# What is the issue about?

In Germany, as in most EU countries, sows are kept in cages – called sow stalls or farrowing crates – most of their lives, unable to move and turn around.

Current legislation in Germany is based on the EU Regulation 2008/120/EG and a national regulation setting the standards for the living conditions of farm animals in Germany: the Tierschutz-Nutztierhaltungsverordnung. This national regulation specifies that sow stalls need to be wide enough so that sows are able to stretch out their legs when they lie down. This rule actually exists since 1988.

However, the reality for sows living in Germany looks quite different because sow stalls, as they have been used for decades on most farms, are too small to allow sows to stretch out their legs. This means, the regulation has been ignored by politicians, competent authorities, and farmers for over 30 years.

The discussion around sow stalls started in 2015, when a farmer appealed to a court because the competent authority ordered her to widen her sow stalls according to the regulation. However, the court ruled against her, saying that her sow stalls were actually unlawful, because they did not allow sows to stretch out their legs, as requested by the national regulation. Equally, this means that sow stalls how they are commonly used in Germany are illegal. **The Federal Administrative Court has confirmed the beforementioned ruling in 2016**.

These court rulings imply that sow stalls in Germany would need to be widened to allow sows to stretch out their legs. Because the industry does not want to do this due to economic reasons, the Ministry of Food and Agriculture has proposed a multitude of changes to the current regulation. Among others, they want to “simply” remove the half-sentence that says sow stalls need to be wide enough for sows to stretch out their legs (!). **This would legalize currently unlawful sow stalls** and directly undermine the ruling of the Federal Administrative Court. Additionally, the proposed changes include provisions regarding farrowing crates, tie-stalls for dairy cows and housing for laying hens.

The Ministry’s tactics are wrong for a multitude of reasons, here are just a few:

1. Sow stalls and farrowing crates should be prohibited generally. Instead this proposal legalizes sow stalls that are too small by law for many years to come (15 – 17 years).
2. Yes, the proposed regulation offers slightly better conditions for sows (e.g. less time in the sow stall), but only after 15 – 17 years. At this time, we want to be rid of cages altogether.
3. Since 2002 animal protection is part of the German Basic Law (the ‘constitution’) which forbids moving backwards in animal protection legislation.
4. Concerning pigs, lately the German Ministry for Food and Agriculture has made many concessions to the industry already and ignored the opinion of the public, scientists and animal protection and welfare organizations (e.g. regarding castration of piglets without anesthesia). Now they are moving in the wrong direction once again.
5. Dealing with a Federal court ruling by simply legalizing the criticized conditions is morally questionable and bad policy making.

# What is the *Bundesrat*?

Germany is a Federal State made of of 16 ‘states’ – the *Bundesländer* – which have autonomy in some policy fields and a right to have a say in others. The *Bundesländer* take part in Federal policy making through the *Bundesrat*. The *Bundesrat* is not a parliament, because it is formed by members of the governments of the 16 *Bundesländer*. Depending on their size, each *Bundesland* has a different number of votes. How each *Bundesland* uses their votes is decided by their individual governments. Each *Bundesland* must vote unanimously.

For the proposed regulation to pass, the governments in the *Bundesrat* need to approve it. The proposal needs at least 35 of the 69 votes.

Currently, we have a potentially positive situation in the *Bundesrat*, because there are a lot of governments in which the Greens and the Left are part of the governing coalition. This is where the potential to stop this proposal lies: <https://www.bundesrat.de/DE/bundesrat/verteilung/verteilung-node.html>.

# Which German politicians are we targeting, and why?

The above-mentioned current landscape in the *Bundesrat* is the reason why we are targeting the heads of the Greens (*Bündnis 90/Die Grünen*) and the Left (*Die Linke*) on both, the Federal and the *Bundesländer* level. Both political parties have supported End the Cage Age to some extent and include animal welfare policy into their programs. Additionally, there have been promises by the Greens to be active for farmed animals. We hope that they will influence their coalition partners in the *Bundesländer* to block the proposal.

Our action is one of many taking place in Germany right now. For example, Four Paws is targeting the Heads of the Governments with an e-mail to target action, there is a petition in place on change.org (which we are supporting as CIWF), the media are informed, there will be a protest in front of the Bundesrat on the 14th, etc. There would have been a multitude of potential targets. We decided to go into this direction because we believe that with the short time left and the available resources, this action will create the largest possible leverage. Indeed, the Greens and Left party are the only ones who can influence positively the voting decision in their *Bundesländer* (the ones, in which they are part of the governing coalition). We want them not to compromise on this issue. Greens and Left are part of more than half of the *Bundesländer* governments. If they all managed to succeed in their *Bundesland* we would win. **We do not think it is fruitful at this stage to target the other parties, because they will unlikely fight for animal welfare or derail a proposal by ‘their’ minister.** SPD (social democrats) either - unfortunately there are some big friends of intensive farming there, such as Stefan Weil. As said, especially the Greens have made lots of promises on animal welfare but delivered little so far. This is the opportunity for them to ‘redeem’ themselves! Our strategy has been advised also by other leading German NGOs.

And we have proof that the Greens can make their voice heard if they want: we know that it was thanks to the number of amendments of the Greens (following the pressure of the civil society) that the regulation was taken of the table in December and we also know that it was thanks to a *Bundesland* with a Green Agri Minister, Sachsen-Anhalt, that the Agri Committee of the Bundesrat on Jan 27th adopted the amendment that sows should still be able to stretch their legs.

Last but not least, since the Tweeting is very kindly formulated there is no worry to hurt the Greens, should there be any concern.

# Why is this German vote so important for our End the Cage Age Campaign?

Germany has been a key country for End the Cage Age, gathering over half a million signatures. Therefore, we want the country itself to do even more in the fight against caged farming. Most importantly, Germany will take over the presidency of the EU Council this year and ending caged farming should be on their agenda. If the proposed regulation passes, it would be a clear sign against animal welfare, it would be a step backward, a step away from our goal to have a cage free Europe. We cannot allow the German Ministry to get through with their tactics, because they will unlikely revoke a new national legislation by banning sow stalls at European level.

# Why am I being asked to tweet in German? Will a German politician want to hear from a non-German?

Definitely! It is important for politicians to be aware that their vote, their effort, and their commitment are seen and create impact across Europe. We are asking you to tweet in German because, even though the politicians themselves speak English, their voters might not. We think that we will create the biggest impact if we target them in their native language and win more retweets.

# What happened since the government sent the proposed sow regulation to the *Bundesrat*?

When the Ministry for Food and Agriculture first proposed these changes to the current legislation, there was a huge outcry among animal protection organizations in Germany. Through tireless work, the organizations managed to raise so many calls for amendments in the *Bundesländer* that the meeting of the Agricultural Committee of the *Bundesrat* meant to discuss the new sow stall regulation on December 2nd had to be postponed to the 27th of January. The Agricultural Committee is the body that makes recommendations about the legislation to be discussed in the plenary. A few days ago, they published their recommendations **which include keeping the sentence that sows should be able to stretch their legs**, thanks to the amendment introduced by Land Sachsen-Anhalt, where there is a Green Agri Minister. While this recommendation is of course better than the original proposal, it is still lacking behind what would be in the best interest for the animals. Moreover, there is no guarantee that the *Bundesrat* will follow the recommendations. There are precedents that show this happened which is an even worse scenario for us.

# Are we talking only about sow stalls or also about farrowing crates?

The proposed new regulation affects both. In the German language the same word ‘*Kastenstand’* is used for both. To differentiate between the two, Germans speak of ‘*Kastenstand im Abferkelbereich’* (farrowing crate) and ‘*Kastenstand im Deckzentrum’* (sow stall).

The proposed regulation states that farrowing crates should be used as they are now (from a week before giving birth until the end of the weaning) for further 15-17 years and only then the period that the sow has to spend in the crate should go down to 5 days. Therefore, it is not only the part about sow stalls that needs to be rejected but the farrowing crate as well.