIMAL WELFARE ACT AND THE REGULATION ON HUSBANDRIES FOR FARM ANIMALS.**

Table: Tether Husbandries in Germany

State	Free-Stall barn	Tether husbandry	Year
Bavaria	36%	64%	2009*
Baden-Württemberg	69%	31%	2009*
Lower Saxony approx.	75%	approx. 25%	2009*
Saxony-Anhalt	92%	8%	2009*
Brandenburg	approx. 95%	approx. 5%	2009*
North Rhine-Westphalia	71%	29%	2005**
Hesse	60%	40%	2005**
Thuringia	97%	3%	2008*
Saxony	90%	10%	2005**
Rhineland-Palatinate	65%	35%	2005**
Saarland	73%	27%	2009*
Schleswig-Holstein	94%	6%	2009*
Mecklenburg-Vorpommern	96%	4%	2005**
Germany (total)	approx. 60%	approx. 35%	2009*

Sources: * Animals' Angels phone research with state ministries

**Faustzahlen der Landwirtschaft, [Base Figures in Agriculture] 13th edition, 2005

⁵ AgrarBündnis e.V.: Der kritische Agrarbericht 2009.

2. Animals' Angels Inspections (2009 - 2010)

Animals' Angels documented the lives of cows in tether husbandry in numerous dairy operations throughout Germany during 2009 and 2010, and encountered inherent animal welfare issues. The following examples are not isolated incidents. Additional photographs may be requested from Animals' Angels.

2.1 Tethered husbandry: no freedom of movement

The lack of ability to move is a basic component of every tethered husbandry system. The cows are tied at the neck; lying down and standing up are their only means of movement. Social interaction and grooming are almost impossible with this form of husbandry. Tether husbandry conflicts with the basic needs and the natural behaviour of cattle.

The great majority of businesses inspected by Animals' Angels stated that they keep the animals tethered all year around after birthing the first calf – completely without any opportunity to graze.



TETHERED IN THE BARN – FED WITH GRASS FROM THE PASTURE. IT IS EASIER FOR THE FARMER TO BRING THE GRASS TO THE COW THAN THE SENSITIVE 'HIGH-PERFORMANCE' COW TO THE GRASS.

BAVARIA, JUNE 2009.

Animals' Angels

2.2 Tethered husbandry: inadequate stall length

Over the last decades 'dairy' cows have been bred for higher and higher performance. One result of the changed breeding criteria is that the bodies of cows have become larger in frame and thus also longer.

Most tether husbandries are located in old stable buildings. The stalls there are much too short for the animals. In these short stalls, which are still very common, the cows are forced to stand and lie with their hind legs on grating. This results in foot and teat ailments. In addition, it is impossible for the animals to stand or lie down comfortably.



**THE LACK OF BEDDING CAN LEAD TO
SWOLLEN JOINTS AND PRESSURE ULCERS.**

BAVARIA, OCTOBER 2009.

Animals' Angels



**SHORT STALLS CAN LEAD TO FOOT AND
JOINT PROBLEMS.**

BAVARIA, JUNE 2009.

Animals' Angels

2.3 Tethered husbandry: insufficient rest area

The over-occupancy of barns is a frequent problem in Germany dairy operations. The stall width in the old stable buildings is no longer suitable for today's usually large-framed cows. As a result the animals in the barns do not have enough room to lie down at the same time. In addition Animals' Angels repeatedly documents crowding in tether husbandries.

This contravenes the minimum animal welfare standards for 'dairy' cows. They require that there must be enough space for all animals to lie down and rest at the same time.



TIED UP WITHOUT ENOUGH ROOM TO LIE DOWN AND REST AT THE SAME TIME.

BAVARIA, OCTOBER 2009.

Animals' Angels



SINCE THE LEGS OF THE NEIGHBOURING COW ARE IN HER WAY, THIS COW CANNOT LIE DOWN. THE CHAIN PREVENTS HER FROM FINDING A DIFFERENT RESTING SPOT. SHE HAS TO REMAIN STANDING.

BAVARIA, OCTOBER 2009.

Animals' Angels

2.4 Tethered husbandry: insufficient bedding

None of the tether husbandries inspected by Animals' Angels had enough bedding. In a few barns the animals stand on a thin layer of sawdust. The majority of tethered cows in Germany stand on bare concrete. Not a single business used straw or rubber mats.

Being kept without bedding causes great pain in feet and joints. Standing and lying on the hard floor is torture for the thin-skinned and weak-muscled animals. The permanently filthy skin is susceptible to painful infections and pressure ulcers.



NO BEDDING. LIVING ON CONCRETE.

BAVARIA, OCTOBER 2009.

Animals' Angels



THE LACK OF BEDDING CAN LEAD TO SWOLLEN JOINTS AND PRESSURE ULCERS.

BAVARIA, OCTOBER 2009.

Animals' Angels

2.5 Tethered husbandry: no calving box

In numerous tether barns – often in old buildings of small businesses – cows are forced to bear their calves tethered in the barn. A calving box either does not exist or it is not utilized.

Birthing a calf in a tether barn is contrary to all natural needs of the animal and frequently leads to complications during birth.

Given a choice, cows often withdraw from the herd for the birth in order to be undisturbed. In addition, they often get up during birth, move around and then lie back down in a different position. If the cow is tied up none of this is possible. Since many stables have no bedding the calves fall onto the bare concrete and land in the muck trench. This is aggravated by the close proximity of the other animals. The tethered mother can neither sniff nor lick her child.

The birth of a calf is a physically demanding and highly emotional event for a cow. Bearing in mind that every year the cows carry and bear a child which is immediately taken away from them after birth in order to market the calf and milk profitably, one should at least expect the farmer to make the surroundings as comfortable and the birth as easy as possible.



IN MANY TETHER BARNs THE COWS HAVE TO CALVE WHILE CHAINED.

RHINELAND-PALATINATE, MAY 2009.

Animals' Angels

2.6 Tethered husbandry: unsuitable drinking systems

All of the businesses inspected by Animals' Angels have drinking basins that do not enable species-appropriate suck-drinking. In most businesses the drinking basins are affixed on one side only. Two animals have to share a drinking basin.

Lactating cows have extremely high water requirements. Especially after being milked the animals' bodies need a high volume of fluids. A rule of thumb used by large-animal veterinarians is that a lactating cow needs approximately 30 liters + the equivalent of their milk output per day.

Drinking systems have to be designed and installed in such a way that the animals have access to enough drinking water at all times. The drinking basins used in tether husbandries do not meet the natural needs of cattle.



DRINKING BASINS CUSTOMARILY USED IN TETHER HUSBANDRIES NEITHER MEET THE CATTLE'S ENORMOUS NEED FOR FLUIDS NOR ARE THEY APPROPRIATE FOR THE WAY CATTLE DRINK WATER.

BAVARIA, OCTOBER 2009.

Animals' Angels



ONE-SIDED DRINKING BASINS: SPECIES-APPROPRIATE SUCK-DRINKING IMPOSSIBLE.

BAVARIA, MAY 2009.

Animals' Angels

3. Conclusions

Tether husbandry is a husbandry method that, in our judgement⁶, violates both German (Animal Welfare Act, 2nd section, subsection 2, no. 2) and European legal provisions for the protection of ‘farm’ animals (Council Directive 98/58/EC on the protection of animals kept for farming purposes, Annex, no. 7; Five Freedoms, no. 2, 4, 5).

The individual violations are listed in the annex to this report (see page 79).

Despite the existing legal provisions, tether husbandry is quite common in German cow houses. This gives rise to considerable doubts about the coverage of animal welfare issues by existing legislation as well as its execution and implementation in Germany.

- a. Every third cow in Germany is tethered in its barn. This demonstrates a lack of knowledge and professional competence on the part of the farmers. It also shows a gross lack of consideration in light of the basic needs of the animals entrusted to them.
- b. Official veterinarians should stop condoning tether husbandry.
- c. The lack of specific regulation makes it very difficult for authorities to sanction outdated husbandry systems.
- d. Farmers with tether husbandries receive the full subvention amount – despite possible violations of cross-compliance requirements. That means this torturous life is co-financed by all tax payers.

Animals' Angels materials on the topic

Animals' Angels has been documenting the regularly occurring animal welfare problems in tie-stalls.

☞ Detailed reports on the subject matter as well as video and photographic materials can be requested from Animals' Angels (info@animals-angels.de).

Legal opinion and collection of scientific studies on the topic of tether husbandry

Animals' Angels has had a legal opinion on the lawfulness of tie-stalls and a compilation of scientific studies on the topic of 'dairy' cows in tether husbandry prepared.

☞ The legal opinion and the collection of case studies can be requested from Animals' Angels (info@animals-angels.de).

⁶ Legal opinion on the lawfulness of tie-stalls, prepared for Animals' Angels [in German]: Leondarakis, Liedtke (2008): „Gutachten über die Rechtmäßigkeit einer Anbindehaltung bei Rindern“. The document is available at Animals' Angels on request

IV. Transport of 'Dairy' Cows I: unmilked for thousands of kilometres



Margaret the cow is standing in this transporter that is resting in a parking lot in Basque country. Margaret was loaded in Germany and has been travelling for days. She is exhausted, thirsty and her udder is swollen and hurts.

NOT ONLY ARE WE RESPONSIBLE
FOR THE THINGS WE DO – BUT ALSO FOR THE THINGS
THAT WE ACCEPT WITHOUT A WORD OF PROTEST.

1. Background

GERMAN 'DAIRY' COWS ARE TRANSPORTED TO SOUTHERN EUROPE OVER THOUSANDS OF KILOMETRES. 79.228 'breeding' cattle have been transported from Germany to other Member States and third countries in 2010; 25,5% to countries in Southern Europe⁷. The EU Regulation on the Protection of Animals during Transport (EC) 1/2005 requires lactating cows to be **MILKED AT TIME INTERVALS OF 12 HOURS.** This **GUIDELINE IS REGULARLY IGNORED.** Some animals are not milked for over 20 hours during transport.

The reasons for the animals' suffering are usually the **ECONOMIC INTERESTS** of the transport company and the **CONVENIENCE** of the driver. In addition, **VETERINARIANS CLEAR** long-distance transports of cows again and again, **ALTHOUGH NO MILKING FACILITIES ARE LOCATED ALONG THE PLANNED ROUTE.**



CATTLE ON BOARD OF AN ANIMAL TRUCK IN GERMANY: INSUFFICIENT HEAD SPACE.

APRIL 2010.

Animals' Angels

⁷ Deutscher Holstein Verband, 2011
www.holstein-dhv.de/exportnachfrage_2010_auf_hohem_niveau.html, last access: 20.02.2011

2. Animals' Angels Inspections (2008 - 2010)

📎 Detailed reports on all Animals' Angels investigations can be requested from Animals' Angels (info@animals-angels.de).

2.1 Lower Saxony to Spain, January 2010

Animals' Angels follows a vehicle transporting lactating cows from Leer in Lower Saxony to Asturias and Galicia in Spain. The outside temperature at departure of the transport in Leer is 0°C. The route is 2,357 km long and the journey takes a total of 76 hours. During the entire trip the cows are only milked at one control post and again in the private stable of the first destination. The transport drivers confirm that exceeding the milking intervals is common practice.

Animals' Angels files a complaint with the Spanish transport company and contacts the clearing veterinary office in Leer.



**AFTER 19 HOURS ON BOARD OF A TRUCK
THESE COWS ARE MILKED FOR THE FIRST
TIME.**

BLANQUEFORT, FRANCE, 14 JAN. 2010.
Animals' Angels

2.2 Lower Saxony to Portugal, October 2009

Lactating cows are transported from Osnabrück to Portugal. During the first transport phase the animals are unloaded in Martincourt, France and in Blanquefort, France according to regulations (24-hour supply break).

Animals' Angels documents that the animals are milked for the last time in Blanquefort at 11:00 a.m. and are then loaded onto the transporter around 5:00 p.m. As soon as the vehicle crosses the French-Spanish border no further milking of the animals is possible since there are no control posts in Spain with milking equipment. At 8:00 a.m. the next morning the animals reach their first destination in Touguinha, Portugal. The cows have not been milked for 21 hours. At 11:00 a.m. the last animals finally reach the second destination in Afife, Portugal.



'DAIRY' COWS ARE UNLOADED IN NORTHERN PORTUGAL. ON THE TRIP FROM FRANCE TO HERE COVERING MORE THAN 1,000 KM THEY COULD NOT BE MILKED.

PORTUGAL, 17 OCTOBER 2009.

Animals' Angels

2.3 France, control posts with milking equipment, October 2009

Animals' Angels checks to what extent the statutory requirement to milk the cows after an interval of 12 hours maximum is implemented during the transport of lactating cows along the route Germany – France – Spain – Portugal.

Result of the investigation: There are milking facilities in Belgium and the Netherlands. In July 2009 there are only three control posts with milking facilities in France; in Spain and Portugal there is not even one. But there are many destinations for cattle in the south of Spain and in Portugal which would require a milking stop en route after having left France.

Animals' Angels has informed the ministries of all individual states in Germany and demanded that they not clear any more transports if regular milking is not assured.

2.4 Lower Saxony to Spain, June 2009

Lactating cows are transported from Northeim to Spain. During the first transport phase the cows are milked in Martincourt, France and in Saint Cricq Chalosse, France, in compliance with the provisions detailed in the transport plan (24-hour supply break). The second transport phase covers a total distance of 1,175 km to three destinations in Spain. The cows cannot be milked on this trip because there are no control posts in Spain with milking equipment. Yet the transport was cleared in Northeim.

2.5 Lower Saxony to Portugal, April 2009

In April 2009 lactating cows are transported from Osnabrück to northern Portugal. According to the transport papers a first milking during the first transport phase is planned after 12 hours in Martincourt, France – followed by a 24-hour supply break in Blanquefort, France. Both of these control posts can be reached in the required time. The final destination in Fajozes, Portugal, is 1,055 km away from Blanquefort and thus the transport time is over 15 hours. The animals cannot be milked on this route because there are no control posts with milking equipment in Spain or in Portugal.



A COW EN ROUTE FROM LOWER SAXONY TO PORTUGAL. IT IS CLEAR FROM THE TIME OF DEPARTURE THAT IT WILL NOT BE POSSIBLE TO MILK THE ANIMALS DURING THE SECOND HALF OF THE TRANSPORT. DESPITE THIS THE TRANSPORTS KEEP BEING CLEARED BY GERMAN VETERINARY AUTHORITIES.

SPAIN, 16 OCTOBER 2009.

Animals' Angels

3. Conclusions

The transports listed violate European legal provisions on the protection of animals during transport (Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 3a, f, h & Article 6, paragraph 3 in conjunction with Annex I, Chapter I, no. 6 & Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 6, paragraph 3 in conjunction with Annex I, Chapter II, no. 1.2 & Article 14, paragraph 1, no. a ii, b, c).

The individual violations are listed in the annex to this report (see page 81).

Despite the existing legal provisions cows from Germany are transported over thousands of kilometres without being milked. This unacceptable treatment of highly lactating animals gives rise to considerable doubts about the execution and implementation of existing animal welfare regulations in Germany.

- a. Lactating cows from Germany are transported over thousands of kilometres without being regularly milked.
- b. Lactating cows from Germany are routinely transported along routes where milking them on a regular basis is not possible due to a lack of milking facilities.
- c. Again and again official veterinarians clear lactating cows without verifying whether milking is possible and scheduled along the planned route. Through this act of omission they are not fulfilling their roles as guarantors⁸ (§16a Animal Welfare Act in conjunction with Art. 20a Basic Constitutional Law and §1 Animal Welfare Act).
- d. Once cleared the transports are inspected only in the rarest of cases. The majority of veterinary offices do not check the return documents for compliance with milking intervals.

⁸ Detailed information on the guarantor position of official veterinarians [in German]: Kemper, R. (2006): Rechtsgutachten über die Garantenstellung der Amtstierärztinnen und Amtstierärzte. Berlin. The document is available at Animals' Angels on request

Animals' Angels materials on the topic

Animals' Angels has been documenting the regularly occurring animal welfare problems during the transport of lactating cows for years.

📄 Detailed reports on the subject matter as well as video and photographic materials can be requested from Animals' Angels (info@animals-angels.de).

V. Transport of 'Dairy' Cows II: to the Slaughterhouse at any cost



Here we see Lottie.

She was dragged out of a transporter.

She was too weak or too severely injured to get up.

Still an attempt is made to reload her again

with the help of a shovel loader.

Finally she is euthanized.

**NOT ONLY ARE WE RESPONSIBLE
FOR THE THINGS WE DO – BUT ALSO FOR THE THINGS
THAT WE ACCEPT WITHOUT A WORD OF PROTEST.**

1. Background

Having ‘downer’ cows⁹ is a scandal that we see in almost every dairy business in Germany. “Sooner or later all cattle owners have animals that become downers.”¹⁰ The two most common causes for becoming a ‘downer’ are health problems (caused by performance requirements that are too high, e.g. energy and mineral deficits, foot problems, circulatory weakness) and accidents (caused by management errors, e.g., slipping on damp slatted floors).

From an economic point of view it is more lucrative to transport a cow to the slaughterhouse than to euthanize her or have her undergo emergency slaughter at the farmyard. In addition, worn out ‘dairy’ cows are popular at slaughterhouses as they are a source of hard sausage or ground meat because of their emaciated muscles. Therefore, these sick, unfit animals keep being transported to the slaughterhouse illegally – and are being accepted there.



FOR AT LEAST 6 HOURS THIS COW IS LYING IN A HORSE TRAILER AT A GERMAN ASSEMBLY STATION. SHE SEEMS TO BE TOO WEAK OR INJURED TO GET UP. ANIMALS ANGELS INFORMS THE AUTHORITIES. THEREUPON THE COW GETS EUTHANIZED BY A VETERINARIAN.

AUGUST 2008.
Animals' Angels

2. Animals' Angels Complaints (2008 - 2010)

2.1 North Rhine-Westphalia, Steinhagen May 2010

A cow is limping badly as she is unloaded from a transporter at a cattle slaughterhouse in North Rhine-Westphalia. She is not putting any weight on her left hind leg. Her legs buckle on the ramp and she collapses onto the floor. She is left lying there without veterinary care. During the night a transporter brings a dead cow which is put beside the injured cow. Not until the next morning is the injured animal sedated and pulled over the dead cow and into the slaughter room.

Animals' Angels files a complaint for animal cruelty.

2.2 Brandenburg, Ihlow, August 2008

Animals' Angels documents the loading of an animal transporter at a collection station for cattle in Brandenburg. One cow is lying on the ground and is obviously too weak to keep upright. The workers at the collection station attach her to a shovel loader with a clamp around her hips. The cow is dragged across the yard and into the transporter. She is hanging from the thin metal clamp with all of her weight. The transport destination is a slaughterhouse about 400 km away.



THIS 'DOWNER' COW IS DRAGGED INTO A TRANSPORTER AT A COLLECTION STATION IN BRANDENBURG.

AUGUST 2008.
Animals' Angels

⁹ 'Downer': a cow that is lying on the ground and cannot get back up under her own power.

¹⁰ EFSA, 2009: Effects of farming systems on dairy cow welfare and disease, p. 188

2.3 Hamburg, A7, April 2010

Together with the police Animals' Angels inspects an animal transporter taking cows to a slaughterhouse in Hamburg. A cow is lying in the trailer. She remains lying in the trailer during the entire inspection. The driver explains that the cow has severe claw problems and is lying down for that reason. He claims she got onto the transporter under her own power.



THIS COW IS SUFFERING FROM A FOOT INJURY AND IS LYING IN A TRAILER BEING TRANSPORTED TO THE SLAUGHTERHOUSE.

POLICE INSPECTION SET UP BY ANIMALS' ANGELS

HAMBURG, APRIL 2010.

Animals' Angels



2.4 Brandenburg, Ihlow, May 2010

Animals' Angels documents the unloading of a 'downer' cow at a collection station for cattle in Brandenburg. The cow is dragged out of a transporter while lying down. She is clamped to a shovel loader by her hip. An attempt is made to lift her into a horse trailer with the help of the shovel loader. When this is unsuccessful the cow is dragged to the edge of the collection station. The animal is hanging from the clamp with her entire weight. She kicks and desperately searches for support.

Animals' Angels files a complaint for animal cruelty.



THIS 'DOWNER' COW IS DRAGGED OUT OF A TRANSPORTER AT A COLLECTION STATION.

BRANDENBURG, MAY 2010.

Animals' Angels



AFTER AN UNSUCCESSFUL ATTEMPT TO LOAD THE COW, SHE IS DRAGGED ACROSS THE PREMISES WITH A SHOVEL LOADER. THE COW IS KICKING AND SEARCHING FOR SUPPORT.

BRANDENBURG, MAY 2010.

Animals' Angels

3. Conclusions

The transports listed here violate both German (Animal Welfare Act, 12th section, paragraph 17 and the Regulation) and European legal provisions on the protection of 'farm' animals (Council Regulation (EC) No. 1/2005, Annex I, Chapter I, no. 1 & Annex I, Chapter I, no. 2.a & Annex I, Chapter III, no. 1.8.c & Annex I, Chapter I no. 4 and Council Directive 93/119/EC, Annex A, paragraph I, no. 6).

The individual violations are listed in the annex to this report (see page 83).

Despite the existing legal provisions transports of 'downer' cows as described are taking place time and again all over Germany. This unacceptable treatment of weak and injured animals gives rise to considerable doubts about the execution and implementation of existing animal welfare regulations in Germany.

- a. Farmers and dealers load and transport injured and weak 'downer' animals despite clear prohibitions.
- b. Transports of 'downer' cows are rarely inspected and complaints are rarely filed although it can be assumed that every veterinarian, farmer and slaughterhouse operator knows that they take place frequently.

Animals' Angels videos on the topic

"DIE KUH LOTTE" (2010) AND 'FORBIDDEN JOURNEYS" (2007)

The short video **'DIE KUH LOTTE'** ('A Cow called Lottie') shows the loading of 'downer' cow Lottie documented at the collection station Rissel in May 2010.

Animals' Angels has been documenting and filing complaints about the transport of 'downer' 'dairy' cows to cattle markets and slaughterhouses for years. The video **'FORBIDDEN JOURNEYS'** shows these Animals' Angels documentations in different European countries.

📄 DVD's can be requested from Animals' Angels (info@animals-angels.de).

Animals' Angels materials on the topic

📄 Detailed reports on the transport of 'downer' cows as well as video and photographic materials on the subject matter can be requested from Animals' Angels (info@animals-angels.de).

📄 The **'COMPILATION REPORT ON 'DAIRY' Cows'** is available at Animals' Angels on request.

VI. Ineffective Inspection System

1. No legal requirements

There is **NO LEGALLY BINDING REGULATION** in Germany **THAT STIPULATES HOW COWS ARE TO BE KEPT**. The Animal Welfare Act and the general part of the Animal Welfare Farm Animal Regulation are the only legal provisions.

The passage of a legally binding husbandry regulation that regulates how cows must be kept and treated is **urgently needed**. The basic needs and species-specific behaviour of the animals must be the foundation. An **absolute prohibition of tether husbandry** as well as a **reduction of milk output** to a volume that does not negatively affect the wellbeing and health of the cows must be part of the regulation.

2. Lack of animal welfare inspections

To ensure compliance with the statutory minimum standards in German dairy businesses, regular inspections are a necessity. But the **probability of a dairy business being inspected in Germany with regard to animal protection is extremely low**. The official veterinarians in charge are often overworked and therefore hardly find time for routine inspections. In addition, the animal welfare section in many offices is understaffed. Consequently, farmers **ARE HARDLY EVER HELD ACCOUNTABLE FOR HUSBANDRY CONDITIONS THAT CONTRAVENE ANIMAL WELFARE LAW**, while the quality of the milk and the hygiene in the milking area are inspected regularly.

According to FVE¹¹ only **1-2% OF THE DAIRY BUSINESSES IN GERMANY WERE INSPECTED** in 2006. Upon inquiry by Animals' Angels numerous veterinary authorities confirmed that this percentage correctly reflects the current situation in Germany.

The same applies to cross-compliance inspections: only 1% of dairy farms are inspected. Other than inspections of keeping methods of calves and pigs, the **RESULTS OF THE INSPECTIONS OF CATTLE CAN NOT BE RETRIEVED** at the competent federal ministry: "Animal welfare violations with dairy and beef cattle are not recorded separately" (BMELV, correspondence with Animals' Angels, January 2011)¹².

3. Lack of enforcement by the authorities

If violations are found at a dairy business the **COMPETENT VETERINARY AUTHORITY – IN THE VIEW OF ANIMALS' ANGELS – OFTEN DOES NOT FOLLOW THROUGH.**

Since the veterinary authorities work regionally the official veterinarians are often connected in **LOCAL NETWORKS**. This apparently **MAKES TAKING DRASTIC MEASURES IN RESPONSE TO VIOLATIONS MORE DIFFICULT**. If for example one's own children are in the same class with the slaughterhouse operator's children or one regularly runs into the farmer from the neighbouring village at the supermarket, the criminal prosecution of violations against the Animal Welfare Act may be difficult or possibly have dire consequences.

In addition, the budget that municipalities provide for animal welfare is often extremely low. Thus the **OFFICIAL VETERINARIANS OFTEN LACK THE FINANCIAL RESOURCES** to enforce animal welfare measures. Cost-intensive orders, such as the seizure of animals, can hardly ever be carried out due to a lack of money.

Further, official veterinarians time and again find no **SUPPORT FROM AMONG THEIR OWN RANKS** when they speak out on behalf of cows and proceed against the farmers. Again and again numerous head officials, judges and prosecutors interpret the law **IN FAVOUR OF THE FARMERS AND NOT FOR THE BENEFIT OF THE ANIMALS.**

For years **Animals' Angels** – supported by most animal protection organizations in Germany as well as by numerous official veterinarians – has been demanding external inspection teams that inspect agricultural operations independently and unannounced, exclusively with regard to animal welfare and cross-compliance requirements relevant to animal protection.

¹¹ FVE = Federation of Veterinarians of Europe, Brussels

¹² [Original: „Tierschutzverstöße bei Milchvieh und Mastrindern werden nicht separat erfasst“]

Legal opinion on the guarantor position of official veterinarians

The Hessian Ministry for the Environment, Agriculture and Consumer Protection commissioned a **LEGAL OPINION ON THE LEGAL OBLIGATION OF OFFICIAL VETERINARIANS TO ACT IN THE EVENT OF ACTIONS AND CONDITIONS CONTRAVENING ANIMAL WELFARE ACT** (§ 16 Animal Welfare Act in conjunction with Art. 20a Basic Constitutional Law and § 1 Animal Welfare Act).

Kemper, R. (2006): Rechtsgutachten über die Garantenstellung der Amtstierärztinnen und Amtstierärzte. Berlin. [Legal Opinion on the Guarantor Position of Official Veterinarians]

 The opinion [in German] is available at Animals' Angels on request.

4. Milk production inspectors¹³ – ignorance of the cow as a whole

Nearly all German dairy businesses (about 90%) participate in milk production inspections [Milchleistungsprüfung] that are carried out through state inspection associations. About once per month the milk of each cow is checked and output, cell count, fat and protein content etc. are examined. The 'milk inspectors' take the sample themselves or pick it up from the farmer. During this inspection it is only the animal's product that is relevant. Some inspection associations at least note the health condition of the examined animal. But whether, for example, the cows have their claws treated regularly or whether they spend their lives tethered on bare concrete is of no interest.

In light of the fact that blatant deficiencies exist in some German dairy businesses and at the same time there is an alarming lack of animal welfare inspections, an (sometimes even state-supported) inspection should evaluate not only the product obtained from a dairy business. Instead, husbandry conditions and health conditions of the cows must be carefully examined and included as criteria for the evaluation.

VII. The Farmer has no Money? Hogwash!

Farming representatives often proclaim loudly that dairy farmers are suffering financially and this is repeated in the media on a near daily basis. The sad reality that Animals' Angels has documented in many cow barns shows that some businesses save on feed and veterinary bills for economic reasons. But in fact the reasons for the financial problems seem to be often of their own doing.

WHAT IS BEHIND THIS FINANCIAL CRISIS?

1. Revenues of a dairy business

Like any medium-sized business, dairy businesses take in revenue from the sale of their 'products':

- Sale of milk
- Sale of male calves
- Sale of 'excess' young female cattle
- Slaughter price for 'worn out' cows

¹³ [In German: Milchleistungsprüfer]

2. Government grants for a dairy business

In our globalized world characterized by a free market economy, dairy businesses get unrivalled special treatment. This is financed exclusively through tax money. Dairy businesses receive government premiums simply because they exist:

- Area premiums [Flächenprämie] (2009 federal average: €340 per hectare)
- Subsidies from the 'Community Mission to Improve Agricultural Structure and to Protect Shorelines' [Gemeinschaftsaufgabe zur Verbesserung der Agrarstruktur und des Küstenschutzes]¹⁴ (2010 budget from EU and federal funds is €500 million)¹⁵
- Grassland milk programme [Gründlandmilchprogramm]¹⁶ (2010 budget from EU and federal funds is €300 million)¹⁵



**'MESS WITH FARMERS, LOSE OUR VOTE:'
FARMERS APPLY PRESSURE IN POLITICS.**

HESSE, AUGUST 2010

Animals' Angels

3. Subsidies despite non-compliant husbandry

Linking the area premium to observance of the cross-compliance requirements¹⁷ is an important step towards better animal protection in 'farm' animal husbandry – at least in theory. In practice each livestock business receives the full amount without having to prove compliance with the requirements.

And inspections are rare: In Germany only 1% of all 'farm' animal husbandries are subjected to a cross-compliance inspection each year.¹⁸

In addition, only very few official veterinarians take advantage of the option to effect a reduction of government subsidies because of inadequate husbandry conditions.

4. Reduced compulsory contributions

In our globalized world characterized by a free market economy, dairy businesses get unrivalled special treatment. This is financed exclusively through tax money. Dairy businesses receive government premiums simply because they exist:

- Farmers pay a lower premium for statutory health insurance¹⁹
- Farmers pay a lower premium for the statutory pension scheme¹⁹
- Farmers pay a lower premium for accident insurance (subsidies from federal funds: total of €200 million in 2010)²⁰
- Farmers receive reductions on income and corporate tax (tax revenue deficit: total of €90 million in 2010)²⁰
- Farmers can receive reductions on the trade tax²⁰
- Farmers are granted a reduced Value Added Tax rate for certain services in animal and plant breeding²⁰
- Farmers are largely exempt from the motor vehicle tax (tax revenue deficit: total €55 million per year)²⁰
- Farmers receive tax allowances on the mineral oil tax (tax revenue deficit: total €305 million per year)²⁰
- Farmers receive a tax allowance for after-tax diesel oil²⁰
- Pure bio fuels used in agriculture are exempt from the energy tax²⁰
- As of 2013 farmers will not pay a radio licensing fee for their commercial vehicles²¹
- In some municipalities farmers pay reduced or even no sewage fees

...this list can be continued at will.

¹⁴ Agricultural operations may apply for a plurality of single-business subventions, e.g., subsidies for market structure improvements.

¹⁵ Federal Ministry of Finance (2010): Twenty-second Subvention Report, Report of the Federal Government on the Development of Financial Aid of the Federation and Tax Relief for the Years 2007 - 2010. Berlin.

¹⁶ To "bridge liquidity straits, stabilize income and maintain viable businesses" (BMELV) farmers can apply for a premium for permanent grassland and an animal premium per cow in the years 2010 and 2011.

¹⁷ Cross-compliance: Government subsidies to farmers are tied to compliance with quality standards in the areas of environmental protection, animal protection and food quality.

¹⁸ BMELV: Cross-compliance.
www.bmelv.de/SharedDocs/Standardartikel/Landwirtschaft/Foerderung/Direktzahlungen/Cross-Compliance.html,
 last access: 24 January 2011

¹⁹ Federal Ministry for Nutrition, Agriculture and Consumer Protection: Agricultural social policy.
www.bmelv.de/cln_181/DE/Landwirtschaft/Agrarsozialpolitik/sozialpolitik_node.html,
 last access: 23 January 2011 as well as agricultural social security of Baden-Württemberg: membership and contribution. www.lsv.de/bw/05mitgliedschaft/index.html, last access: 23 January 2011

²⁰ Federal Ministry of Finance (2010): Twenty-second Subvention Report, Report of the Federal Government on the Development of Financial Aid of the Federation and Tax Relief for the Years 2007 - 2010. Berlin.

²¹ Top Agrar Online: Radio licensing fees for tractors eliminated as of 2013. 29 January 2010.
www.topagrar.com/index.php?option=com_content&task=view&id=21578&Itemid=390,
 last access: 23 January 2011

5. Government aid for sales difficulties

- ...through advertising and school milk programs²² the government drums up business for dairy enterprises and creates new sales markets free of charge
- ...through export facilitation the government procures a sales market abroad for dairy businesses
- ...through intervention purchases²³ the government balances out the lack of demand for dairy products
- ...through emergency programs and additional premiums for animals and land the government secures income for dairy businesses

OTHER MEDIUM-SIZED BUSINESSES CAN ONLY DREAM OF THE SUPPORT RECEIVED BY DAIRY OPERATIONS.



EUROPEAN UNION RUNS SCHOOL MILK PROGRAMS TO CREATE NEW SALES MARKETS FOR FARMERS.²⁴

Source:

The European school milk program,
[http://ec.europa.eu/agriculture/drinkitup/
the_school_milk_programme_de.htm](http://ec.europa.eu/agriculture/drinkitup/the_school_milk_programme_de.htm)
30 Nov. 2010

6. Mismanagement as cause for lack of funds?

In talking with farmers, agricultural advisors and official veterinarians, time and again one is left with the impression that the financial problems of many dairy businesses can be traced back to irresponsible investment and management mistakes.

²² During the school year 2006/7 the EU provided €50 million for its school milk program.

²³ From March through September 2009 the EU spent €350 million for intervention purchases of skim milk powder.

²⁴ Source: The European school milk programme,
http://ec.europa.eu/agriculture/drinkitup/the_school_milk_programme_de.htm,
last accessed: 30 Nov. 2010

DON'T LOOK AWAY.



VIII. The Great Silence

In Germany the 'dairy' cows' suffering takes place behind closed doors and is not mentioned in politics and society.

Who is keeping quite and why?

THE INDUSTRY...

...knows about the deplorable existence of the cows but makes a living from the keeping, transporting and slaughtering of cows.

POLITICIANS...

...know about the deplorable existence of the cows but are afraid of losing votes in rural regions and fear being dependent on meat and dairy products from abroad if they tighten the domestic legislation for the protection of cattle.

NATURE PRESERVATION AND ENVIRONMENTAL PROTECTION GROUPS...

...know about the deplorable existence of the cows but the facts often do not fit in with their ideology of the 'poor little farmer'.

ANIMAL WELFARE ORGANIZATIONS...

...know about the deplorable existence of the cows but fearing huge agricultural factories they often protect the idyllic image of small farms.

THE PRESS...

...knows about the deplorable existence of the cows but 'silent suffering' does not sell well and it must pander to the nostalgic consumer illusion of the ideal world on the small farm.

IX. Demands by Animals' Angels

The problems in Europe's dairy industry have been on the agenda in Berlin and Brussels for months. Germany is the largest milk producer in Europe and has the corresponding political clout. The economically controversial discussion focuses **EXCLUSIVELY ON MILK PRICES** in a time when markets are becoming globalized. The bones of contention are quota rules, the increase in European milk production and the development of lucrative new sales markets. **'CONSUMER PROTECTION' PLAYS A SUBORDINATE ROLE, 'ANIMAL PROTECTION' NO ROLE AT ALL.**

Everyone talks about milk.
Nobody talks about the cow.

The report submitted by Animals' Angels shows grave animal welfare infringements within the German dairy industry. There is an **urgent need for action**. It is the job of politicians to remind an exclusively profit-oriented dairy industry that cows are fellow creatures that are capable of suffering and that their rights are enshrined in the Basic Constitutional Law and must be respected.

On behalf of the more than four million 'dairy' cows in Germany Animals' Angels demands that...

☞ ...**FARMERS** grant their cows the 5 freedoms:

1. freedom from hunger and thirst
 2. freedom from discomfort
 3. freedom from pain, injury and disease
 4. freedom to engage in their normal behaviours
 5. freedom from fear and suffering
-

☞ ...**POLITICIANS** adopt specific regulations for 'dairy' cows, eliminate all subventions for dairy farmers and work against the further expansion of the dairy industry

☞ ...**VETERINARIANS** meet their duty of care and their function as guarantors for animal protection by carrying out unannounced inspections of dairy operations and exhausting all legal remedies for violations of the law

☞ ...**TRANSPORTERS** comply with the provisions of EU Council Directive (EC) 1/2005 and the Animal Welfare Act

☞ ...**SLAUGHTERHOUSE STAFF** immediately kill cows unfit for transport and file charges against the deliverer

☞ ...**AGRICULTURAL ADVISORS** make animal welfare a significant focus of their work

☞ ...**AGRICULTURAL RESEARCH INSTITUTIONS** work on breeding programs that

aim for animal health and longevity

☞ ...**PROSECUTORS AND JUDGES TAKE INVESTIGATIONS INTO ANIMAL WELFARE OFFENSES SERIOUSLY AND DECIDE IN FAVOUR** of the animals in case of doubt

☞ ...**THE MEDIA** report on the true conditions in 'dairy' cow husbandries

☞ ...**AND THAT**

CONSUMERS give up their nostalgic view of farming, sympathize with the fate of the 'dairy' cows and change their consumer behaviour

X. Appendix

As already mentioned above (see p. 62: Ineffective Inspection System) there is a lack of statutory provisions in Germany and Europe on the husbandry and transport of cows. **THE SERIOUS LACK OF LEGALLY BINDING REGULATIONS IS A MAIN CAUSE OF THE 'DAIRY' COWS' SUFFERING.**

The only provisions on which one can rely legally in dairy businesses are the general requirements of the German Animal Welfare Act and the Council Directive 98/58/EC concerning the protection of animals kept for farming purposes with its German equivalent, the German Welfare Regulation on Husbandries for Farm Animals [Tierschutznutztierhaltungsverordnung]. The present report shows that even these minimum provisions are regularly violated in numerous German dairy operations.

Please note: In translating the parts of the German legislation into English the intended meaning of certain words may have unintentionally been altered in some way. Therefore, the original German legislation should at all times be used as the main and definitive version.

1. Legal provisions for the chapter 'dairy' cows at auctions: unmilked animals bred for high performance

Not milking lactating cows causes them pain and suffering. The existing statutory regulations, laws and directives on both the EU and German federal levels require regular milking intervals for lactating cows. They apply during transport and in husbandries as well as at auctions. If the statutorily required milking interval of 12 hours is exceeded at cattle auctions this violates the following legal requirements:

German Animal Welfare Act

ANYONE WHO KEEPS, LOOKS AFTER, OR HAS TO LOOK AFTER AN ANIMAL, MUST FEED AND CARE FOR THE ANIMAL AS APPROPRIATE FOR ITS SPECIES AND ITS NEEDS AND ACCOMMODATE IT AS APPROPRIATE FOR ITS BEHAVIOUR.

(Animal Welfare Act [Tierschutzgesetz], 2nd section, subsection 2, no. 1)

UTILIZING AN ANIMAL FOR A FILM RECORDING, AN EXPOSITION, ADVERTISING OR SIMILAR EVENT IS PROHIBITED INsofar AS THIS IS ASSOCIATED WITH PAIN, SUFFERING OR INJURY FOR THE ANIMAL.

(Animal Welfare Act [Tierschutzgesetz], 2nd section, subsection 3, no. 6)

German Animal Transport Regulation

ANYONE WHO VIOLATES 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 (OFFICIAL GAZETTE EC NO. L 3 P. 1; 2006 NO. L 114 P. 26) IS ACTING ILLEGALLY IN TERMS OF § 18 (3) NO. 2 LETTER A OF THE ANIMAL WELFARE ACT IF HE WILLFULLY OR NEGLIGENTLY

- **DOES NOT ENSURE IN CONTRAVENTION OF ARTICLE 8 (1) OR ARTICLE 9 (1) EACH IN CONJUNCTION WITH ANNEX I CHAPTER I NO. 6, THAT ANIMALS ARE MILKED ON TIME**
- **IN CONTRAVENTION OF ANNEX I CHAPTER I NO. 6 AS A TRANSPORT COMPANY DOES NOT MILK AN ANIMAL MENTIONED THERE OR DOES NOT MILK IT ON TIME.**

(Regulation on the protection of animals during transport and to implement Council Regulation (EC) No. 1/2005 [Tierschutztransportverordnung] section 6, subsection 21, paragraph (3), no. 18 and no. 26).

Regulation (EC) No. 1/2005 on the protection of animals during transport

LACTATING FEMALES OF BOVINE (...) NOT ACCOMPANIED BY THEIR OFFSPRING SHALL BE MILKED AT INTERVALS OF NOT MORE THAN 12 HOURS.

(Council Regulation (EC) No. 1/2005 of 22 December 2004 on the protection of animals during transport, Annex I, Chapter I, no. 6)

2. Legal provisions for the chapter 'dairy' cows in production I: neglected animals, unprofessional farmers

There are no specific legal stipulations as to how cows are to be kept. The only animal welfare regulations with which dairy businesses must comply are the general requirement of the German Animal Welfare Act and the Council Directive 98/58/EC concerning the protection of animals kept for farming purposes with its German equivalent, the German Welfare Regulation on Husbandries for Farm Animals [Tierschutznutztierhaltungsverordnung]. They require that animal keepers must care for their animals extensively and responsibly.

In the businesses presented, the animals are neglected and not supplied in accordance with the law. That violates the following legal requirements:

German Animal Welfare Act

ANYONE WHO KEEPS, LOOKS AFTER, OR HAS TO LOOK AFTER AN ANIMAL,

- 1. MUST FEED AND CARE FOR THE ANIMAL AS APPROPRIATE FOR ITS SPECIES AND ITS NEEDS AND ACCOMMODATE IT AS APPROPRIATE FOR ITS BEHAVIOUR.**
- 3. MUST POSSESS THE KNOWLEDGE AND CAPABILITIES NECESSARY FOR APPROPRIATELY FEEDING, CARING FOR AND ACCOMMODATING THE ANIMALS AS APPROPRIATE FOR THEIR SPECIES.**

(Animal Welfare Act [Tierschutzgesetz], 2nd section, subsection 2, no. 1 and no. 3)

German Welfare Regulation on Husbandries for Farm Animals

NOTWITHSTANDING THE PROVISIONS OF SECTIONS 2 TO 6, ANYONE WHO KEEPS UTILITY ANIMALS SHALL ENSURE THAT

- 1. MANY PERSONS WITH THE NECESSARY KNOWLEDGE AND CAPABILITIES ARE AVAILABLE TO FEED AND CARE FOR THE ANIMALS;**
- 2. THE WELLBEING OF THE ANIMALS IS CHECKED AT LEAST ONCE A DAY THROUGH DIRECT VISUAL INSPECTION BY ONE OF THE PERSONS RESPONSIBLE FOR FEEDING AND CARE AND THAT ANY ANIMALS FOUND DEAD ARE REMOVED;**
- 3. TO THE EXTENT NECESSARY, IMMEDIATE MEASURES ARE TAKEN TO TREAT, ISOLATE INTO SUITABLE HOLDING PENS WITH DRY AND SOFT BEDDING OR PADDING, OR KILL SICK OR INJURED ANIMALS AND A VETERINARIAN IS CONSULTED;**
- 4. ALL ANIMALS ARE SUPPLIED WITH ADEQUATE QUANTITIES AND QUALITIES OF FOOD AND WATER DAILY IN ACCORDANCE WITH THEIR NEEDS;**
- 9. THE DAILY LIGHTING INTENSITY AND DURATION ARE SUFFICIENT TO MEET THE NEEDS OF THE RESPECTIVE SPECIES FOR ANIMALS THAT ARE ACCOMMODATED IN BARNs, AND THAT IF THE INCIDENCE OF NATURAL LIGHT IS NOT ADEQUATE FOR THIS, TO LIGHT THE BARN ARTIFICIALLY AND ACCORDINGLY (...);**
- 10. THE HUSBANDRY FACILITY IS KEPT CLEAN, AND PARTICULARLY THAT EXCREMENT IS REMOVED AS OFTEN AS NECESSARY (...).**

(Welfare Regulation on Husbandries for Farm Animals [Tierschutznutztierhaltungsverordnung], section 1, subsection 4, paragraph 1, no. 1, 2, 3, 4, 9, 10)

Council Directive 98/58/EC on the protection of animals kept for farming purposes

STAFFING

1. **ANIMALS SHALL BE CARED FOR BY A SUFFICIENT NUMBER OF STAFF WHO POSSESS THE APPROPRIATE ABILITY, KNOWLEDGE AND PROFESSIONAL COMPETENCE.**

INSPECTION

2. **ALL ANIMALS KEPT IN HUSBANDRY SYSTEMS IN WHICH THEIR WELFARE DEPENDS ON FREQUENT HUMAN ATTENTION SHALL BE INSPECTED AT LEAST ONCE A DAY. (...)**
3. **ADEQUATE LIGHTING (FIXED OR PORTABLE) SHALL BE AVAILABLE TO ENABLE THE ANIMALS TO BE THOROUGHLY INSPECTED AT ANY TIME.**

4. **ANY ANIMAL WHICH APPEARS TO BE ILL OR INJURED MUST BE CARED FOR APPROPRIATELY WITHOUT DELAY AND, WHERE**

AN ANIMAL DOES NOT RESPOND TO SUCH CARE, VETERINARY ADVICE MUST BE OBTAINED AS SOON AS POSSIBLE. (...)

FREEDOM OF MOVEMENT

7. **THE FREEDOM OF MOVEMENT OF AN ANIMAL, HAVING REGARD TO ITS SPECIES AND IN ACCORDANCE WITH ESTABLISHED EXPERIENCE AND SCIENTIFIC KNOWLEDGE, MUST NOT BE RESTRICTED IN SUCH A WAY AS TO CAUSE IT UNNECESSARY SUFFERING OR INJURY.**

WHERE AN ANIMAL IS CONTINUOUSLY OR REGULARLY TETHERED OR CONFINED, IT MUST BE GIVEN THE SPACE APPROPRIATE TO ITS PHYSIOLOGICAL AND ETHOLOGICAL NEEDS IN ACCORDANCE WITH ESTABLISHED EXPERIENCE AND SCIENTIFIC KNOWLEDGE.

BUILDINGS AND ACCOMMODATION

14. **ANIMALS MUST BE FED A WHOLESOME DIET WHICH IS APPROPRIATE TO THEIR AGE AND SPECIES AND WHICH IS FED TO THEM IN SUFFICIENT QUANTITY TO MAINTAIN THEM IN GOOD HEALTH AND SATISFY THEIR NUTRITIONAL NEEDS. NO ANIMAL SHALL BE PROVIDED WITH FOOD OR LIQUID IN A MANNER, NOR SHALL SUCH FOOD OR LIQUID CONTAIN ANY SUBSTANCE, WHICH MAY CAUSE UNNECESSARY SUFFERING OR INJURY.**

15. **ALL ANIMALS MUST HAVE ACCESS TO FEED AT INTERVALS APPROPRIATE TO THEIR PHYSIOLOGICAL NEEDS.**

(Council Directive 98/58/EC on the protection of animals kept for farming purposes, Annex, no. 1, 2, 3, 4, 7, 14, 15)

Five Freedoms

The European Union has fixed the “Five Freedoms”²⁵ as foundations of the European animal protection standard. There is a violation against at least one of the five freedoms in all of the dairy businesses presented. In most of the businesses there are serious violations on several points.

1. **FREEDOM FROM HUNGER AND THIRST – ACCESS TO FRESH WATER AND A DIET FOR FULL HEALTH AND VIGOUR,**
2. **FREEDOM FROM DISCOMFORT – AN APPROPRIATE ENVIRONMENT WITH SHELTER AND COMFORTABLE REST AREA,**
3. **FREEDOM FROM PAIN, INJURY AND DISEASE – PREVENTION OR RAPID TREATMENT,**
4. **FREEDOM TO EXPRESS NORMAL BEHAVIOUR – ADEQUATE SPACE AND FACILITIES, COMPANY OF THE ANIMAL’S OWN KIND,**
5. **FREEDOM FROM FEAR AND DISTRESS – CONDITIONS AND TREATMENT WHICH AVOID MENTAL SUFFERINGS.**

(Five Freedoms, European Union)

3. Legal provisions for the chapter 'dairy' cows in production II: outdated husbandry methods

Species-appropriate freedom of movement is so limited in tether husbandry systems that the animal is subject to unnecessary suffering.

THE USE OF TETHER HUSBANDRY SYSTEMS FOR COWS VIOLATES THE FOLLOWING LEGAL PROVISIONS:

German Animal Welfare Act

ANYONE WHO KEEPS, LOOKS AFTER, OR HAS TO LOOK AFTER AN ANIMAL,

2. MAY NOT RESTRICT THE ANIMAL'S OPPORTUNITY TO MOVE SPECIES-APPROPRIATELY TO THE EXTENT THAT IT SUFFERS PAIN OR AVOIDABLE SUFFERING OR INJURY.

(Animal Welfare Act [Tierschutzgesetz], 2nd section, subsection 2, no. 2)

Council Directive 98/58/EC on the protection of animals kept for farming purposes

THE FREEDOM OF MOVEMENT OF AN ANIMAL, HAVING REGARD TO ITS SPECIES AND IN ACCORDANCE WITH ESTABLISHED EXPERIENCE AND SCIENTIFIC KNOWLEDGE, MUST NOT BE RESTRICTED IN SUCH A WAY AS TO CAUSE IT UNNECESSARY SUFFERING OR INJURY.

WHERE AN ANIMAL IS CONTINUOUSLY OR REGULARLY TETHERED OR CONFINED, IT MUST BE GIVEN THE SPACE APPROPRIATE TO ITS PHYSIOLOGICAL AND ETHOLOGICAL NEEDS IN ACCORDANCE WITH ESTABLISHED EXPERIENCE AND SCIENTIFIC KNOWLEDGE.

(Council Directive 98/58/EC on the protection of animals kept for farming purposes, Annex, no. 7)

²⁵ Originally the five freedoms were fixed by the Farm Animal Welfare Council of the British Ministry of Agriculture, but were then adopted by the European Union later.

Cross-compliance

Directive 98/58/EC on the protection of animals kept for farming purposes applies within the context of Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.

Pursuant to (EC) 1782/2003, Title II, Chapter 1, Article 6 and Article 7, a violation of 98/58/EC leads to a reduction or cancellation of direct support payments.

The tether husbandry system, in our judgement²⁶, violates 98/58/EC, Annex, no. 7 because the husbandry method restricts the cows' species-appropriate freedom of movement in such a way that unnecessary suffering or injury is inflicted on them.

Consequently, keeping cattle in tether husbandry systems must lead to a reduction or cancellation of direct support payments.

Five Freedoms

The European Union has fixed the "Five Freedoms"²⁷ as foundations of the European animal protection standard. Tie-stalls contradict Freedom no. 2, 4, and 5:

- 1. FREEDOM FROM HUNGER AND THIRST – ACCESS TO FRESH WATER AND A DIET FOR FULL HEALTH AND VIGOUR,**
- 2. FREEDOM FROM DISCOMFORT – AN APPROPRIATE ENVIRONMENT WITH SHELTER AND COMFORTABLE REST AREA,**
- 3. FREEDOM FROM PAIN, INJURY AND DISEASE – PREVENTION OR RAPID TREATMENT,**
- 4. FREEDOM TO EXPRESS NORMAL BEHAVIOUR – ADEQUATE SPACE AND FACILITIES, COMPANY OF THE ANIMAL'S OWN KIND,**
- 5. FREEDOM FROM FEAR AND DISTRESS – CONDITIONS AND TREATMENT WHICH AVOID MENTAL SUFFERINGS.**

(Five Freedoms, European Union)

4. Legal provisions for the chapter transport of 'dairy' cows I: un milked over thousand of kilometers

Being transported over long distances leads to pain and suffering for lactating cows. The animals are often not milked regularly or cared for in accordance with their needs. In addition, the ceiling height is often too low for large-framed animals.

NOT MILKING AND NOT SUPPLYING COWS ADEQUATELY ON LONG-DISTANCE TRANSPORTS VIOLATES THE FOLLOWING LEGAL PROVISIONS:

Regulation (EC) No. 1/2005 on the protection of animals during transport

NO PERSON SHALL TRANSPORT ANIMALS OR CAUSE ANIMALS TO BE TRANSPORTED IN A WAY LIKELY TO CAUSE INJURY OR UNDUE SUFFERING TO THEM.

(Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 3)

LACTATING FEMALES OF BOVINE (...) NOT ACCOMPANIED BY THEIR OFFSPRING SHALL BE MILKED AT INTERVALS OF NOT MORE THAN 12 HOURS.

(Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 6, paragraph 3 in conjunction with Annex I, Chapter I, no. 6)

ALL NECESSARY ARRANGEMENTS HAVE BEEN MADE IN ADVANCE TO MINIMIZE THE LENGTH OF THE JOURNEY AND MEET ANIMALS' NEEDS DURING THE JOURNEY;

(Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 3a)

THE TRANSPORT IS CARRIED OUT WITHOUT DELAY TO THE PLACE OF DESTINATION AND THE WELFARE CONDITIONS OF THE ANIMALS ARE REGULARLY CHECKED AND APPROPRIATELY MAINTAINED.

(Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 3f)

WATER, FEED AND REST ARE OFFERED TO THE ANIMALS AT SUITABLE INTERVALS AND ARE APPROPRIATE IN QUALITY AND QUANTITY TO THEIR SPECIES AND SIZE.

(Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 3h)

²⁶ Legal opinion on the lawfulness of tie-stalls, prepared for Animals' Angels [in German]: Leondarakis, Liedtke (2008): „Gutachten über die Rechtmäßigkeit einer Anbindehaltung bei Rindern“.
The document is available at Animals' Angels on request.

²⁷ Originally the five freedoms were fixed by the Farm Animal Welfare Council of the British Ministry of Agriculture, but were then adopted by the European Union later.

SUFFICIENT SPACE SHALL BE PROVIDED INSIDE THE ANIMALS' COMPARTMENT AND AT EACH OF ITS LEVELS TO ENSURE THAT THERE IS ADEQUATE VENTILATION ABOVE THE ANIMALS WHEN THEY ARE IN A NATURALLY STANDING POSITION, WITHOUT ON ANY ACCOUNT HINDERING THEIR NATURAL MOVEMENT.

(Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 6, subsection 3 in conjunction with Annex I, Chapter II, no. 1.2)

IN THE CASE OF LONG JOURNEYS BETWEEN MEMBER STATES AND WITH THIRD COUNTRIES FOR (...) BOVINE (...) SPECIES, THE COMPETENT AUTHORITY OF THE PLACE OF DEPARTURE SHALL:

(A) CARRY OUT APPROPRIATE CHECKS TO VERIFY THAT:

(ii) THE JOURNEY LOG SUBMITTED BY THE ORGANIZER IS REALISTIC AND INDICATES COMPLIANCE WITH THIS REGULATION;

(B) WHERE THE OUTCOME OF THE CHECKS PROVIDED FOR IN POINT (A) IS NOT SATISFACTORY, REQUIRE THE ORGANIZER TO CHANGE THE ARRANGEMENTS FOR THE INTENDED LONG JOURNEY SO THAT IT COMPLIES WITH THIS REGULATION;

(C) WHERE THE OUTCOME OF THE CHECKS PROVIDED FOR IN POINT (A) IS SATISFACTORY, THE COMPETENT AUTHORITY SHALL STAMP THE JOURNEY LOG;

(Council Regulation (EC) No. 1/2005 on the protection of animals during transport, Article 14, paragraph 1, no. a ii, b, c)

5. Legal provisions for the chapter transport of 'dairy' cows II: transport to the slaughterhouse at all cost

Transporting weak and emaciated cows causes the animals pain and suffering and poses a great risk of injury to the cows. Transporting 'downer' cows is prohibited.

IN THE PRESENTED CASES THE ANIMALS ARE NOT TRANSPORTED AND SUPPLIED OR EUTHANIZED IN ACCORDANCE WITH REGULATIONS. THIS VIOLATES THE FOLLOWING LEGAL PROVISIONS:

German Animal Welfare Act

ANYONE WHO

- 1. KILLS A VERTEBRATE WITHOUT A SOUND REASON OR**
 - 2. CAUSES A VERTEBRATE**
 - A) CONSIDERABLE PAIN OR SUFFERING OUT OF BRUTALITY OR**
 - B) PROLONGED OR REPEATED CONSIDERABLE PAIN OR SUFFERING SHALL BE PUNISHED**
- WITH IMPRISONMENT OF UP TO THREE YEARS OR A FINE.**

(Animal Welfare Act [Tierschutzgesetz], 12th section, paragraph 17)

Regulation (EC) No. 1/2005 on the protection of animals during transport

NO PERSON SHALL TRANSPORT ANIMALS OR CAUSE ANIMALS TO BE TRANSPORTED IN A WAY LIKELY TO CAUSE INJURY OR UNDUE SUFFERING TO THEM.

(Council Regulation (EC) No. 1/2005, General Conditions, Article 3)

NO ANIMAL SHALL BE TRANSPORTED UNLESS IT IS FIT FOR THE INTENDED JOURNEY, (...)

(Council Regulation (EC) No. 1/2005, Annex I, Chapter I, no. 1)

ANIMALS THAT ARE INJURED OR THAT PRESENT PHYSIOLOGICAL WEAKNESSES OR PATHOLOGICAL PROCESSES SHALL NOT BE CONSIDERED FIT FOR TRANSPORT AND IN PARTICULAR IF: A) THEY ARE UNABLE TO MOVE INDEPENDENTLY WITHOUT PAIN OR TO WALK UNASSISTED.

(Council Regulation (EC) No. 1/2005, Annex I, Chapter I, no. 2.a)

IT SHALL BE PROHIBITED: TO SUSPEND THE ANIMALS THEMSELVES BY MECHANICAL MEANS.

(Council Regulation (EC) No. 1/2005, Annex I, Chapter III, no. 1.8.c)

WHEN ANIMALS FALL ILL OR ARE INJURED DURING TRANSPORT, THEY SHALL BE SEPARATED FROM THE OTHERS AND RECEIVE FIRST-AID TREATMENT AS SOON AS POSSIBLE. THEY SHALL BE GIVEN APPROPRIATE VETERINARY TREATMENT AND IF NECESSARY UNDERGO EMERGENCY SLAUGHTER OR KILLING IN A WAY WHICH DOES NOT CAUSE THEM ANY UNNECESSARY SUFFERING.

(Council Regulation (EC) No. 1/2005, Annex I, Chapter I no. 4)

Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing

WITHOUT PREJUDICE TO THE PROVISIONS LAID DOWN IN CHAPTER VI OF ANNEX I TO DIRECTIVE 64/433/EEC, ANIMALS WHICH HAVE EXPERIENCED PAIN OR SUFFERING DURING TRANSPORT OR UPON ARRIVAL AT THE SLAUGHTERHOUSE (...) MUST BE SLAUGHTERED IMMEDIATELY. IF THIS IS NOT POSSIBLE, THEY MUST BE SEPARATED AND SLAUGHTERED AS SOON AS POSSIBLE AND AT LEAST WITHIN THE FOLLOWING TWO HOURS. ANIMALS WHICH ARE UNABLE TO WALK MUST NOT BE DRAGGED TO THE PLACE OF SLAUGHTER, BUT MUST BE KILLED WHERE THEY LIE (...)

(Council Directive 93/119/EC, Annex A, paragraph I, no. 6).



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