



THE MYTH OF ENFORCEMENT

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

A Documentation by Animals' Angels

RESPONSIBLE FOR THE CONTENT: Animals' Angels e.V.

ISBN: 978-3-9816696-4-0

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Animals' Angels has been monitoring animal transports in Europe, Australia, USA and India since 1996 and is considered the leading animal welfare organisation world-wide in this field by governmental bodies and industry alike. Animals' Angels work is financed by private donations only.

Dedication

This documentation is dedicated to all the animals transported to slaughterhouses – day after day, year after year. Also in this very moment.

Doris (2006, Italy)

Ingrid (2004, Spain)

Charlotte (2001, Serbia)

Eduard (2001, Lebanon)

Brigitte (1999, Germany)

Gabriel (2016, Italy)

Niko and Nora (2008, Germany)

and all the others...

This documentation is also dedicated to those police officers, veterinarians and NGOs, who do their best to help the animals on board the trucks.

And this documentation is dedicated to those authorities and politicians, who have been and are still fighting for a better legislation for the animals.

Foreword

This document is about the protection of animals during transport as demanded by Regulation (EC) 1/2005. Anything issued as law, regulation or directive needs to be judged by asking: Whom is it supposed to protect? Is protection as described in this particular regulation possible and is it thus fulfilling the desired purpose?

After 20 years on the road with the animals in Europe, Animals' Angels has collected convincing evidence that Regulation 1/2005 does not have the desired effect but rather fosters a belief in its supposed protective value for the animals and is quite out of touch with reality.

Animals' Angels does not question the honest intent of Regulation 1/2005 to guarantee protection for animals during transport and to minimize suffering and cruelty. But it simply does not work as intended.

10 years after Regulation 1/2005 came into force the unacceptable mistreatment of animals during transport continues day after day, all year round. We show facts and figures which indisputably prove that enforcement of this particular legislation is not possible and show that it never can be. Regulation 1/2005 is not the way to force a gigantic transport/slaughter industry into compliance with animal protection rules. To believe this possible is to believe in a myth.

According to the Oxford Dictionary a myth is a widely held but false belief, or an exaggerated or idealized conception of something. The false belief here is about enforcement. A law only serves its purpose when there is the will and the means to enforce it. Regarding Regulation 1/2005 neither is to be seen. After 10 years of a provable lack of enforcement and the immense suffering this non-compliance has caused for millions of animals, it is high time to change track and try something effective. Animals Angels and 1.2 million European citizens and the European Parliament claim that a new regulation which shortens the transport time is the only way forward. Short transport time is much easier to control and to enforce, therefore long distance transport must be outlawed.

The EU Commission, however, still insists that enforcement of Regulation 1/2005 is possible and that an even more complicated and detailed revision of Regulation 1/2005 will improve the situation. After so many years on the roads in Europe with the animals we beg to differ and this documentation offers solid evidence for our position. The EU Commission is incapable of remedying systematic non-compliance with the regulation now.

Over the years Animals' Angels has established a lot of reliable contacts with police officers in Europe. Our police training is welcome in many member states and highly respected. We consider it quite unfair to expect overburdened police forces, with not enough manpower and with their working hours increasing relentlessly, to protect animals on the road who never should be there in the first place. Wouldn't it be wise to abandon the Myth of Enforcement of Regulation 1/2005, get realistic and reduce the transport time? The animals would suffer less, enforcement would be much easier and fewer police officers would be needed for this task and could be assigned to other duties.

Animals' Angels as an animal rights organisation finds the whole trade with animals abhorrent. Our opponents in the trade know this and many respect us for our honest stance. But we are professionals and do not believe that the transport of animals will be abandoned in the near future. We are realists and demand only a limit to transport time. 1.2 million European Citizens support us with their signature. The EU Parliament supports us with Written Declaration 49/2011. The Petition Committee of EU Parliament is currently dealing with our complaint 0971/2012. Only the EU Commission stubbornly refuses to even consider a reduction of transport time for animals.

The European Union faces a dangerous crisis at the moment and many people predict a collapse of the Schengen Agreement. Wouldn't it be wise of the Commission in the current crisis to listen to the people's realistic demand instead of clinging to a myth?

Frankfurt am Main, March 2016

Christa Blanke
Founder, Animals' Angels

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1. Introduction

In 2007 Council Regulation (EC) No 1/2005 on the protection of animals during transport replaced Council Directive 91/628/EEC, which had come into force in 1993. Many efforts have been made to improve enforcement of the previous and of the current legislation. These efforts are appreciated and necessary. However, practice has shown that these efforts have only achieved limited success and have not led to an acceptable level of animal protection during transport.

The reasons for this are, on the one hand, certain problems inherent in animal transport, particularly in long distance transport, which cannot be tackled by increased enforcement; and, on the other hand, the fact that EU-wide checks to enforce the Regulation are simply not practicable due to lack of personnel, funding and infrastructure, among other reasons.

In addition, the current legislation is extremely complex and contains a vast number of provisions and derogations concerning long distance transport, as well as numerous vague and contradictory rules. This constitutes a major and often unmanageable challenge, not only for the inspection authorities but also for transport companies.

This documentation reflects 20 years of experience on the ground, 20 years of being with suffering animals.

We invite you to read this document and to learn more about

The Myth of Enforcement!

2. **Statistics:** Animals transported between Member States, exported from and imported to EU, 2007 - 2014

Animal transport within Member States is not subject to compulsory declaration. Therefore the data shown in the table below do not include the numbers of animals transported within the individual EU Member States.

The number of pigs, sheep and poultry transported between Member States, exported from and imported to the EU rose considerably between 2007, the year when Regulation (EC) No 1/2005 became applicable, and 2014. The number of bovines only slightly decreased. Only the number of horses decreased markedly, which is possibly a result of the requirement of the Regulation to transport horses in individual stalls during long distance transport.

In total, the number of bovines, pigs, sheep and horses transported from one country to another increased by 39% under Regulation (EC) No 1/2005.

Total number of animals transported (intra-Union trade and import to/export from EU) per species 2007, 2011 and 2014 (shown as millions of animals)

| | 2007 | 2011 | 2014 | % change 2007 - 2014 |
|------------------------------|--------|----------|----------|-------------------------|
| Bovines | 4,35 | 5,73 | 4,23 | - 3% |
| Pigs | 20,34 | 27,29 | 31,50 | + 55% |
| Sheep | 4,15 | 5,09 | 4,70 | + 13% |
| Horses | 0,27 | 0,22 | 0,15 | - 44% |
| Poultry | 880,80 | 1.274,47 | 1.460,96 | + 66% |
| TOTAL (excl. poultry) | 29,11 | 38,33 | 40,58 | + 39% |
| TOTAL (incl. poultry) | 909,91 | 1.312,80 | 1.501,54 | + 65% |

Source: Eurostat, data (including Croatia) extracted on 02.11.2015¹



¹ As regards intra-Union trade, the Eurostat database provides data based on the Member States' declarations of the number of animals they sent to other Member States, as well as data based on the number of animals they received from other Member States. Theoretically, in total these figures should be identical, but in practice they differ. Thus, according to the recommendations received from Eurostat, this table contains the higher values from the two different declarations, as these are more realistic.

3. The Transport Regulation: unenforceable and unenforced

Council Regulation (EC) No 1/2005 on the protection of animals during transport contains a vast number of provisions which are not enforceable in practice. Furthermore, it contains numerous provisions which could be enforced with enormous efforts, but which have not been sufficiently enforced for many years.

In the following paragraphs, a selection of examples are given which have been extensively documented by authorities and NGOs.

3.1 Watering of animals during transport (unenforceable)

The Regulation lays down watering intervals required for different animal species transported on long distance journeys. For example, a break of at least one hour is required to water cattle, sheep and goats in between two transport periods of 14 hours. Horses and donkeys must be given water every eight hours during a 24-hour transport period. Pigs must have continuous access to water during a transport period of 24 hours.

It is not required that the animals are unloaded from the truck during these watering intervals and it is not obligatory to carry out these breaks in particular locations.

In practice, these breaks are carried out along the highways and at gas stations en route. No authority is present to check that the animals have, in fact, received water. All too often, the animals do not receive water or are watered insufficiently. The reasons are various:

- some animals do not recognize the automatic water system as being a source of water
- some animals do not know how to use the nipples or troughs (the animals are not familiarized with the type of facilities, because different systems were used at the farms)
- some drinking facilities are not adapted to the specific drinking behaviour of the transported animals (e.g. cattle need to dip their mouths in a suitable deep trough)



Unsuitable spray nipple. The lambs are unable to apply the necessary pressure on the button in order to release water. Long distance transport from Hungary to Turkey.

- animals are not able to approach the drinking devices due to the limited space on board the truck, i.e. they do not have the room to walk towards the nipples or troughs
- sufficient drinking devices are not available for the number of animals transported, or are inadequately distributed, e.g. only on one side of the truck, or only in the corners of the compartments
- drinking devices are out of reach (e.g. positioned too high for the animals to reach)
- dominant animals do not let others near the water nipples or troughs
- drinking devices are dirty with manure (so the animals will not use them)
- water systems are broken
- water pipes are frozen in winter
- the drivers simply decide not to water the animals (for example due to the high time pressure)
- trucks are not equipped with a water system

It is impossible for the competent authorities of the Member States to ensure that the requirement to provide animals with water during long distance transport is enforced in practice.

This problem has been ongoing for many years. It existed under the previous Directive on the protection of animals during transport and remains unsolved under the current Regulation (EC) No 1/2005.

Suggestion for a revised Regulation:

Transport times should be reduced to the point where it is not necessary to provide animals with water during transport.



Drinking devices out of reach. Long distance transport from Spain to Italy.



Insufficient number of drinking devices. Several sheep try to drink from only one water device. Long distance transport from Hungary to Italy.



Watering device for sheep dirty with excrements and thus not usable for the animals. Long distance transport from Spain to Italy.



Broken water system.



© A. Rabitsch. Drinking devices out of reach and inadequate for cattle.



Leaking water system turned the floor into a swampy mess.

Inadequate



Adequate



2015 Long distance transport from Estonia to Turkey. Inadequate watering device installed on a truck transporting cattle.

3.2 Long distance transport of unweaned animals (unenforceable)

The Regulation requires that unweaned animals, i.e. young animals that are still on a liquid diet, are given adequate fluids in between two transport periods of 9 hours each. This concerns mainly unweaned calves as these animals are transported in large numbers over long distances (for example from Ireland and Lithuania to Spain). In 2014 around 1,4 million unweaned calves were transported between EU Member States.² These transports are carried out even though it is scientifically proven³ and confirmed by Member States⁴ that it is technically impossible to supply unweaned calves with adequate liquid on board the trucks. The reasons are the following:

- The vast majority of these animals are unable to properly use the drinking devices (metal bite nipples) commonly installed on trucks, because at the farms they were accustomed to suckle on flexible rubber teats and not to take a metal nipple in their mouths and bite down on a stiff rod.
- It is not possible to operate the commonly used drinking systems with the liquid necessary for unweaned calves because these systems work with water; electrolyte solutions or milk substitutes required for the calves would clog the pipes.
- Warming up the liquid to the body temperature of calves (39°C) would be necessary to avoid serious health problems but is not possible on commonly used road vehicles.
- Above all, however, due to their age, the feeding methods they are accustomed to, and their reaction to the stress of being transported, suckling calves and lambs are not able to feed themselves independently in accordance with their physical needs. Consequently some animals do not drink at all, while others (i.e. those few animals able to use the drinkers) drink too much – both of which have detrimental effects on health and welfare. Thus in order to guarantee that each animal drinks the amount of liquid adequate to his/her age and physiological need, individual feeding would be necessary. This, however, is not feasible on board the trucks, which are usually loaded with approx. 200 unweaned calves on three decks or 700 unweaned lambs on four decks.

² Extracted from Eurostat on 02.11.2015; the number refers to the category “live cattle of a weight ≤ 80 kg (excl. pure-bred for breeding)”. The majority of calves of 80 kg or less are to be considered unweaned.

³ Technical Report “Project to develop Animal Welfare Risk Assessment Guidelines on Transport” submitted to EFSA (2009) p.30 states that “During transport it is technically impossible to feed calves on board of the vehicle with milk or milk replacer”. Project developed on the proposal CFP/EFSA/AHAW/2008/02.

⁴ e.g. FVO reports DG(SANCO)2010-8387 (Poland, p. 19) and DG(SANCO)2010-8384 (Czech Republic, p. 19)

Consequently unweaned animals regularly suffer from feed/liquid deprivation during long distance transport.

It is impossible for the competent authorities of the Member States to enforce the requirement to provide unweaned calves with liquid during long distance transport.

It is not comprehensible why Regulation (EC) No 1/2005 foresees transport of unweaned animals over long distances given that such transport is **not feasible** under realistic circumstances **without causing undue suffering** to the animals and without severely endangering their physical integrity.

This problem has been ongoing for many years. It existed under the previous Directive on the protection of animals during transport and remains unsolved under the current Regulation (EC) No 1/2005.

Suggestion for a revised Regulation:

Transport times should be reduced to the point where it is not necessary to provide unweaned animals with liquid during transport.



Unweaned calves transported from Lithuania via Poland, Germany and France to Spain.

3.3 Ventilation systems maintaining temperature range (unenforced)

The Regulation requires that vehicles used for animal transports exceeding 8 hours are equipped with a ventilation system capable of maintaining temperatures between 5°C and 30°C with a $\pm 5^\circ\text{C}$ tolerance. In practice, in animal transport vehicles fans are the only forced, i.e. mechanical, ventilation system. These systems are – at best – capable of exchanging the air, but they are not capable of reducing temperature.

Nevertheless transports have been and are being cleared by competent veterinary authorities when outside temperatures are higher or expected to be higher than 35°C. Animals on board transport vehicles do clearly suffer from heat stress during the hot summer months, with temperatures often over 35°C, especially in Southern Europe. In particular, this causes severe stress to animals not acclimatized to such high temperatures, for example pigs transported from Belgium or the Netherlands to Italy.

It is possible to enforce this requirement of the legislation, but Member States routinely and willingly do not enforce it.

This problem has been ongoing for many years.

Suggestion for a revised Regulation:

Considerably reduce transport times so that during seasons of hot temperatures transporters can carry out the whole journey during night time when temperatures are lower.



In practice, fans are the only forced ventilation system installed on long distance trucks. At best, these systems exchange the air, but they are not capable of maintaining the required temperature range of 5°C to 30°C $\pm 5^\circ\text{C}$.



2012 Pigs transported from Spain to Belgium. Severe heat stress at outside temperatures of 31°C – despite the installed ventilation system as required by the Regulation.



Cattle suffering from heat stress despite the ventilation system installed on the truck.



Pigs suffering from severe heat stress even though temperature is clearly below the allowed maximum of 35°C.



3.4 Combined roll-on/roll-off transport (unenforceable)

A number of transports in the EU are combined transports, i.e. a part of the transport is carried out on the road and a part on a ferry (the truck is loaded onto a ferry, without unloading the animals). For example, sheep from Spain or cattle from France are transported via Italy to Greece, with approximately 10 hours of sea transport taking place between Italy and Greece. Pigs, horses, sheep and cattle are transported from Spain to Italy, with approximately 20 hours of sea transport taking place between Barcelona and Civitavecchia.

The Regulation offers no clear guidelines regarding the planning or implementation of such combined road-sea-road journeys, i.e. it is not understandable at all how to calculate the transport times and when and for how long animals should be unloaded for rest before and/or after the sea transport. Indeed, the Commission itself let alone the Member States and transport companies are confused about this issue. Even the judgement of the European Court of Justice pronounced in 2008 (case C-277/06) on the subject allows for differing and conflicting interpretations.

Suggestion for a revised Regulation:

Considerably reduce transport times. In this way, most of the combined road-sea-road-transports would become impossible. For the very few places in the EU which require such a transport (as otherwise no slaughterhouse could be reached), limited and clearly defined derogations should be established.

3.5 Ceiling height (unenforced)

The current Regulation, as well as the previous Directive of 1991, requires that the single decks on a truck provide sufficient height in order to guarantee adequate ventilation above the animals and to allow the animal to stand and move naturally. However, the Regulation lacks precise figures concerning the minimum space above the animals in all species other than equidae, where the minimum internal height of compartment shall be at least 75 cm higher than the height of the withers of the highest animal.

Thus this provision is often interpreted to the disadvantage of the animals or is simply disregarded by transporters and inspection authorities.



2006 Transport of lambs on 4 decks from Spain to Italy. The animals spent over 24 hours on board the truck.

In practice, animals, and in particular sheep and lambs, are very frequently transported on too many decks, with the consequence that the ceiling height is so low that they cannot stand in a natural upright position⁵; ventilation is also compromised. This occurs during short as well as long distance transport, but clearly the negative welfare consequences are more serious during long distances. Insufficient headroom during transport is known to cause severe suffering⁶. The unnatural and stooped posture prevents the animals from maintaining their balance; the risk of falling down during transport and thus the risk of injuries and also of having difficulties standing up again increases; it is also difficult for the animals to adopt the correct stance for defecation and urination. Injuries or wounds on the animals' heads or backs are not rare. Furthermore, disease susceptibility increases significantly. An insufficient height prevents effective ventilation, in particular it prevents adequate temperature regulation and the removal of ammonia gases.

This permanent and systematic enforcement failure of the Member States, often criticized during missions⁷ of the EU Commission's inspection service (FVO), has been brought to the attention of the national authorities concerned and to that of the EU Commission many times over the years. Still the Regulation is not enforced.

Suggestion for a revised Regulation:

- Precise figures should be laid down for the space above animals of different species. The scientific recommendations from EFSA/SCAHAW⁸ are: for cattle, at least 20 cm above the withers of the tallest animal; and for sheep and lambs, at least 15 cm above the top of the head for vehicles with good forced ventilation systems, and 30 cm for vehicles without such a system.
- The allowed transport times should be considerably reduced. This would not eliminate the negative consequences of insufficient ceiling height, but would considerably decrease them, simply because the time during which the animals have to endure such inadequate transport conditions would be much shorter.

⁵ In 2010, for example, Animals' Angels found the ceiling height to be insufficient in 66.67% of irregular ovine animal transports. Furthermore, in 30% of the irregular transports of adult cattle inspected by Animals' Angels the ceiling height was insufficient. Again, in October 2012 during an investigation of only 3 and a half days, Animals' Angels checked 40 transports of cattle and sheep to be exported from the EU – in 15 of these transports the ceiling height was insufficient. This corresponds to 37,5%.

⁶ The TECHNICAL REPORT "Project to develop Animal Welfare Risk Assessment Guidelines on Transport" submitted to EFSA, November 2009, states that "too low deck height" can cause prolonged thirst, thermal discomfort, locomotion problems, injuries, disease and behavioral disorders in mammals (p. 80, 78, 11).

⁷ e.g. FVO-mission reports: DG(SANCO)2006-8042 (Greece, p.6); DG(SANCO)2006-8038 (Slovenia, p.8); DG(SANCO)2007-7328 (Spain, p.10); DG(SANCO)2007-7335 (Slovenia, p.16); DG(SANCO)2007-7330 (France, p.10); DG(SANCO)2007-7581 (Germany, p.7); DG(SANCO)2007-7331 (Hungary, p.11); DG(SANCO)2009-8271 (Latvia, p.9); DG(SANCO)2009-8252 (Lithuania, p.11); DG(SANCO)2009-8241 (Slovenia, p.12); DG(SANCO)2010-8384 (Czech Republic, p.19); DG(SANCO)2011-6045 (Hungary, p.9); DG(SANCO)2012-6375 (Slovenia), DG(SANCO)2012-6454 (Bulgaria, p.6)

⁸ EFSA = European Food Safety Authority; SCAHAW = Scientific Committee on Animal Health and Animal Welfare



2007 Transport of lambs on 4 decks from Hungary to Italy.



2008 Transport of sheep from Spain to Greece.



2009 Transport of sheep from Spain to Greece.



2010 Transport of lambs from Romania to Italy. Estimated transport time: approx. 21 hours.



2011 Transport of lambs from Bulgaria to Turkey.



2012 Transport of lambs from Bulgaria to Turkey.



2013 Transport of lambs from Spain to Italy.



2014 National transport in Romania.



2015 Transport of lambs from Romania to Italy.



2013 Cattle transport. Injury at the tail root caused by insufficient ceiling height.



2013 Turkey transport.



2011 Chicken transport.



2011 Rabbit transport.



2010 Sheep transport.



Cattle transport.



2013 Pig transport.

3.6 Transport of unbroken horses (unenforced)

The Regulation forbids long distance transport, i.e. transport exceeding 8 hours, of unbroken (untamed) horses, because these young horses are particularly prone to stress during transport.

Nevertheless unbroken horses are regularly transported on long distance journeys.

Before authorizing any transport, it would be necessary for the authorities to determine whether or not a horse is “unbroken”. This is a lengthy procedure which, in practice, all too often is not carried out. Furthermore, if a transport of young horses is inspected during transport, i.e. while the horses are on board the truck, it is impossible for the inspection authorities to verify whether they are unbroken or not.

This problem has been ongoing since 2005, when Regulation (EC) No 1/2005 came into force.

Suggestion for a revised Regulation:

Limiting transport times for all horses (broken and unbroken) to a maximum of 8 hours. This would eliminate the problem, because it would no longer be necessary to distinguish between broken and unbroken horses; the authorities would know that in general they must not authorize long distance journeys.

3.7 Approval of realistic journey logs (unenforced)

Before a long distance transport, the competent authority at the place of departure has to approve a journey log, which contains, among other things, the estimated transport time and planning for the required rest breaks for the animals. This applies to long distance transports between Member States and Third Countries for domestic equidae (other than registered equidae), and for domestic bovine, ovine, caprine and porcine animals. If the planning indications on the journey log are not realistic, the competent authority obviously must not stamp it, but require the organizer of the transport to correct the log.

FVO inspection reports⁹ concerning 23 missions to 16 Member States carried out between 2008 and 2012¹⁰ show that officials in the Member States often accept and stamp journey logs with unrealistically short estimated journey times. As a result, the obligatory rest stops for very long journeys are neither planned nor carried out. Furthermore, important parts of the journey logs are often left blank and, despite this, officials stamp the journey logs as being satisfactory. In addition, FVO reports confirm that in many cases controls by officials on journey logs, which have been returned after the completion of the journey, fail to spot basic deficiencies; therefore, for example, exceeded journey times remain undetected.

It would be very easy for the competent authority at the place of departure to verify if the estimated transport time indicated by the organizer of the transport on the journey log is realistic – it would just require a quick look on the internet to check the distance between place of departure and place of destination and then divide the distance by 70 km/h (this is the highest attainable average speed of an animal truck as used by the TRACES¹¹ system).

Despite this, in practice, the requirements regarding approval and checks of journey logs are all too often not enforced. This problem has been ongoing for many years.

⁹ “approval of deficient journey logs by vet authorities”: DG(SANCO) 2008-7765 (Estonia), DG(SANCO)2008-7768 (Ireland), DG(SANCO)2008-8347 (Spain), DG(SANCO)2009-8245 (France), DG(SANCO)2009-8252 (Lithuania), DG(SANCO)2009-8255 (Belgium), DG(SANCO)2009-8256 (Romania), DG(SANCO)2009-8263 (Bulgaria), DG(SANCO)2009-8269 (Romania), DG(SANCO)2009-8271 (Latvia), DG(SANCO)2009-8284 (Spain), DG(SANCO)2010-8385 (Luxembourg), DG(SANCO)2010-8386 (Malta), DG(SANCO)2010-8387 (Poland), DG(SANCO)2010-8388 (Italy), DG(SANCO)2010-8389 (Romania), DG(SANCO)2011/6212 (Greece), DG(SANCO)2011-6045 (Hungary), DG(SANCO)2011-6048 (Italy), DG(SANCO)2011-6053 (Slovakia), DG(SANCO)2012-6374 (Romania), DG(SANCO)2012-6526 (Lithuania), DG(SANCO)2012-6525 (Latvia).

¹⁰ After 2012 the issue of “approval of journey logs” was not checked during the FVO missions.

¹¹ TRACES (TRAde Control and Expert System) is a European network for the trade in animals and animal products. It is compulsory for intra-community trade and exports.

Suggestion for a revised Regulation:

Limit the transport time considerably. In this way it would be even easier for the competent authorities at the place of departure and for inspection authorities carrying out checks during transport to judge if times and distances are realistic, reasonable and plausible.

JOURNAAL/ JOURNAL
AFDELING/ SECTION 1:
PLANNING

1.1 ORGANISATOR Naam en adres (*) (*)
ORGANISER Name and address (a) (b)

1.2 Naam van de voor het transport verantwoordelijke persoon
Name of the person in charge of the journey

1.3 Telefoon / Fax
Telephonenumber / Fax

2. VERWACHTE TOTALE DUUR (uren / dagen)
TOTAL EXPECTED DURATION (hours/ days)

3.1 Plaats en land van VERTREK
Place and country of DEPARTURE

3.2 Datum
Date

3.3 Tijdstip
Time

4.1 Plaats en land van BESTEMMING
Place and country of DESTINATION

4.2 Datum
Date

4.3 Tijdstip
Time

5.1 Diersoort
Species

5.2 Aantal dieren
Number of animals

5.3 Nummer(s) van het (de) veterinaire certificaat (certificaten)
Veterinary certificate(s) number(s)

5.4 Geschat totaal gewicht van de partij (in kg)
Estimated total weight of the consignment (kg)

5.5 Voor de partij voorziene totale vloeroppervlakte (in m²)
Total space provided for the consignment in (m²)

6. LIJST VAN GEPLANEDE RUSTPLAATSEN, OVERLAADPLAATSEN EN PLAATSEN VAN UITGANG
LIST OF SCHEDULED RESTING, TRANSFER OR EXIT POINTS

6.1 Naam van de plaatsen waar de dieren zullen rusten of zullen worden overgeladen.
(incl. plaatsen van uitgang)
Name of the places where animals are to be rested, or transferred (including exit points)

6.2 Aankomst
Arrival

6.3 Duur
(in uren)
(length
(in hours)

6.4 Naam van de vervoerder en nummer van de vergunning (indien verschillend van de organisator)
Transporter's name and authorisation No (if different from the organiser)

7. Ondergetekende, organisator, verklaart hierbij dat hij verantwoordelijk is voor de organisatie van bovengenoemd transport en dat hij passende voorzieningen getroffen heeft om het welzijn van de dieren gedurende het hele transport in de zin van Verordening (EG) nr. 1/2005 van de Raad.
(The organiser, hereby declare that I am responsible for the organisation of the abovementioned journey and I have made suitable arrangements to safeguard the welfare of the animals throughout the journey in accordance with the provisions of Council Regulation (EC) No 1/2005.

8. Handtekening van de organisator
Signature of the organiser

(*) Organisator: zie definitie in artikel 2, onder a), van Verordening (EG) nr. 1/2005
Organiser: see definition in Article 2(a) of Council Regulation (EC) No 1/2005
(*) Is de organisator tevens vervoerder, dan moet het nummer van de vergunning worden vermeld.
If the organiser is a transporter the authorisation number shall be specified.

This journey log accompanied a transport of unweaned calves with Latvian and Lithuanian ear tags destined for The Netherlands. It is completely blank and was nevertheless stamped and signed by a veterinary service.

3.8 Adequate vehicles (unenforced)

As roadside investigations show, vehicles often have inadequate, broken, dirty or frozen watering systems, which result in animals suffering from severe thirst and thus exhaustion during long distance transport; or vehicles are constructed in such a way that the animals remain stuck with parts of their bodies under dividers or between the bars of the side walls of the trucks, etc.

FVO inspection reports¹² on missions carried out in 16 Member States between 2009 and 2012¹³ show that officials in the Member States frequently grant certificates of approval for transports exceeding 8 hours to vehicles which do not fulfill the requirements of Regulation (EC) No 1/2005 (for example, concerning water and ventilation systems). Clearly, the approval and thus the use of vehicles that do not comply with the additional standards for long distance transports have negative consequences for the protection of the transported animals.

The Regulation does not require vehicles used for short distance transport to hold a certificate of approval. In practice, such vehicles are often entirely inadequate and severely compromise the protection of animals during transport.

This problem has been ongoing for many years.

Suggestion for a revised Regulation:

Considerably reduce transport times. In this way problems caused by irregular vehicles would have a minor, i.e. time-limited, impact on the transported animals. In addition, centralized and thus specialized approval offices for vehicles would improve the situation. Authorization should also be made mandatory for vehicles used for short distance transport.

¹² "inadequate vehicles": DG(SANCO)2009-8242 (Portugal), DG(SANCO)2009-8245 (France), DG(SANCO)2009-8252 (Lithuania), DG(SANCO)2009-8255 (Belgium), DG(SANCO)2009-8263 (Bulgaria), DG(SANCO)2009-8268 (United Kingdom), DG(SANCO)2009-8271 (Latvia), DG(SANCO)2009-8284 (Spain), DG(SANCO)2010-8383 (Bulgaria), DG(SANCO)2010-8384 (Czech Republic), DG(SANCO)2010-8387 (Poland), DG(SANCO)2010-8389 (Romania), DG(SANCO)2010-8391 (Sweden), DG(SANCO)2010-8400 (The Netherlands), DG(SANCO)2011-6039 (Belgium), DG(SANCO)2011-6045 (Hungary), DG(SANCO)2011-6052 (Portugal), DG(SANCO)2011-6212 (Greece), DG(SANCO)2011-6053 (Slovakia), DG(SANCO)2012-6374 (Romania), DG(SANCO)2012-6446 (France), DG(SANCO)2012-6454 (Bulgaria).

¹³ After 2012 the issue of "adequate vehicles" was not checked during FVO missions.



2011 Bull trapped with head under divider.



2012 Cow's udder trapped under divider.



Inadequately constructed trucks can result in animals getting trapped, which can lead to severe injuries.



2015 Truck not equipped with the required water and ventilation system transporting lambs from France to Spain for approximately 20 hours.



The water trough is not deep enough for cattle to drink.



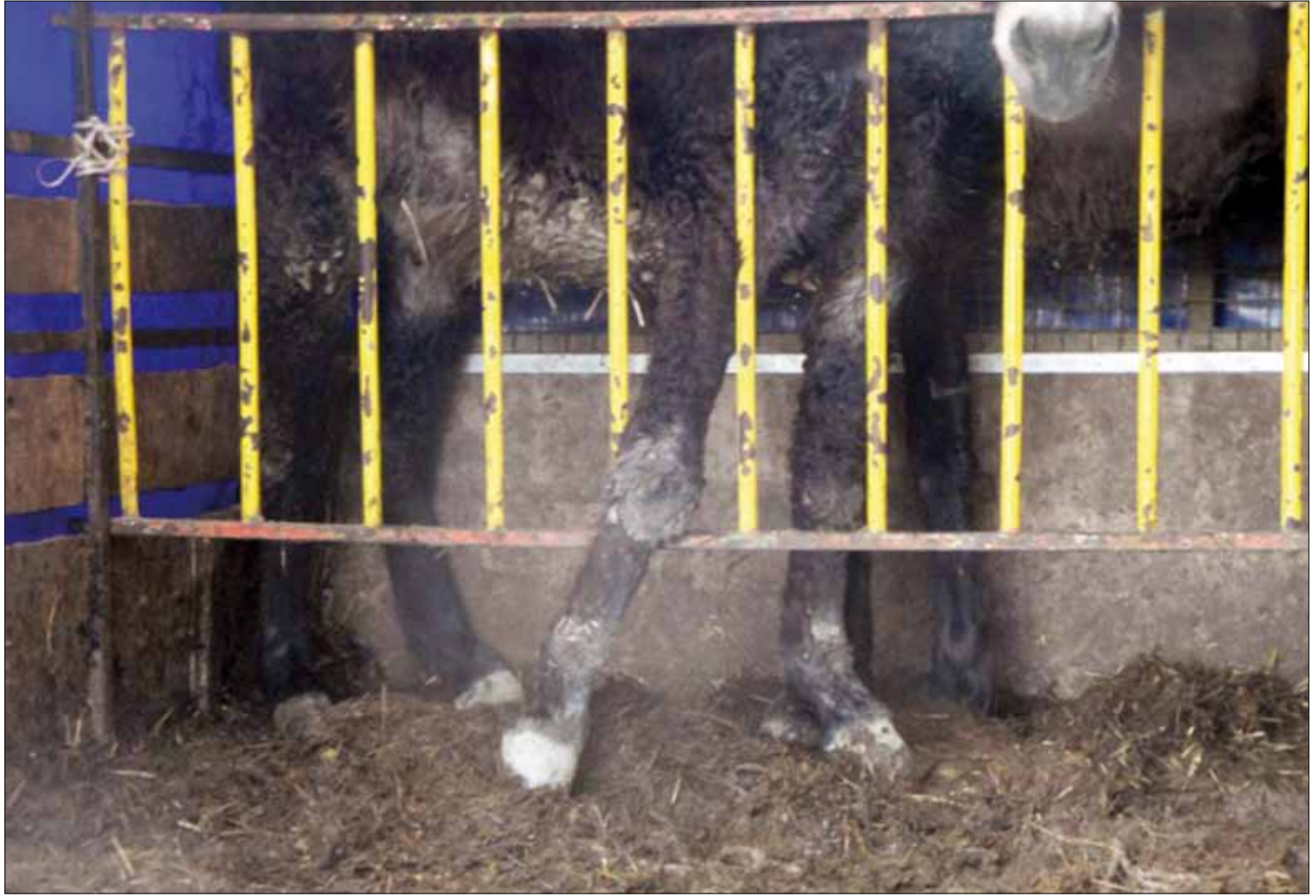
Water nipple not accessible.



2013 Entirely inadequate vehicles used for short distance transport.



2010 Truck without loading ramp and without roof used for short distance transport.



2013 Truck with inadequate divider.



2012 Inappropriate divider: bull tried to jump over it and remained stuck.



2013 The height of commonly used cages for poultry transports is too low.



2012 Chicken trapped with head between flap and side construction of truck.



2013 Inadequate loading ramp.



2012 Wing of a turkey trapped in transport cage.

3.9 Loading densities for small lambs, rabbits and pigs of weights other than 100 kg (unenforceable)

Indications regarding space requirements for rabbits during transport are completely lacking in the Regulation even though rabbits are the second largest group of animals after chickens being transported¹⁴ (not counting ornamental fish).

For road transport of pigs, the only indications for the space requirements concern pigs of 100 kg, i.e. if pigs of this weight are transported the maximum loading density is 235kg/m². It is impossible to apply this loading density to piglets, because this would result in completely overcrowded trucks (for piglets of 6 kg, for example, it would result in almost 40 animals per m²).

For lambs of less than 26 kg, the Regulation states that “an area of under 0,2m² may be provided”; it does not define if, for example, 6, 10 or 15 lambs may be loaded per m².

Thus, if the transported pigs have a weight other than 100 kg, or if lambs weigh less than 26 kg, and in the case of rabbits in general, the inspection authorities do not have a legal reference on which they can base the calculation of the loading density. This creates uncertainty among the inspection authorities and leads, all too often, to transports being authorized at the place of departure even though the animals are visibly overcrowded. Furthermore, during road checks it frequently leads to fines not being applied.

Suggestion for a revised Regulation:

The Regulation should contain indications on minimum space requirements for rabbits, small lambs and pigs of different weights.

¹⁴ Antoni Dalmau at HSA Symposium Zagreb, 09.07.2015



The EU-Regulation does not contain rules on space requirements for rabbits. Thus rabbits are often transported in very crowded conditions.

3.10 Loading densities for sheep, cattle and pigs of 100 kg (unenforced)

The Regulation contains tables with minimum space requirements for sheep, cattle and pigs of 100 kg. At these loading densities, however, it is impossible to respect other provisions of the Regulation, i.e.:

- It is not possible for all the animals to reach the watering devices (required for long distance transports, Annex I, chapter VI, point 2 to the Regulation).
- It is impossible for the driver or for a veterinarian and police to inspect the animals, as those individuals standing close to the side walls of the truck block the view to the animals standing in the center (Annex I, chapter II, point 1.1, letter f to the Regulation).
- It is impossible to care for sick or injured animals (Annex I, chapter II, point 1.1, letter f to the Regulation).
- It is impossible for pigs to lie down in their natural position at the same time (Annex I, chapter VII, D to the Regulation).

Thus, in order to respect the latter provisions, considerably less animals than indicated in the tables of the Regulation would have to be loaded – in practice, on long distance transports, this occurs only in very rare cases. Furthermore, inspection authorities confronted with a truck which respects the density tables of the Regulation but not the other provisions listed above actually would have to impose a fine - this, however, has never occurred during hundreds of official checks Animals' Angels attended during 20 years of field experience.

This problem has been ongoing for many years.

Suggestion for a revised Regulation:

The minimum space requirements for sheep, cattle and pigs of 100 kg should be considerably increased.



These space allowances are in compliance with Regulation 1/2005. Nevertheless, they do not guarantee animal welfare: risk of being trampled by other animals, no space to reach the watering devices, no possibility to inspect and care for individual animals.

3.11 Protection of animals exported to Third Countries (unenforced/unenforceable)

In April 2015, the Court of Justice of the European Union clarified in its judgement to case C-424/13 that for a transport *“which commences on the territory of the European Union and continues outside that territory (...) the organiser of the journey must submit a journey log which (...) indicates that the provisions of that regulation [i.e. Regulation (EC) No 1/2005] will be complied with, including for the stages of the journey which are to take place in the territory of third countries (...).”* This means that the requirements of Regulation (EC) No 1/2005 relating to watering and feeding intervals and relating to the duration of transport and resting periods apply not only within the EU, but also to the part of the transport taking place outside the EU. The authority at the place of departure is only entitled to authorize the transport if the organizer has submitted a journey log with the required indications. Otherwise, the authority has to require changes before authorizing the transport.¹⁵

This judgement is highly welcome. However, the experience of Animals’ Angels and other NGOs in the first months after the judgement shows that it is largely being ignored by the competent authorities, transport organizers and transport companies. Thus, on a daily basis, the authorities at places of departure in the EU still authorize transports to Third Countries which have not been programmed to respect the provisions regarding transport times and rest periods once the animals are taken outside the EU. Numerous and recent reports, for example on exports from the EU to Turkey, show that this often has terrible consequences for the animals, who spend days on end on board of trucks without being properly cared for. Still, in September 2015, the central competent authority responsible for animal transport issues in Hungary, a Member State which exports large numbers of animals to Third Countries, even declared in writing¹⁶ that in their opinion Regulation (EC) No 1/2005 does NOT apply for the part of the transport taking place outside the EU! This competent authority added that it would anyway be *“difficult to meet the requirements [of Regulation (EC) No 1/2005] abroad”*, because *“there are no approved control posts in third countries. Therefore resting of the animals could not be solved.”*

¹⁵ Judgement of the Court of Justice of the European Union (Fifth Chamber) of 23.04.2015 in Case C 424/13; Court of Justice of the European Union, Press release No 43/15 of 23.04.2015, entitled “Protection for animals under EU law does not stop at the outer borders of the EU”.

¹⁶ Communication by the national Hungarian Contact Point for Animal Welfare (National Food Chain Safety Office, Directorate of Animal Health and Animal Welfare, Animal Welfare Unit), reference number 02.3/1541-2/2015, dated 29.09.2015.

In July 2015, for example, Animals' Angels trailed 3 transports of cattle originating from France to the final destination in Turkey. The part of the transport from reloading the animals at a control post in the EU, close to the border with Turkey, until the unloading at the place of destination in Turkey, lasted 52 hours, during which the animals were unloaded for rest for 2 hours only. This is contrary to the judgement of the EU Court of Justice and contrary to Regulation (EC) 1/2005, according to which the animals would have to be unloaded for at least 24 hours during this last part of the transport. Nevertheless, none of the involved authorities rectified this infringement or complained about it.



Queue of animal trucks at external EU border waiting to enter Turkey.

Thus, so far, the judgement of the EU Court of Justice and with it Regulation (EC) No 1/2005 is not enforced. It must be stressed that, even if one day in the future, the authorities at the places of departure in the EU authorized only transports which have been programmed to respect the EU requirements, including the part of transport taking place in Third Countries, it would be extremely difficult to verify whether transporters have in fact respected the maximum transport times and the required rest periods for the animals once they are in the Third Country. As experience shows, this is already very difficult and often not enforced even within the EU. For the extremely long transports to, for example, Kazakhstan, Uzbekistan or to the Asian part of Russia, enforcement will be impossible.

Even before the aforementioned judgement of the EU Court of Justice, it was clear from the wording of Regulation (EC) No 1/2005 itself that its provisions were to be applied until the “*first place of unloading*” in the Third Country of destination, i.e. not until the place of final destination, but only until the place, where the animals are unloaded for the first time in the Third Country of destination.¹⁷ Nevertheless, this provision has never been enforced, even though it would have been easier to enforce than the provisions now pronounced by the EU Court of Justice.

Suggestion for a revised Regulation:

As it is extremely difficult, and in many cases impossible, to enforce the ruling of the EU Court of Justice in Third Countries under present day conditions, transport times should be significantly reduced. This would make many exports to Third Countries impossible or limit them to destinations close to the border with the European Union.



2012 Sheep from Spain after transport to Lebanon.

¹⁷ Art. 21 (1) (e) in connection with Annex V to Reg. (EC) 1/2005 requires that exports to Third Countries have to comply with the “European Convention for the protection of animals during international transport” from the place of departure to the first place of unloading in the country of final destination. This European Convention, which insofar becomes an integral part of Reg. (EC) 1/2005, stipulates that ““The person responsible for the transport shall ensure that the intended journey complies with the respective rules of the countries of departure, transit and destination.” Reg. (EC) 1/2005 is the respective legislation of the “country of departure” and must thus be complied with.

| ÚTI NAPLÓ/ JOURNEY LOG 1. SZAKASZ / TERVEZÉS SECTION 1 / PLANNING | | | |
|--|---|--|----------------------|
| 1.1. SZÁLLÍTÁSSZERVEZŐ neve és címe (*) ⁽¹⁾ (ORGANISER Name and Address (*) ⁽¹⁾) OTTOMAN HOLDING KFT. 1063 Budapest, Szivátsza 33. Magyarország / Hungary | | 1.2. A szállítást felelős személy neve Name of the person charge of the journey 1.3. Telefon/Fax: Telephone/Fax: + 36 | |
| 2. VÁRHATÓ TELJES IDŐTARTAM (ÓRA/NAP) TOTAL EXPECTED DURATION (HOURS/DAYS) 26 HOURS | | | |
| 3.1. KIHINDULÁSI hely és ország Place and country of DEPARTURE H-3068 Budaörs MAGYARORSZÁG / HUNGARY | | 4.1. BEHIDDELÉSI hely és ország Place and country of DESTINATION Törökország / Turkey | |
| 3.2. Dátum Date 21/09/2015 | 3.3. Időpont Time 12:00 | 4.2. Dátum Date 22/09/2015 | 4.3. Időpont Time |
| 5.1. faj Species SZARVASMARHA/ BOS TAURUS | 5.2. Állatok száma Number of animals 64 | 5.3. Az állategyeseg/gyűjtemény/vány(ok) száma(i) Veterinary partition(s) number(s) HU 312-0301-134/2015. | |
| 5.4. A szállítmány becsült összsúlya (kg-ban) Estimated total weight of the consignment (in kg) | | 5.5. A szállítmányhoz biztosított háztartási (m ² -ben) Total space provided for the consignment (sq.m ²) | |
| 6. TERVEZETT PIHENTŐ-, ÁTRAKODÁSI VAGY KIÉPÉSI HELYSÉK LIST OF SCHEDULED RESTING, TRANSFER OR EXIT POINTS | | | |
| 6.1. Az állatok pihentetésére vagy átrakodására szánt helyek neve (beleértve a kiépítési helyeket is) Name of the place where animals are to be rested or transferred (including exit points) | | 6.2. Érkezés Arrival Dátum Date Időpont Time | |
| 6.3. Az út hossza órában Length (hours) | | 6.4. Szállítmányozó neve és engedélyének száma (a szállítmányozótól különböző személy esetén) No. of Transporter's name and authorisation No. (if different from the organiser) | |
| 6.1. Az állatok pihentetésére vagy átrakodására szánt helyek neve (beleértve a kiépítési helyeket is) Name of the place where animals are to be rested or transferred (including exit points) | | 6.2. Érkezés Arrival Dátum Date Időpont Time | |
| 6.3. Az út hossza órában Length (hours) | | 6.4. Szállítmányozó neve és engedélyének száma (a szállítmányozótól különböző személy esetén) No. of Transporter's name and authorisation No. (if different from the organiser) | |
| 7. Alulírt szállításszervező kijelenti, hogy a fent említett szállítást vállalom a felelőséget, és a 12005/TK. uniós rendelet rendelkezéseivel összhangban megjelölte a szükséges előkészületeket a állatok jólétének a szállítás teljes időtartama alatt való biztosítása érdekében. I, the organiser, hereby declare that I am responsible for the organisation of the abovementioned journey and I made suitable arrangements to safeguard the welfare of the animals throughout the journey, in accordance with the provisions of Council Regulation (EC) No 12005. | | | |
| 8. A szállítási szervező aláírása Signature of the organiser | | | |

September 2015 This journey log was issued for a transport of cattle from Hungary to Turkey. The transport was approved by the competent veterinary service even though the planning of the transport was incomplete, i.e. it ended at the external EU border and did not take into account the part of the transport taking place within Turkey. The place of destination in Turkey was 800 km away from the border, giving an estimated transport time of 11 hours. Additionally, the planning of the transport did not consider the time needed for the lengthy veterinary procedures at the border and for the customs clearance in Turkey.

The Regulation requires that after a maximum of 28 hours, cattle must be unloaded and rested for at least 24 hours. The planning indicates an estimated transport time of 26 hours to the external EU border (thus two hours after the animals were to be unloaded for rest). It was clear from the beginning that the maximum transport time would be significantly exceeded and that thus it would be obligatory to unload the animals for rest. Nevertheless, this has not been programmed on the journey log.



2012 Spanish bulls exported to Libya.

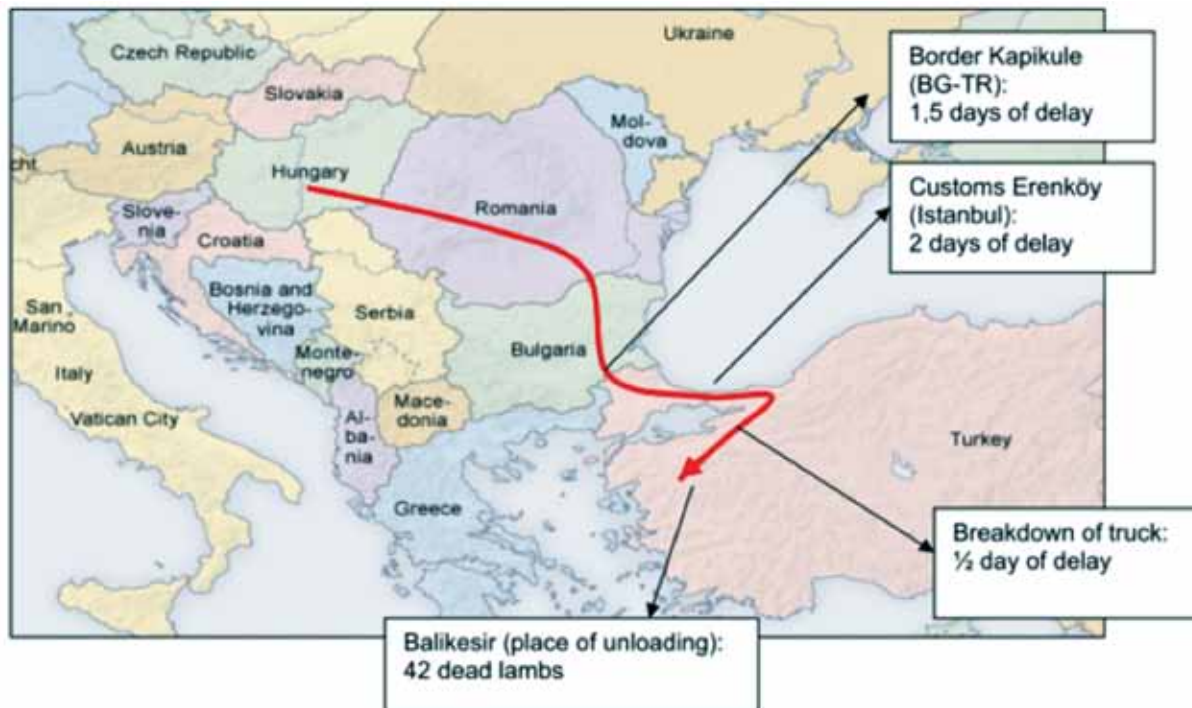


2014 Transport from Romania to Israel.



2011 Young bull that died during export from France to Morocco.

Example of a transport of lambs from the EU to Turkey observed by Animals' Angels investigators. The transport lasted for more than 5 days. The animals were never unloaded during this time. 42 animals died.



2011 42 lambs did not survive the transport lasting for more than five days from Hungary to Turkey.

4. Transport Companies: faced with insuperable difficulties

There are numerous circumstances which make it difficult or impossible for transport companies to comply with certain aspects of the Regulation. Thus it is unrealistic to believe that these aspects can and will be enforced.

Here are a few examples:

4.1 Economic pressure

As the Federation of Veterinarians of Europe (FVE) put it *“maximizing the profit from the animals is the primary reason for subjecting them to long journeys.”*¹⁸ The margin of profit in long distance transport is so small and the financial pressure so high that many of the transporters simply cannot afford to comply with the animal protection rules. All too often, transporters complain that they are practically forced to load more animals than allowed in order to lower transport costs per animal – if they do not do so, the owner of the animals will simply call another transport company next time. The same logic applies for not respecting the required resting times for the animals – in this way the transport can be carried out faster and the costs are lower.

This is all the more shocking since the rules on animal protection during long distance transport do not even aim to ensure the well-being of the animals but only to meet their very minimum needs to that they can survive the transport.

¹⁸ FVE Position paper “The welfare of animals during transportation”, 15.11.2008

4.2 Incompatibility of driving hours and resting times for the animals

The maximum driving hours and the required breaks and rest periods for drivers according to the social legislation are not compatible with the maximum allowed transport times and the required rest breaks for animals during long distance transport. If a long distance transport is carried out by two drivers, their social legislation stipulates that after 18 hours (exceptionally 20 hours) of driving they are not allowed to be in the moving truck for the next 12 hours (exceptionally 10 hours).

This is no problem as long as those drivers transport refrigerators or other inanimate goods, but it becomes a serious problem if they transport live animals, because the drivers only have two possibilities – both constitute an infringement of a law. They could stop somewhere along the highway with the animals on board in order to carry out their rest period (often without the possibility of parking in the shade), but this is an infringement of the animal transport Regulation, which requires continuation of the transport without delay. Alternatively, they could continue the transport, no matter how tired they might be, and thereby infringe the social legislation by exceeding their allowed driving hours. The latter, of course, also represents a risk for road safety. Apparently, one could say that the transport companies could organize transport accordingly. They could either send two new drivers to an intermediate point on the route to substitute for the original two drivers; alternatively, the animals could be unloaded at an authorized control post after 20 hours at the latest to allow the drivers to carry out their required rest periods. This would have to take place even though the maximum transport time for the animals (29 hours for cattle and sheep, 24 for pigs and horses) was not yet reached. However, this is simply not done in practice – for economic reasons and because only in the rarest cases is a control post available along the itinerary.

The situation is even worse if a transporter sends only one driver on a long distance transport – a situation which is still not unusual in order to reduce costs. In this case the driver is not permitted to convey animals for more than a total of 9 (exceptionally 10) hours within a 24 hour period.

The Commission acknowledged *“that the alignment of the travelling times for animals to the more stringent rules in Regulation (EC) No 561/2006 on driving time and rest periods [for drivers] will be crucial to ensure an appropriate implementation of the rules”* and added *“The Commission is working on the possible revision of Council Regulation (EC) No 1/2005”*.¹⁹ This statement was made in 2009. Nevertheless, six years later, in 2015, the Commission has not proposed a revision of the Regulation. Worse than this, it has stated several times that it is not planning to do so.

It is contradictory and stunning that Regulation (EC) No 1/2005 itself states (in recital 19) that *“it is appropriate that journeys for animals are similarly regulated [i.e. similarly to the social legislation on driving and rest periods for drivers]”*, but despite this affirmation the Regulation has not put transport times and rest periods for animals in line with the driving and rest periods for drivers.

Suggestion for a revised Regulation:

As also required by the Federation of Veterinarians of Europe (FVE): *“travel times for animals must be compatible with EU regulations for drivers’ hours”*.²⁰

¹⁹ Parliamentary Question E-0257/09

²⁰ FVE Position paper “The welfare of animals during transportation”, 15.11.2008

4.3 Sick animals on board – no unloading facility, no vet reachable

When animals get severely injured or sick during transport, it is often extremely difficult for a driver to get appropriate help in due time. The reasons can be, among others:

- There is no veterinarian reachable, especially if the emergency occurs at night or at the weekend (even police has sometimes difficulties reaching a vet in these circumstances).
- There is no facility available for unloading of the animals.
- The driver does not speak the language of the country where the emergency occurs and thus communication problems occur.
- Economic pressure: unloading and providing veterinary attention to injured or sick animals costs time and money and is thus not the preferred option for a transporter.

Of course, emergency situations involving animals becoming sick or injured can also occur during short distance transport. However, they occur less frequently and the situation is more easily manageable: the place of departure and/or the place of destination are not that far away, so the animals can be unloaded in a shorter time and veterinary care can be organized more easily as the keepers of the animals usually have the appropriate contacts.

4.4 Insufficient watering of animals during transport

Continuous access to water for pigs

The Regulation requires that pigs have continuous access to water during long distance transport in order to safeguard their welfare.

In practice, transport companies rarely comply with this requirement. There are several reasons which are certainly not justified, but there is one understandable practical reason: pigs tend to operate the watering devices even when they have no intention to drink, and spill significant amounts of water on the floor. This wets the bedding material and turns parts of the compartment into a swampy mess. When checked by police, the drivers might then get fined because the bedding is completely wet or because the dirty water spills into the road. Additionally, the drivers need to stop and fill up the water tanks again.

Providing unweaned animals with adequate liquid/feed

As explained in point 3.2, it is technically impossible to provide adequate liquid/feed to unweaned animals as required by the Regulation after a maximum of 9 hours of transport. The only possibility would be to feed the animals individually. However, in order to accomplish this on board the vehicle, the driver would have to crawl inside each single deck and each single compartment of the vehicle. The single decks are approx. 90 cm high when unweaned calves are on board (usually loaded on 3 decks) and approx. 70 cm high when unweaned lambs are on board (usually loaded on 4 decks). After having fed an animal, the driver would have to somehow mark him/her in order to make sure that each animal is given liquid once. In practice, the driver would have to feed, realistically speaking, around 200 calves or 700-800 lambs in this way. It is obvious that no driver feeds animals like this.



2012 Transport from EU to Turkey. Hungry calves biting the bars of the truck.

Watering of adult cattle and sheep

The Regulation requires that adult cattle and sheep receive a rest break of at least one hour for watering, after a maximum of 14 hours of transport. During this period the animals remain on board the truck. Long distance trucks are required to be equipped with a watering system including drinking devices for the animals. As explained in point 3.1, there are various practical reasons why animals often cannot use the watering system. Such reasons include:

- Some animals do not recognize the automatic water system as being a source of water or do not know how to use the specific watering devices.
- Animals are not able to reach the drinking devices due to the limited space on board the truck.
- Very often, the installed drinking devices are unsuitable to the drinking behaviors and abilities of the animals.
- Dominant animals do not let others near the drinking devices.
- etc.

If such situations occur, as far as adult cattle are concerned, the driver could, given the limited number of animals on board, water the animals by hand with mobile water buckets or troughs. In practice, however, this is rarely done, due to the high time pressure the drivers are faced with, among other reasons.

Regarding sheep, even if the driver decides to water them by hand with buckets, it is not possible to make sure that all animals in fact receive water, simply due to the high number of animals on board (usually around 300 sheep are loaded on a long distance transport). Besides, it is very uncertain that sheep will drink, even when they are thirsty, without getting fodder at the same time.

Watering of horses

For long distance transport, the Regulation requires that a water tank is connected to drinking devices within the compartments. This provision is grossly neglected in transport of “slaughter” horses. Instead, horses are watered – if at all – with hoses and plastic pouches fitted in a metal frame, which are hung inside the stalls. With this procedure, the horses receive only part of their liquid requirement because these devices can only accommodate small volumes of water. Furthermore, much water gets lost by splashing and fighting amongst adjacent animals.

4.5 Delays – unavoidable and further compromising animal protection

There are various delays that can occur during transport and often they are neither foreseeable nor avoidable by the transport companies.

On numerous occasions, drivers are forced to park the loaded truck in direct sunlight as there is no suitable spot with shade. During hot weather, temperatures inside a stationary truck rise considerably and rapidly. This endangers the health and welfare of the animals on board; high temperatures can quickly become fatal. Additionally, during these delays there is often no access to water and feed and no possibility of unloading and caring for animals who become sick.

Such delays can occur, for example:

- During the obligatory breaks and rest periods which the social legislation requires for drivers.
- During waiting times at harbors before embarkation (animal transports usually need to be at the harbor a few hours before departure; furthermore, ships are not uncommonly delayed).
- At borders when exiting the EU territory (these waiting times often take many hours, up to entire days).
- Between the arrival and the unloading of the animals at the place of destination, e.g. animals arriving at a slaughterhouse outwith normal opening times. This regularly happens with long distance transports because the arrival time cannot be sufficiently programmed. It can also occur because the owner of the farm of destination has not yet arrived on the premises and drivers are not allowed independently to unload the animals. Another reason is when there is a queue of trucks which have to be unloaded.
- During traffic jams, accidents and truck break-downs.

Obviously, such delays do not only occur during long distance transport, but the risk of such incidents is much lower in short distance transport. In short distance transport, driver rest periods due to social legislation are not necessary; also, far less transports have to pass external EU borders or harbors and thus the delays occurring at these points are avoided.



France, animals stuck in traffic jam for 17 hours.



France. Delay due to truck break-down on highway. The pigs on board suffer from severe heat stress at temperatures of 35°C.



2012 Delays at a Spanish port before embarkation on a vessel sailing to Libya.



Trucks waiting for customs clearance – some for several days.
No shade. No feed. No unloading facilities.

5. Member States: proved incapable of enforcing the Regulation

5.1 Lack of infrastructure for dealing with emergencies

The Regulation requires the Competent Authorities of the Member States to take measures in the event of emergency to safeguard the welfare of animals during transport. As one necessary measure the Regulation requires: *“unloading the animals and holding them in suitable accommodation with appropriate care until the problem is resolved”*. It thus lies in the Member States’ responsibility to provide for the possibility of unloading animals in emergency situations. Unloading animals during transport becomes particularly important in cases where severely sick or injured animals are found on board and when the places of departure and destination are too far away to send the animals back or let them continue. Other vital situations are when water supply is impossible on board the vehicle, the loading density is severely exceeded, or when animals suffer from severe heat or cold stress, etc. Additionally, unloading en route might become necessary when the truck has exceeded the maximum weight or height allowed by traffic legislation, etc.

However, 9 of the European Member States do not have control posts²¹ at all; another 9 Member States only have 1 to 4 official control posts in the whole country.

Especially when emergency situations occur at night or at weekends, it often turns out to be very difficult – or impossible – to carry out the necessary unloading. In cases where emergency unloading is carried out, the whole process often takes many hours, which prolongs the animals’ suffering. The reasons can include:

- The unloading necessitates the approval of the official veterinary service, but it is not possible for the police to reach the relevant personnel.
- No authorized control post is located within a reasonable distance and no other emergency unloading facility is available.
- Control posts (claiming to be) fully booked and thus not capable of accepting the animals.
- Control posts are not equipped to accommodate the particular species transported (example: the 6 official control posts in Spain and the 3 in Ireland are authorized only for cattle).

²¹ List of approved control posts (updated 07.10.2015): http://ec.europa.eu/food/animals/docs/aw_list_of_approved_control_posts.pdf

- Legislation does not oblige the approved control posts to be reachable 24 hours a day - thus phone calls may go unanswered.
- There are only a few control posts where lactating cows can be milked.

Furthermore, experience shows that drivers issued with a written order to unload by inspection authorities sometimes simply ignore this and continue transport.

Thus the vast majority of Member States is incapable of enforcing the most basic requirement of the Regulation: to provide appropriate care to injured, sick and severely suffering animals during transport.

To comply with this requirement, the Member States would have to spend enormous amounts of public money in order to establish a sufficient number of suitable facilities, reachable at a reasonable distance.

In times of economic crisis, how realistic is it to think that Member States will do this? A more realistic approach would be for the Member States to have the legally allowed maximum transport times reduced considerably. In this way, the place of departure and/or the place of destination could be reached within a relatively short time and injured or sick animals could be unloaded there, if no emergency unloading facility is available at a nearer distance.



After the intervention of Animals' Angels, Italian inspection authorities ordered the emergency unloading of this long distance transport of sheep. It took nine hours to reach the nearest available unloading facility. On arrival, one sheep was dead and four were unable to stand up and had to be emergency killed.

5.2 Lack of checks due to lack of funding/lack of (adequately trained) veterinary staff

Veterinary services are all too often under-staffed and thus overburdened with work. The enforcement of Regulation (EC) No 1/2005 on the protection of animals during transport is just one out of their numerous responsibilities. The focus of most veterinary services certainly is not on animal welfare but on tasks like food safety. Furthermore, veterinary staff are often not adequately trained on the subject of animal protection during transport.

In these times of financial crisis, veterinary staffing levels tend to be reduced further, working conditions worsened and extra payment for inspections during the night or at weekends canceled.

Example: Greece

In 2009, Greece was found guilty by the European Court of Justice²² for failing to fulfill its obligations on the protection of animals during transport. Nevertheless in 2010, out of 467 animal transports arriving at the main Greek ports, only 6 transports were checked.²³

As evident from a mission report of the FVO, the EU Commission's own inspection service, *"The constraints on carrying out official controls have worsened since the last inspection, with fewer staff, additional restrictions on reimbursement for the use of vehicles, and no lifting of the overtime ban despite repeated requests from the CCA [Central Competent Authority] for additional funding"*²⁴ and *"(...) as levels of roadside checks remain extremely low, it remains easy for the transporters to avoid being checked"*.²⁵

Concerning training on animal welfare during transport, the FVO found that official veterinarians *"that were not familiar with transport requirements had not received the relevant training and were therefore unable to perform tasks such as checking journey logs effectively"*.²⁶

²² Case C-416/07

²³ FVO mission to Greece DG(SANCO)2011-6212, (p. 13 and 14)

²⁴ FVO mission to Greece DG(SANCO)2011-6212, (p. 6)

²⁵ FVO mission to Greece DG(SANCO)2011-6212, (p. 14); after this mission in 2011 the FVO did not conduct other missions on animal welfare during transport to Greece (status: November 2015)

²⁶ FVO mission to Greece DG(SANCO)2011-6212, (p. 4)

Example: France

In France, it is practically impossible to reach an official veterinarian outside normal office hours. Animals' Angels experienced repeated cases in which police forces terminated road checks of animal transports because they could not reach an official veterinarian, whose intervention would have been essential.

Furthermore, during a mission to France, the FVO revealed that training of the inspection authorities' staff on transport issues was very limited in both départements visited. For example, staff were involved in the approval of vehicles used for long distance transport even though they had not received any specific training on animal welfare during transport.²⁷



Animals' Angels called different police offices in France and asked for an inspection of a transport of Spanish sheep destined for Italy. There was a severely sick sheep on board, as well as a dead one. The truck was severely overloaded and the animals were unable to stand in an upright position due to the low ceiling height. Despite eight calls, this truck was not stopped and inspected by the French authorities, apparently due to a lack of personnel.

²⁷ FVO mission to France, DG(SANCO)2010-8390 (p. 6, 7)

Example: Spain

In Spain it is also almost impossible to reach an official veterinarian outside the very restricted office hours, which are from 09.00 to 14.00.

Furthermore, veterinarians are often not properly trained in checking the provisions of Regulation (EC) No 1/2005 - possibly because they have numerous other activities for which they are responsible. For example, in May 2012, an official at a veterinary service in Spain who had dispatched an irregular transport of horses explained that the veterinary service was unable to find out the distance between the place of departure in Spain and the destination in Italy²⁸. Thus the veterinary service, when authorizing a long distance transport, is unable to verify if the journey log transmitted by the organizer is realistic regarding the estimated transport time and the planned rest breaks.

Moreover, the traffic police (responsible for the motorways, where long distance transports circulate) are not trained in enforcing Regulation (EC) 1/2005 on animal welfare during transport. The nature protection departments of the police forces, which are trained in checking animal transports, however, are not present on the motorways; moreover, their staff is extremely reduced and their field of activity is extremely wide. As evident from the FVO mission report to Spain carried out in 2014, there were enormous problems in processing the notifications regarding the transport of unfit animals, i.e. animals too sick or injured to be transported. This was due to staff shortages in both regions visited.²⁹



Despite the presence of veterinarians at a Spanish market, horses and cattle were loaded on two levels. This is forbidden by the Regulation. The veterinarians, alerted by Animals' Angels, stated they would not intervene to stop this illegal practice, because they were busy with paper work.

²⁸ Animals' Angels report on "Transport of horses from Spain to Italy, 10th-11th May 2012"

²⁹ FVO mission to Spain, DG(SANCO)2014-7079 (p. 13)



Animals' Angels followed a pig transport in Spain. One sow, Penelope, suffered from a prolapse and was therefore not fit for transport. For two hours, Animals' Angels repeatedly called police and asked for an intervention. Police were not interested in a check.

Example: Bulgaria

*"Staff from different levels of the CA [Competent Authority] stated that there are **financial problems** due to the economic crisis and this has resulted in **limits on the resources available to perform certain tasks** (such as verification of checks due to petrol rationing)."*³⁰

During a mission to a Bulgarian port designated as an exit point for the export of live animals to Third Countries, the FVO detected that there was **no equipment available for the veterinarian to perform animal welfare checks**, other than a portable ladder and a torch. There was no facility where animals unfit to complete the transport could be unloaded from the means of transport, watered, fed and rested.³¹

One year later, despite ongoing exports, there were still no facilities for inspecting animals at the port.³²

How are veterinarians supposed to enforce legislation if they do not even have facilities for inspecting the animals? In fact, the FVO concluded that checks performed at this exit point were inadequate.³³

³⁰ FVO mission to Bulgaria, DG(SANCO)2010-8383 (p. 5)

³¹ FVO mission to Bulgaria, DG(SANCO)2009-8263 (p. 4)

³² FVO mission to Bulgaria, DG(SANCO)2010-8383 (p.18)

³³ FVO mission to Bulgaria, DG(SANCO)2009-8263 (p.5)



2013 Bulgaria. A pony is loaded in a van in full sight of police. Inside the van there are already five calves. There is no separation between the animals and the driver. Police check the papers of the driver but do not object to the transport conditions of the animals.



2013 Downer cows unloaded and loaded at market in Bulgaria – an illegal practice.

Example: Italy

After many years and many dozens of police training courses which Animals' Angels and LAV (Lega Anti Vivisezione, an Italian animal rights NGO) conducted in Italy, in which representatives of the local veterinary service often participated, the quality and quantity of inspections of animal transports increased markedly. In particular, checks conducted by police forces improved considerably.

However, as far as the veterinarians are concerned, there are still cases like the following:

In September 2015, Animals' Angels asked the Italian police to check on a transport of horses from Spain. Among other infringements, the truck used for this long distance transport was not equipped with the required water system. Police issued fines of a total of 4.333€. Furthermore, the transport was sent for emergency unloading to a control post. The official veterinarian, who was called by police, complained that he had other things to do besides checking animal transports trailed by NGOs. His comment to the Animals' Angels team was: "If you want to stop animal trucks, then do it somewhere else!"

During the same investigation, Animals' Angels found a transport of sheep from Spain which was overloaded, the deck height was insufficient, and there were sick animals on board. The police, called by Animals' Angels, asked for the intervention of the competent official veterinary service, but the veterinarian on duty was unable to arrive in due time because of other duties. Thus the health state of the animals could not be adequately assessed.

A stunning example of a lack of (adequate) checks by veterinarians is the transport of poultry. The problem is common across the entire EU, but as Animals' Angels has gathered most evidence in Italy, this Member State is taken as an example. According to the official statistics from the Italian authorities in 2012, only 0,42%³⁴ of poultry and rabbits inspected at the place of destination were considered to be transported in violation of the Regulation. For 2013, the reported percentage is similarly low: 0,39%³⁵. This is contrary to the observations made by Animals' Angels. As the following pictures taken in 2012 and 2013 in Italy show, infringements are very frequent in transports of poultry.

³⁴ http://www.salute.gov.it/imgs/C_17_pubblicazioni_1970_allegato.pdf

³⁵ http://www.salute.gov.it/imgs/C_17_pubblicazioni_2152_allegato.pdf



Insufficient cage height and thus compromised ventilation is very frequent in poultry transports.



Trapped body parts, like wings, heads and claws, are a common problem.



Birds lying on their back, unable to turn around.



Injuries are often encountered in poultry transports.



Birds that died during transport.



Laying hens.

Example: Poland

Since 2012, Animals' Angels has regularly been sending inspectors to 22 animal markets in Poland. According to the inspectors' experience, the number of official veterinarians employed at the markets is insufficient to cope with the observed problems, which are, for example, animals whose fitness for transport is questionable, hitting and prodding during loading, no water supply for animals, cattle tied up by their horns, or unsuitable means of transport being used. Furthermore, the official veterinarians are frequently reluctant to take measures where there are infringements of the legislation. Among other things, the inspectors sent by Animals' Angels observed that a veterinarian admitted a downer cow to a market and even stated in written form that no breaches of Regulation (EC) No 1/2005 were found.

The office hours of official veterinarians are anyway very restricted, i.e. from 08.00 to 16.00, Monday to Friday, and even when called within these times they are often too busy with other duties and have no available personnel to make any intervention.

An example of official veterinarians being insufficiently equipped with medicine is a road accident of a cattle transport in April 2015. The official veterinarian who arrived on the spot decided that all animals, including severely injured ones, had to be transported further, because he did not have enough lethal drugs to euthanize even one of them.



2013 Poland. Downer cow dragged out of truck. The present veterinarian does not intervene to stop this illegal practice.

* * * * *

To have regular checks on the hundreds of millions of animals transported every year across Europe would require the considerable multiplication of competent staff – and consequently the multiplication of the resources assigned to enforcement.

The Federation of Veterinarians of Europe (FVE), which is the umbrella organization of 46 veterinary organizations from 38 European countries, representing a total of around 200.000 veterinarians, states *“In many Member States, too few officials are at present trained and deployed for implementation to be effective and it is not likely, given other priorities, that more will be deployed”* and that ***“FVE recognizes that veterinarians cannot at present reliably protect the welfare of animals during transportation (...)”***.³⁶

³⁶ FVE Position paper “The welfare of animals during transportation, 15.11.2008

5.3 Inspection authorities unable to cope with complexity of Regulation

Regulation (EC) No 1/2005 on the welfare of animals during transport and related operations is extremely complex and contains a vast number of provisions and derogations concerning long distance transport. There are many unclear provisions or provisions that leave too much space for interpretation. Several provisions are even contradictory. This constitutes a major and often unmanageable challenge for the inspection authorities.

The text of Regulation (EC) No 1/2005 comprises 44 pages, more than one third of which concern additional rules on long distance transport. The inspection authorities primarily responsible for enforcing the Regulation are the veterinarians in the Member States. The FVE states that *“FVE’s view is that the current Regulation is already too complicated and this inhibits its effective monitoring and enforcement.”*³⁷

The following are examples of vague provisions of Regulation (EC) No 1/2005. These leave too much room for interpretation and thus hinder efficient enforcement.

Example 1: Very often, the requirements are referred to as “sufficient” and “appropriate”. The articles and annexes of the Regulation contain the word “sufficient” 21 times and the word “appropriate” 43 times, e.g.

- drinking devices shall be appropriately designed and positioned
- sufficient ventilation shall be provided
- lighting and the number of water dispensers must be sufficient
- air quality must be maintained within an appropriate range (whatever that may be)
- welfare conditions of the animals must be appropriately maintained
- sufficient space to ensure that there is adequate ventilation above the animals when they are in a naturally standing position
- the means of transport shall carry a sufficient quantity of appropriate feedingstuff
- the animals shall be provided with appropriate bedding
- the shipment must be appropriately checked by the competent authorities

³⁷ FVE Position paper “The welfare of animals during transportation”, 15.11.2008

Example 2: Ceiling height/head space

The space above the animals should be sufficient to provide a constant flow of fresh air when they stand in a natural upright position. The Regulation, however, does not provide precise figures on the minimum space above the animals. This topic is a matter of ongoing discussions amongst official veterinarians. A few veterinarians take the scientific recommendations of the European Food Safety Authority (EFSA)³⁸ for granted, which are, for example, 15 cm above the top of the head for sheep and lambs in vehicles with good forced ventilation. But, of course, these are just recommendations and do not provide any legal certainty for the veterinarians. Some veterinarians consider it sufficient if only a few animals touch the ceiling with their heads, as long as the general ventilation is not compromised too much, even if those animals are hindered from standing upright.

The lack of precise legislation has important practical consequences. If a veterinarian at an assembly centre does not approve a long distance transport because of too low headspace, the transporters sometimes simply change to another assembly centre in another district where the veterinarian is less strict.

Also, if a veterinary inspector at a road check or at final destination interprets the head space instruction in a stricter way and applies a fine on a transporter, this might lead to conflicts with the veterinary office at the place of departure, which considered the head space sufficient and approved the transport.

³⁸ Scientific Opinion Concerning the Welfare of Animals during Transport, EFSA Journal 2011; 9(1):1966

As Animals' Angels has experienced many times during road checks, the veterinarians are all too often reluctant to impose fines for insufficient headspace because they cannot base their decision on the legislation and thus fear getting into trouble. To a lesser extent this is also the case with police forces.



2013



2012

Despite the obvious lack of head space, these transports were not fined by the inspection authorities.

Example 3: Drinking devices

Trucks used for long distance transport need to be equipped with a water tank and drinking devices inside the animals' compartments. The Regulation requires that drinking devices are "*appropriately designed and positioned*". However, it does not specify which kind of drinking devices are to be considered appropriate for the different species. As a consequence, many trucks are equipped with drinking devices, which are – according to Animals' Angels experience and according to the experience of many inspection authorities – not suitable, because the animals are simply not able to use them. Nevertheless, such trucks are approved by the competent authority, which does not have the practical experience to judge the suitability of the drinking devices and/or simply relies on the manufacturer's affirmation that the device is appropriate.

Thus veterinarians finding inappropriate drinking devices in trucks have two alternatives, both unpleasant: either they let the truck go unpunished, knowing that the animals will suffer from thirst during transport; or they impose a fine and possibly also have the animals unloaded for watering, only allowing continuation of the journey in a properly equipped truck. In this case, they risk getting into conflict with the veterinary office that approved the vehicle and with the transport company and/or owner of the animals who might claim for damages. It is not hard to guess which alternative many veterinarians therefore choose...



Bite nipples – inadequate for cattle.



Spray nipples - not usable for the lambs

Example 4: Loading density for cattle and small lambs

Concerning cattle, the Regulation provides space requirements for six different weight categories. This is a cause for confusion among the inspection authorities, because if the cattle on board do not correspond to one of these categories, it is unclear how much space they are supposed to have. Furthermore, the Regulation requires only the total weight of the animals on the accompanying documents (and only for long distance transport crossing a border); it does not require the body weight of the animals in each single compartment to be stated. Therefore it is difficult for a veterinary inspector on the road to judge if the load in a particular compartment is just close to or already exceeding the allowed loading densities.

The Regulation allows that more than 5 small lambs, i.e. lambs weighing less than 26 kg, are transported per m². However, no upper loading density is stipulated. This has been and is causing great confusion, as there is no legal certainty for veterinarians at the place of departure, who have to decide whether to approve the transport or not. The same confusion applies for veterinarians during road checks, who have to decide whether to impose a fine and have the animals unloaded during transport or not.

Example 5: Unweaned animals

The Regulation allows weaned animals to be transported for ten hours more than unweaned animals before unloading for a rest period. The Regulation, however, does not contain a definition concerning when animals can be weaned at the earliest, which leads to uncertainty among the inspection authorities. Some haulers try to get journey times approved for too young and thus unweaned animals, which are only allowed for weaned animals. While it is difficult enough for the veterinarian at the place of departure to judge whether animals are weaned or not, this might be impossible for a veterinarian inspecting animals during transit. It is clear that some extremely young animals will be unweaned. However, if the animals are of an age when they could potentially already be weaned, but could also still be on milk diet, the veterinarian has no way of determining this just by looking at them.



The Regulation lacks a minimum age at which animals are to be considered weaned. In practice, inspection authorities often cannot verify whether the animals on board are already weaned or not.

Example 6: Unbroken horses

The Regulation forbids the transport of unbroken horses on journeys exceeding 8 hours, because young horses cope even less than older horses with the stress of long distance journeys.

The legal definition of “unbroken equidae” is *“equidae that cannot be tied or led by a halter without causing avoidable excitement, pain or suffering”*.

The situation is clear when transported horses are wearing halters and are tied within the vehicle. However, if a transport of untied horses is checked on the road, it is impossible for the inspection authorities to find out whether or not the horses are unbroken. Even if the inspector suspects that the horses are unbroken and thus illegally transported – as is regularly the case with horses from Spain, for instance - the inspector cannot prove this and thus cannot take corrective measures, e.g. impose a fine and have the horses unloaded in the vicinity. To be certain whether or not the horses are unbroken, the inspector would have to unload the horses, try to put a halter on them and tie them. This is obviously not possible during a road check. The practical consequence is that companies transporting unbroken horses on long distance regularly get away with it.

Example 7: Sea transport on roll-on/roll-off ferries

A number of transports in the EU are combined transports, i.e. part of the transport is carried out on the road and part on a ferry (the truck is loaded onto a ferry without unloading the animals). The provisions of the Regulation regarding how to correctly carry out such a transport, i.e. how to calculate the transport times, and when and for how long animals should be unloaded for rest before and/or after sea transport, are not coherent. As a consequence, the provisions are interpreted differently by individual Member State authorities. Some authorities are even of the opinion that the time spent on the ferry does not count at all and thus allow transports of extremely long duration. Not even a judgement of the European Court of Justice pronounced in 2008³⁹ has helped to clarify the situation.

³⁹ Case C-277/06

* * * * *

The imprecise wording, as highlighted in the above examples, opens a wide field of possible interpretations and causes uncertainties among inspection authorities. Consequently several inspection authorities are reluctant to apply fines. If fines are nevertheless applied, transport companies may successfully object to the payment.

The Regulation (EC) No 1/2005 adopted by the Council of Ministers is a stunning example of bad logistics.

This view is shared by most of the Member States. Austria, for example, states⁴⁰: *“Commission Regulation (EC) No. 1/2005 still contains several imprecise rules that periodically cause lack of legal formality. Especially the missing specifications concerning the transport of calves, the definition of adequate drinking devices, minimum heights and authorisations of transports cause problems executing this regulation.”*

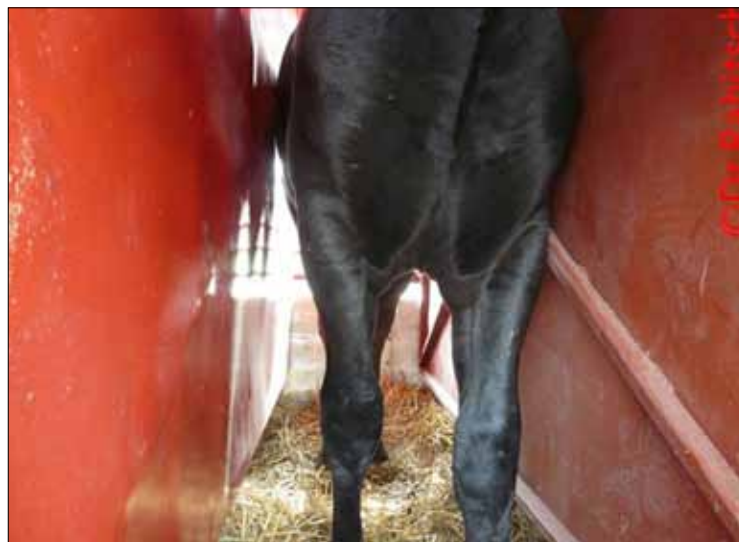
⁴⁰ Report of Austria on Inspections according to Article 27 of Regulation (EC) 1/2005 carried out in Austria in 2011, BMG-74800/0098-II/B/11/2012, (http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2011_action-plan_at_en.pdf)

The following examples illustrate contradictory requirements of Regulation (EC) No 1/2005 rendering correct enforcement impossible for the inspection authorities.

Example 1: Space requirements for horses

The Regulation requires that young horses (6–24 months) must be able to lie down during long journeys. At the same time, it requires that the individual stalls in which they are transported have a width of 60 cm. This is clearly contradictory because this space is too narrow for horses to lie down and stand back up.

According to the Regulation, horses have to be placed in individual stalls during long distance transport. In practice, these stalls, and thus the horses, are placed at 90° angles to the direction of travel. This is allowed by the Regulation. It is, however, impossible for the very large and tall “slaughter” horses, especially those of a cold-blooded breed, to stand like this without touching the sidewalls of the truck with their heads and with the backs of their hindquarters, even if the space provisions of the Regulation (2,5m x 0,7m for horses older than 24 months) are fulfilled. This conflicts with Art. 3 of the Regulation, which requires that *“no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them”*.



The Regulation allows stalls which are so narrow that it is impossible for young horses to lie down and stand back up during long distance transport.



2012 Austria. The legally allowed length of the stall of 2,5m is too short for large horses.

Example 2: Separation of animals

The Regulation requires that animals of significantly different sizes are separated during transport. The reason for this is to prevent the larger animals from falling on and hurting the smaller ones in case of a road accident, tight road bends, abrupt braking or other sudden driving manoeuvres. However, if animals are accustomed to each other, a derogation allows them to be transported together in the same compartment irrespective of their relative size. This is a clear contradiction to Art. 3 of the Regulation, i.e. “no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them”. Whether the animals are accustomed to each other or not is irrelevant in relation to the risk of injury described above. For a veterinarian who has to decide whether to approve such a transport or not, this is a difficult situation. Either the veterinarian allows it, and thus violates Art. 3 of the Regulation, or he refuses the approval, in which case he is at risk of legal action from the transporter, who may claim compensation for the lost contract.



2013 Bulgaria.



2012 Austria.

Example 3: Inspection of animals vs. loading density

The Regulation requires that means of transport are operated so as to allow animals to be inspected and cared for. At the same time, the Regulation allows very high loading densities, i.e. it concedes only very little space to the animals. This is clearly contradictory. Especially in case of small animals transported in large groups (e.g. lambs, sheep, piglets and poultry), it is impossible for veterinary inspectors on the road to judge the wellbeing of the animals because the individuals close to the truck's sides block the view to the animals in the center.



2013 Inspection of individual animals is impossible at permitted high loading densities.



The crowded conditions in which poultry are transported do not allow inspection of the individual animals.

Example 4: Maximum transport times vs. transport via assembly centres

The Regulation stipulates that after a certain number of hours (24 hours for horses and pigs; 29 for cattle, sheep and goats; 19 for unweaned animals), animals must be unloaded and rested for at least 24 hours at an authorized control post before they are reloaded to resume a new transport cycle (again lasting 24, 29 or 19 hours).

According to the wording of Art. 2, letter (r)⁴¹, however, under certain circumstances it is possible to avoid the 24 hours rest and prolong the allowed transport times considerably, i.e. if animals are transported via certain assembly centres (for example markets or collection centres) it is – according to the Regulation – sufficient to rest them there for six hours only. For example, unweaned calves are transported from different holdings to assembly centres in Poland, Germany and Austria. From here they are transported to another assembly centre in Italy, where they stay for six hours only, before being loaded again and further transported to Spain. As a consequence, the total transport time is far longer than the normally allowed 19 hours.

This constitutes a contradiction and can cause animals to be transported without proper rest for days on end. It is most probably not what the legislator intended, but it is the practical consequence of the current Regulation.

* * * * *

Regulation (EC) No 1/2005 has been in force since 2005. After ten years, the inspection authorities are still overwhelmed by the complexity and the numerous vague and contradictory provisions of the Regulation. Is it realistic to believe that this situation will change in the future?

Suggestion for a revised Regulation:

The Regulation should be simplified considerably and ambiguous provisions should be made clear, so that it is fully understood by those responsible for monitoring and enforcing. Outlawing long distance transport would notably contribute to a simplification as a vast number of extra-provisions, now contained in the Regulation, would become obsolete.

⁴¹ “assembly centres approved in accordance with Community veterinary legislation may be considered as place of departure provided that:
- the distance travelled between the first place of loading and the assembly centre is less than 100 km; or
- the animals have been accommodated with sufficient bedding, untied, if possible, and watered for at least six hours prior to the time of departure from the assembly centre.”

5.4 Annual reports on inspections provided by Member States – proof of deficient enforcement

Member States have to submit an “Annual report on the protection of animals during transport”⁴² to the Commission. This report should contain the inspections carried out concerning compliance with Regulation (EC) No 1/2005 and includes, among other data, the number of transports inspected and the number of irregular transports detected at different stages of the transport (e.g. on the road, at place of destination, at markets, etc.). Furthermore, the report should be accompanied by an analysis of the major deficiencies detected and an action plan to address them. This is required by Art. 27 of the Regulation.

Summary of conclusions:

The infringement rates found during road checks are the number of irregular transports detected during checks on the road in relation to the total number of transports inspected on the road. The inspection rates are the number of inspected animals in relation to the total number of transported animals. When we look at these data as reported by the Member States for 2012, the following conclusions can be drawn:

a. Many Member States report very high infringement rates⁴³

The following figures refer to transports checked during transport on the road.

- In 2012, the highest infringement rates were reported by Czech Republic (70%), Sweden (48,19%), Finland (44,23%) and Spain (43,18%).
- Six (out of 22⁴⁴) Member States reported infringement rates higher than 30%, which means that in these six Member States more than 30% of the trucks, i.e. more than every third truck, was violating Regulation (EC) No 1/2005.
- Twelve (out of 22) Member States indicated infringement rates higher than 20%. Thus in twelve Member States more than 20% of the trucks, i.e. more than every fifth truck, was violating Regulation (EC) No 1/2005.

→ **These figures indicate a very low level of compliance with the Regulation. At the same time, however, they indicate that the quality of inspections in these Member States is higher compared to other Member States.**

⁴² The Member States' reports are available at: http://ec.europa.eu/food/animals/welfare/practice/transport/inspection-reports_en.htm

⁴³ Infringement rate = number of irregular transports detected in relation to the total number of transports inspected. In this case the infringement rate refers to road checks.

⁴⁴ For the remaining five Member States relevant data was not available from the annual reports or not representative.

b. Several Member States report unrealistically low infringement rates

The following figures refer to transports checked during transport on the road.

For 2012, six Member States reported infringement rates between 0,04% and 4,00%: Estonia⁴⁵ (0,04%), Hungary (0,62%), Belgium (1,11%), Slovakia (2,83%), Poland (3,35%), and Greece (4,00%).

→ **Particularly when compared to the high infringement rates of many other Member States, this is a clear indication of a low quality of checks occurring, i.e. existing infringements are not being detected.**

c. Extremely large discrepancy between infringement rates detected during road checks and those detected at place of destination

In almost all of the Member States, the infringement rate detected at the place of destination (e.g. slaughterhouse) is far lower than that detected during road checks. For example: Austria (29,27% vs. 1,66%), Germany (25,04% vs. 1,26%), Czech Republic (70,00% vs. 2,31%), Italy (21,39% vs. 0,18%), Spain (43,18% vs. 1,82%), Slovenia (22,54% vs. 0,06%).

This means that, for example, in Austria, 29,27% of the trucks, i.e. every third truck, inspected on the road was found to be in violation of Regulation (EC) No 1/2005. However, during checks carried out at the place of destination, only 1,66% of the inspected trucks were found to be irregular, i.e. only every 60th truck.

→ **This indicates a low accuracy of checks at the places of destination. It also indicates that a large number of animal trucks violating the Regulation remain undetected. The inspection rates detected during road checks are certainly the more realistic ones.**

⁴⁵ In 2012 only 3 road checks were carried out in Estonia, which is not representative. Therefore the indicated number refers to checks during all stages of transport.

d. Many Member States report very low inspection rates⁴⁶

For 2012, 14 Member States reported inspection rates of less than 2%, i.e. less than 2% of transported animals were inspected, or did not indicate their inspection rate at all. For example, in Spain, only 0,14% of the transported animals were inspected – this means that out of every 10.000 animals transported, only 14 were inspected. In Portugal, only 0,33% of the transported animals were inspected; only 1,11% in Italy; 0,19% in the United Kingdom; 1,24% in Finland; and 1,92% in the Czech Republic.

→ **Such low levels of inspection make it impossible to obtain an accurate picture of the welfare of animals during transport and are surely not adequate to reflect, in a meaningful way, the nature and extent of overall infringements.**

Ad a.

Many Member States report very high infringement rates

In 2012, concerning animal transports checked on the road

- twelve (out of 22⁴⁷) Member States reported infringement rates higher than 20%.
- six (out of 22) Member States indicated infringement rates higher than 30%.
- four (out of 22) Member States reported infringement rates even higher than 40%, namely Czech Republic, Sweden, Finland and Spain.

The situation was similar in previous years.

⁴⁶ Inspection rate = number of inspected animals in relation to number of transported animals.

⁴⁷ For the remaining five the relevant data was not available from the annual reports.

Infringement rates⁴⁸ for animal transports inspected on the road⁴⁹ in the Member States between 2008 and 2012

| in % | 2008 | 2009 | 2010 | 2011 | 2012 |
|-----------------------|---------------------|---------------------|-----------------|---------------------|------------------------|
| Austria | 17,21 | 14,02 | 14,76 | 29,71 ⁵⁰ | 29,27 |
| Belgium | 5,96 | 10,48 | 2,20 | 9,09 | 1,11 |
| Bulgaria | 6,64 | 69,74 | 46,03 | 67,71 | 12,05 |
| Cyprus ⁵¹ | 2,21 | 32,23 | 52,38 | 35,29 | 16,67 |
| Czech Republic | 20,00 | 34,62 | 7,69 | 30,77 | 70,00 |
| Denmark | 13,15 | 16,98 | 12,20 | 16,34 | n.a. |
| Estonia ⁵² | 1,07 | 0,09 | 0,13 | 0,01 | 0,04 |
| Finland | 20,59 | 19,35 | 20,45 | 21,79 | 44,23 |
| France | 39,19 | n.a. | n.a. | n.a. | n.a. |
| Germany | 42,48 | 41,85 | 34,99 | 37,91 | 25,04 |
| Greece | 0 ⁵³ | 0,22 ⁵⁴ | 0 ⁵⁵ | 0 ⁵⁶ | 4,00 |
| Hungary | 0,49 | 0,28 | 0,64 | 0,31 | 0,62 |
| Ireland ⁵⁷ | n.a. | 1,73 | 11,08 | n.a. | n.a. ⁵⁸ |
| Italy | 10,80 | 17,17 | 8,34 | 34,68 | 21,39 |
| Lithuania | 15,87 | 38,46 | 32,84 | 50,00 | 18,46 |
| Luxemburg | 0 | 0 ⁵⁹ | 0 ⁶⁰ | n.a. | n.a. ⁶¹ |
| Latvia | 14,29 | 12,7 | 2,27 | 19,61 | 21,74 |
| Malta | n.a. | n.a. ⁶² | n.a. | 0 ⁶³ | (n.r.) 0 ⁶⁴ |
| The Netherlands | 20,53 | 18,60 | 15,92 | 11,89 | 11,39 |
| Poland | 0,06 | 0,18 | 0,07 | 2,29 | 3,35 |
| Portugal | 17,19 ⁶⁵ | 18,18 ⁶⁶ | 49,00 | 52,27 ⁶⁷ | 39,53 ⁶⁸ |
| Romania | 37,82 | 50,62 | 35,52 | 27,69 | 30,40 |
| Sweden | 86,05 | n.a. | 100,00 | n.a. | 48,19 |
| Slovenia | 30,74 | 36,39 | 33,51 | 21,89 | 22,54 |
| Slovakia | 2,65 | 0 ⁶⁹ | 0,76 | 1,43 | 2,83 |
| Spain | 37,24 | 39,74 | 40,68 | 36,62 | 43,18 |
| United Kingdom | 3,27 | 4,04 | 18,66 | 13,47 | 21,54 |

n.a. = not available; n.r. = not representative

Source: http://ec.europa.eu/food/animals/welfare/practice/transport/inspection-reports_en.htm

⁴⁸ Number of animal transports detected in violation of Regulation (EC) No 1/2005 in relation to the total number of inspected animal transports.

⁴⁹ If not stated differently.

⁵⁰ According to the analysis which accompanied the Austrian report, the increase compared to the 2010 report resulted from the implementation of a new reporting scheme by the police. According to local authority reports, the overall quality of the transports remained stable.

⁵¹ The numbers do not refer to road checks only, but to checks during all stages of transport. The reason is that in 2008, 2009, 2011 and 2012 only 0-3 transports were checked on the road – which is not representative. Only in 2010 did more road checks take place: 17 transports inspected, out of which 16 were found to be irregular, which results in an infringement rate of 94,12%.

Example: Italy

According to the official annual report provided by the Italian authorities, 17,17% of animal transports inspected during transport by road in Italy in 2009 were violating Regulation (EC) No 1/2005. In 2012, the percentage of detected irregular animal transports was 21,39% and in 2013 it amounted to 30,35%⁷⁰. The infringements found were, for example, excessive loading density, insufficient ceiling height, transport of unfit animals, impossibility of inspecting the animals loaded on the upper levels of the truck, broken water systems, non-compliance with the mandatory rest periods, missing or incorrect journey logs, missing transport authorization, etc.

⁵² From 2008 to 2011, no road checks were carried out in Estonia. In 2012, only 3 road checks were carried out, which is not representative. Therefore the indicated numbers refer to checks during all stages of transport.

⁵³ No irregular truck detected out of 567 trucks checked on the road in Greece in 2008.

⁵⁴ 1 irregular truck detected out of 448 checked on the road in Greece in 2009.

⁵⁵ No irregular truck detected out of 141 trucks checked on the road in Greece in 2010.

⁵⁶ No irregular truck detected out of 198 trucks checked on the road in Greece in 2011.

⁵⁷ The figures for 2009 and 2010 refer to checks carried out not only on the road but during all stages of transport, because the reports from Ireland do not allow differentiation.

⁵⁸ From Ireland's annual report for 2012, it is not possible to calculate the ratio between inspected and irregular transports. However, the following is indicated: In 585 means of transport checked at markets and at Rosslare port, 169 non-compliances were detected.

⁵⁹ No irregular truck detected out of 53 trucks checked on the road in Luxembourg in 2009.

⁶⁰ No irregular truck detected out of 18 trucks checked on the road in Luxembourg in 2010.

⁶¹ No transports checked on the road in Luxembourg in 2012.

⁶² No transport was checked on the road in Malta in 2009.

⁶³ No irregular truck detected out of 274 trucks checked on the road in Malta in 2011.

⁶⁴ Only 4 trucks checked on the road in Malta in 2012.

⁶⁵ This number refers to checks at transfer points. There was just 1 truck checked on the road in Portugal in 2008, which is not representative.

⁶⁶ This number refers to checks at markets. No road checks were carried out in Portugal in 2009.

⁶⁷ This number refers to checks at markets. No road checks were carried out in Portugal in 2011.

⁶⁸ This number refers to checks at markets. No road checks were carried out in Portugal in 2012.

⁶⁹ No irregular truck detected out of 252 trucks checked on the road in Slovakia in 2009.

⁷⁰ www.salute.gov.it/imgs/C_17_pubblicazioni_2152_allegato.pdf

Example: Spain

Spain reported that the percentage of irregular trucks detected during road checks was 37,24%⁷¹ in 2008, 40,68%⁷² in 2010 and 43,18%⁷³ in 2012. The irregularities observed were, inter alia, excessive loading density, irregularities related to feeding and watering of animals during transport, and non-compliance with the mandatory rest periods, etc.

From these official statistics it is obvious that:

- (1) the percentage of irregular animal transports in, inter alia, Italy and Spain is extremely high,
- (2) the quality of checks carried out on the road is relatively high, but nevertheless,
- (3) enforcement measures were not successful in reducing the number of irregular transports over the years 2008 – 2012,
- (4) a large number of animal trucks violating the Regulation remain undetected.

Why do these high infringement rates during road checks show that a large number of irregular trucks remain undetected?

Because in order to comprehend how many irregular trucks do really operate in a given Member State, the infringement rates reported for road checks need to be projected to the total number of transported animals.

Ad Example: Italy

A total of 388 trucks, loaded with 161.359 animals, were found to be in violation of the Regulation in Italy in 2013. Obviously, only a small percentage of the total number of transported animals was actually checked. If all animals transported within, to and from Italy were checked, and if they were checked at the infringement rates reported for road checks (which are the most realistic ones compared to infringement rates found during other stages of transport), then a total of 146 million animals would have been detected as being transported against the law.⁷⁴

In short: only 161.359 animals on irregular transports were detected in Italy in 2013, while in reality there were approximately 146 million animals transported in violation of Regulation (EC) No 1/2005. Thus only 0,11% of irregularly transported animals were detected.

⁷¹ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2008_report_es_en.pdf

⁷² http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2010_report_es_en.pdf

⁷³ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_es_en.pdf

⁷⁴ www.salute.gov.it/imgs/C_17_pubblicazioni_2152_allegato.pdf

Ad Example: Spain

In Spain, 61.203⁷⁵ animals were detected as being transported in violation of the Regulation during checks made in 2012. Again, only a small proportion of the total number of transported animals was in fact inspected. Projected to the total number of transported animals (817 million), it becomes clear that in reality approximately 144 million animals were transported contrary to the legislation on the protection of animals during transport. This means that only 0,04% of illegally transported animals were detected.

The following table compares the estimated number of animals transported in violation of the Regulation⁷⁶ and the number of such animals that were actually detected. A large discrepancy becomes obvious. In other words: only a very small proportion of irregularly transported animals are actually detected by the authorities.

| 2012 | Animals transported in violation of the Regulation (calculated) | Animals transported in violation of the Regulation (in fact detected) | Ratio (percentage of illegally transported animals that were detected in practice) |
|----------|---|---|--|
| Spain | 144 million | 61.203 | 0,04% |
| Germany | 188 million | 2,4 million | 1,28% |
| Romania | 14 million | 14.570 | 0,10% |
| Slovenia | 568.665 | 17.075 | 3,00% |

Source: http://ec.europa.eu/food/animals/welfare/practice/transport/inspection-reports_en.htm

Is it realistic to believe that Italy, Spain, Germany, Romania, Slovenia and all other Member States with similar situations are willing and able to multiply financial resources in order to massively increase the number of checks on animal transports?

⁷⁵ Excluding equidae, because there is obviously an error in the annual report provided by Spain, i.e. the report states that out of 41 equidae inspected on the road 76 were found to be transported in violation of the Regulation.

⁷⁶ Calculated on the basis of the infringement rate found during road checks and projected to the total number of transported animals.

Ad b.**Analysis of some Member States reporting unrealistically low infringement rates**

Several Member States report very low infringement rates to the EU Commission, i.e. they report that very few irregular transports were detected compared to the total number of transports inspected. In 2012, for example, this applies to Hungary (0,62%), Slovakia (2,83%), Poland (3,35%), Estonia (0,04%) and Greece (4,00%).⁷⁷ The infringement rates reported for previous years were similar.

These low infringement rates do not appear realistic, particularly considering the fact that the other Member States have reported far higher infringement rates, for example: Spain (43,18%), Czech Republic (70%), Romania (30,40%), Sweden (48,19%), Austria (29,27%).

Let us have a closer look at some of the countries which reported that they found just very few irregular trucks and see if it becomes clearer why this is the case.

GREECE reported that 448 trucks were inspected during transport by road in 2009. Just 1 of these was found not to comply with the Regulation. In that same year, 2009, Greece was found guilty by the European Court of Justice⁷⁸ for failing to fulfill its obligations on the protection of animals during transport! Nevertheless, one year later, in 2010, out of 141 inspected animal trucks not a single truck was found on Greek roads which did not respect the Regulation. The same “ideal situation” was presented in 2011: no infringement was found in 198 trucks inspected during road checks. Also in 2012, Greece found only 6 irregular trucks out of 150 checked on the road.

⁷⁷ The numbers refer to inspections carried out during transport by road. The only exception is Estonia, where only three road inspections were carried out in 2012, which is not representative; thus here the indicated number is the average of all inspections carried out during all stages of transport.

⁷⁸ Case C-416/07

The low rate of irregular truck detection does not reflect reality. These low figures are explained by the findings of an FVO mission in 2011, which examined three regions in Greece. Examples taken from the FVO findings include:

- The official veterinarians at two of the slaughterhouses visited admitted that controls for animal welfare were in essence a “paper ticking exercise to meet targets”, which have been set by the central competent authority on checks on transported animals.⁷⁹ There are major problems trying to meet the target due to the shortage of staff and the lack of overtime payments and reasonable fuel allowances.⁸⁰
- The FVO team reviewed the reports of 118 controls on transport in a slaughterhouse. The reports were in general poorly completed with check boxes left blank, missing dates, and partly illegible. The official veterinarian in this slaughterhouse stated that the controls were just numbers to meet the inspection target.⁸¹
- The FVO came across a case of a transport from another Member State destined to a Greek slaughterhouse in which eight animals had been found dead. No follow-up investigation had been carried out by the Greek competent authority.⁸²
- Even though official controls on animal welfare were recorded in the TRACES database, the documentary report of the inspection showed that, in reality, no animal welfare controls had been carried out.⁸³

The FVO's conclusion on checks during transport was that *“The Greek CCA [Central Competent Authority] is not in possession of sufficient reliable information from the RUs [Regional Units] to provide a meaningful annual report on the inspections performed during the previous year nor are they able to provide any useful analytical trends in non-conformities or an action plan to address them due to the lack of deficiencies reported.”⁸⁴*

⁷⁹ FVO mission to Greece, DG(SANCO)2011-6212, (p.12)

⁸⁰ FVO mission to Greece, DG(SANCO)2011-6212, (p.11)

⁸¹ FVO mission to Greece, DG(SANCO)2011-6212, (p.11)

⁸² FVO mission to Greece, DG(SANCO)2011-6212, (p.12)

⁸³ FVO mission to Greece, DG(SANCO)2011-6212, (p.12)

⁸⁴ FVO mission to Greece, DG(SANCO)2011-6212, (p.15)

HUNGARY reported that 3.228 animal transports were inspected during road transport in 2011 and only 10 of these trucks were violating Regulation (EC) No 1/2005. This constitutes an infringement rate of only 0,31%, i.e. only 0,31% of animal transports checked on the road were found to be irregular. The year after, in 2012, the infringement rate was similarly low, i.e. 0,62% (only 2 out of 323 trucks inspected during road checks were found to be irregular).

Sounds good!

Too good to be true?

Animals' Angels observed 26 long distance transports with animals loaded in Hungary in 2011 which severely violated the Regulation on the protection of animals during transport. These 26 irregular transports were observed in 16 days of investigation. The deficiencies detected included: sheep, lambs and cattle that died during transport (at least 72 animals); animals suffering from immense thirst due to missing or broken water systems or due to inadequate drinking devices (could not be used by the animals); animals trapped with legs or heads under dividers or between the side opening of the trucks; animals unable to stand upright because they were loaded on too many decks; a heifer that gave birth during transport; animals standing and lying in ankle-deep manure, etc. All these deficiencies are extensively documented by means of photographic and video evidence. The Hungarian authorities were informed about the findings.

It is fully understandable that Hungary did not include the irregular trucks observed by Animals' Angels in their official statistics for the European Commission in 2011 because the inspections were not carried out by Hungarian authorities and did not take place on Hungarian territory. It is, however, inexplicable why these severe infringements were not mentioned in the accompanying explanatory statement sent to the Commission. Hungary's action plan concerning checks on animal transport is the following: "Due to the lack of serious infringements it does not seem necessary to take any special, national actions."⁸⁵

⁸⁵ See document "Hungary: Action plan and analysis of the annual reports for 2011 on the protection of animals during transport (1/2005/EC)" (http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2011_action-plan_hu_en.pdf)

If an animal welfare organization detects 26 irregular trucks in 16 days in 2011, but the national Hungarian veterinary service and police forces detect just 10 irregular trucks during road inspections throughout the whole year, what conclusion should be drawn about the enforcement of Regulation (EC) No 1/2005 in Hungary?

Here is the conclusion the FVO's drew after a visit to Hungary in 2011: *"the extremely low level of deficiencies reported does not reflect the picture obtained by the audit team [the FVO team] regarding the level of compliance by the livestock transport sector."*⁸⁶

The low detection rate of the Hungarian authorities in 2011 was not an exception: the detection rates were very similar in previous years (2008: 0,49%; 2009: 0,28%; 2010: 0,64%).



Hungarian bull dies during transport to Turkey.

⁸⁶ FVE mission to Hungary, DG(SANCO)2011-6045 (p.10)



Many lambs loaded in Hungary did not survive this long distance transport.



Hungarian sheep suffering from respiratory problems due to the ammonia gases inside the filthy truck.



Thirsty Hungarian calves on long distance transport.



Hungarian cattle standing in ankle-deep manure.



Hungarian bull trapped under a divider.

POLAND reported to the EU Commission that in 2012 only 3,35% of animal transports checked on the road were found to be in violation of Regulation (EC) No 1/2005. These infringement rates were similarly low in the previous years: 2,29% in 2011; 0,07% in 2010; 0,18% in 2009; and 0,06% in 2008.

The following example gives an insight into the possible reasons for the low detection rates of illegal practices in animal transport in Poland: in 2011⁸⁷, the FVO visited an animal market in Poland. Here the competent authority had approved (as a standard operational procedure) that downer cows or animals that are unable to walk unassisted are dragged to the vehicle and transported to the slaughterhouse.⁸⁸ This practice is clearly forbidden by the Regulation.

Obviously, if the competent authority itself ignores the most basic principles of the Regulation and literally approves violation of them, then it is easy to understand why the official statistics contain an unrealistically low number of infringements of the legislation on animal protection during transport.



2013 Downer cow Grace

The veterinarian carrying out the entrance check at a market in Poland raised no objections concerning the downer cow on board.

⁸⁷ After 2011 the FVO has not carried out further missions to Poland on animal welfare during transport (status: August 2015).

⁸⁸ FVO mission to Poland, DG(SANCO)2011-6049, (p.11)



Exceeded loading density.



2013 Inadequate loading ramps. **2016**



2013 Cattle tied by the horns – an illegal practice. **2016**



2015 Ducklings and chickens sold and transported in potato sacks and onion nets. **2013**



2013 Horses transported from Poland to Italy not separated from each other – an illegal practice.



2014 A calf is loaded on a vehicle into a metal frame and completely covered by plastic canvas.



2013 Inadequate dividers.

SLOVAKIA reportedly checked 141 animal transports during transport by road in 2012 and detected only 4 irregular trucks. This results in an infringement rate of 2,83%. If all animal transport checks are taken into consideration, i.e. not only those carried out on the road but also at the place of destination, markets etc., the infringement rate is even lower: 0,48% (5.796 trucks checked, 28 infringements detected).⁸⁹ Infringement rates reported by Slovakia from previous years are similarly low.

Why is the infringement rate in Slovakia allegedly so low? Are there really so few irregular animal transports on Slovakian roads? Or could it be that, in reality, it is actually the quality of checks that is so low, and existing deficiencies are simply not being detected?

The FVO report on a mission carried out in Slovakia in 2011⁹⁰ gives the answer:

- *“The system of supervisory checks currently in place for animal welfare during transport does not ensure that the controls performed by the district Official Veterinarians are effective.”⁹¹*
- *“Regarding animal welfare during transport (...) the requirements of Regulation (EC) No 1/2005 remained poorly implemented and controlled in many areas (...)”⁹²*

A specific example of the low quality of checks in Slovakia is the following: the FVO found out that, although checks had been carried out, official veterinarians did not detect deficiencies with journey planning and did not detect that calves unfit for transport were sent on long journeys and that journey times had been regularly exceeded.⁹³

* * * * *

Conclusion: a closer look at these Member States shows that low infringement rates do not indicate very few irregular animal transports. Instead, these figures show that the quality of the checks is low and thus existing violations to Regulation (EC) No 1/2005 are simply not detected and therefore not reported to the EU Commission.

⁸⁹ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_sk_en.pdf

⁹⁰ After 2011 the FVO has not carried out other missions to Slovakia concerning animal welfare during transport (status: November 2015).

⁹¹ FVO mission to Slovakia, DG(SANCO)2011-6053 (p.12)

⁹² FVO mission to Slovakia, DG(SANCO)2011-6053 (p. 1)

⁹³ FVO mission to Slovakia, DG(SANCO)2011-6053 (p.12)

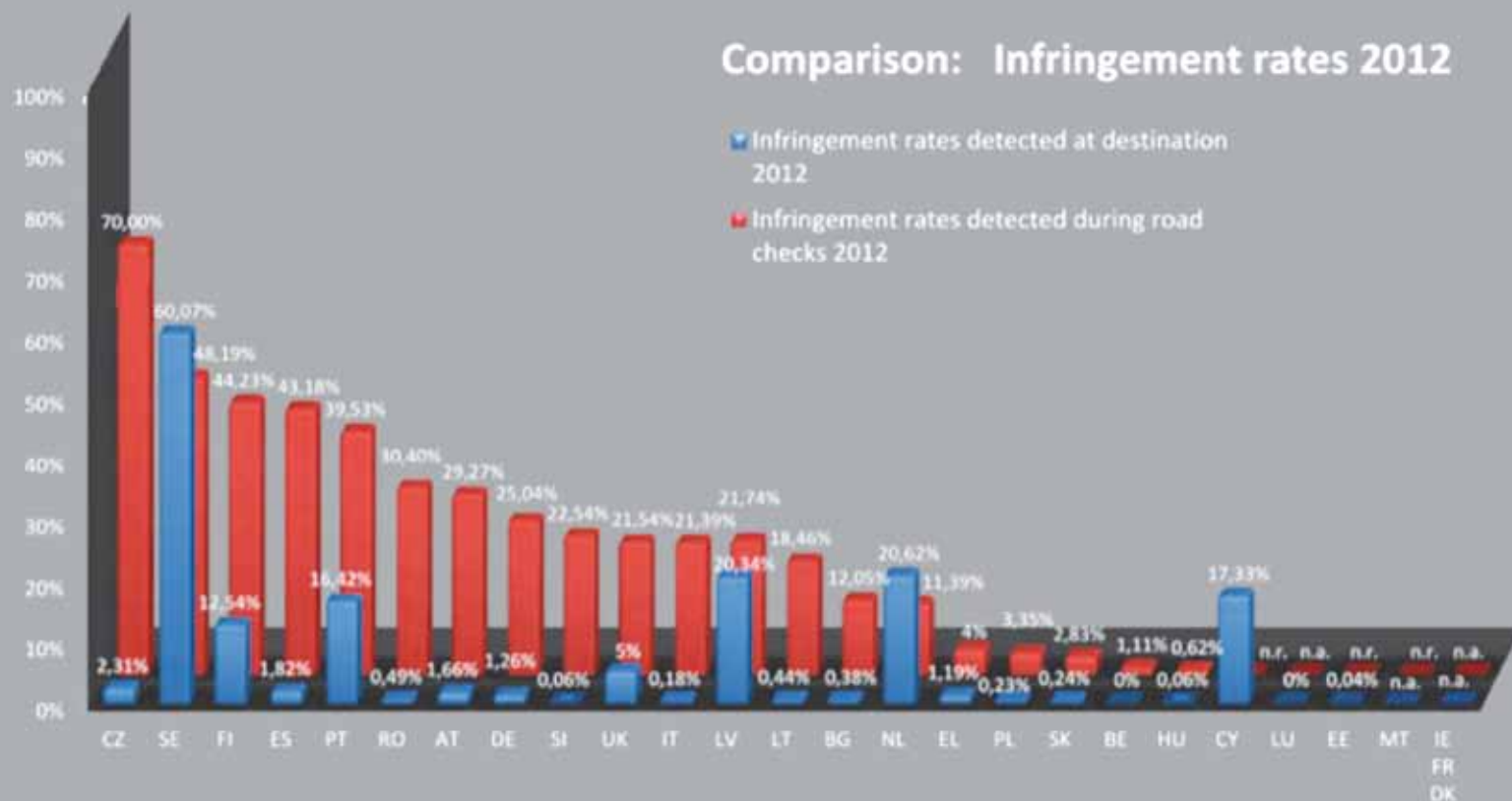
It is no news that the official statistics of many Member States do not give a realistic picture of compliance with the Regulation. It is also no news that there are enforcement problems in many Member States. The Commission acknowledged this itself. However, instead of making enforcement easier for the Member States by proposing a revised Regulation, the **Commission keeps on believing in The Myth of Enforcement** of the current Regulation.

What makes the EU Commission believe that the quality of checks on animal transport in these Member States will significantly rise in the near future, even though it has been constantly low in the past years?

Ad c)**Evaluation of the extremely large discrepancy between infringement rates detected during checks on the road and those detected at the place of destination**

In almost all of the Member States, the infringement rate detected at the place of destination (e.g. slaughterhouse) is far lower than the infringement rate detected during road checks. Here are several examples for the year 2012: Austria (29,27% vs. 1,66%), Germany (25,04% vs. 2,31%), Czech Republic (70% vs. 2,31%), Italy (21,39% vs. 0,18%), Spain (43,18% vs. 1,82%), Slovenia (22,54% vs. 0,06%), Romania (30,40% vs. 0,49%).

The situation in previous years was similar.



*Portugal: 39,53% refers to checks at markets as no road checks were carried out in Portugal in 2012.
n.a. = not available; n.r. = not representative

It is a fact that it is far easier to inspect an animal transport at the place of destination rather than on the road: the physical condition of the animals themselves can be checked much more efficiently as they are unloaded and not crowded on board the truck; the truck can be inspected more efficiently, because the inspector can go inside to check watering devices, dividers, etc. Also there is less time pressure and thus animals, vehicle and documents can be inspected much more thoroughly. Road checks are very often carried out in a rush, because the animals should not be detained for too long, especially when temperatures are elevated.

Consequently, one would expect that there would be more infringements detected at the place of destination compared to inspections performed on the road. But this is not the case. Why not?

- (1) In many cases, checks at destination are just a paper ticking exercise to meet targets given by the competent authority. The veterinarians at the destination (e.g. slaughterhouse) are often tasked with a very high number of checks. Instead of carrying them out properly (including checks on animals, vehicles and documents), they often check only on the documents and/or act only on extremely severe and obvious violations of the Regulation. The underlying reasons for this can be a lack of staff and time, or simply a lack of interest.

In the official statistics, often very high numbers of checks at destination are indicated, which in reality took place only partially or not at all. This makes the official numbers look much better as it results in a low average infringement rate (average of road checks + checks carried out at destination or at other stages of transport). This data is then communicated to the EU Commission.

- (2) When road checks are carried out, they are usually properly planned and executed. The personnel are trained and motivated to do a thorough job. This is not necessarily the case with inspection personnel at the place of destination. Here, the veterinarians have also many other tasks to fulfill, e.g. assuring food safety, which some of them prioritize.

Without any doubt, for most Member States, the infringement rates detected during road checks are much more realistic compared to the infringement rates found at destinations.

As a consequence of the low quality checks at destination, the majority of infringements of Regulation (EC) No 1/2005 remain undetected. The following example illustrates this fact:

Example Germany:

In Germany in 2012, there were 1.390 animal trucks checked on the road, out of which 348 were found to be violating Regulation (EC) No 1/2005. This resulted in an infringement rate of 25,04%. At the place of destination, 223.179 trucks were checked, out of which 2.807 were found to be irregular, corresponding to an infringement rate of only 1,26%. If the checks at destination had the same good quality as the ones on the road (and thus the same infringement rate), then 56.687 irregular animal trucks would have been detected at destination (25,04% of 223.179 trucks). That equates to 56.687 irregular trucks instead of 2.807!

Is it realistic to think that the Member States concerned are willing and able to multiply financial resources in order to massively increase the quality of checks at destination? And why should they do it in the future, given the fact that they have not done so in the last decades?

Ad d.

Analysis of Member States reporting very low inspection rates.⁹⁴

Fourteen Member States reported inspection rates of less than 2% for the year 2012 or did not indicate their inspection rate at all. For example, in Portugal only 0,33% of the transported animals were inspected; only 1,11% in Italy; 0,19% in the United Kingdom; 1,24% in Finland; 1,92% in the Czech Republic; and 0,14% in Spain.

⁹⁴ Inspection rate = number of inspected animals in relation to number of transported animals.

Example: United Kingdom

In 2012, only 0,19% of animals transported within, to and from the United Kingdom were checked by the authorities for compliance with Regulation (EC) No 1/2005 - this means that out of every 10.000 animals transported only 19 were inspected. In other words, out of the 1.000 million animals transported in, to and from the United Kingdom in 2012, only 1,96 million were physically checked.⁹⁵

Example: Spain

The situation in Spain is very similar. Only 0,14% of animals transported within, to and from Spain were checked by the Spanish authorities in 2012. Consequently, out of the 817 million animals transported in, to and from Spain in 2012 only 1,14 million were physically inspected⁹⁶.

These percentages of physical checks are entirely insufficient in guaranteeing an acceptable level of animal protection during transport, especially when considering the infringement rates reported for road checks in these Member States in 2012 (UK: 21,54%; Spain: 43,18%).

The situation is very similar in many other Member States.

Is it realistic to think that Spain and the United Kingdom, and all other Member States with similar situations, are willing and able to multiply financial resources in order to massively increase the number of checks on animal transports?

⁹⁵ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_uk_en.pdf

The exact numbers are: 1.021.371.183 animals transported within, to and from the UK; 1.960.868 animals that were inspected; inspection rate: 0,191983877%.

⁹⁶ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_es_en.pdf

The exact numbers are: 817.332.141 animals transported within, to and from Spain; 1.137.771 animals that were inspected; inspection rate: 0,139205464%.

Comparison between the numbers of animals transported within, to and from certain Member States and the numbers of animals actually inspected by the authorities⁹⁷

| 2012 | Animals transported in, to and from the Member State | Animals physically checked in the Member State | Inspection rate |
|------------------------|--|--|-----------------|
| Czech Republic | 263 million | 5 million | 1,92% |
| Finland | 65 million | 0,8 million | 1,24% |
| Italy | 821 million | 9,14 million | 1,11% |
| Portugal ⁹⁸ | 275 million | 0,9 million | 0,33% |
| United Kingdom | 1.000 million | 1,96 million | 0,19% |
| Spain | 817 million | 1,14 million | 0,14% |

⁹⁷ http://ec.europa.eu/food/animals/welfare/practice/transport/inspection-reports_en.htm

⁹⁸ Excluding equidae, as there is obviously an error in the annual report from Portugal, i.e. the report states that 165.054 equidae were transported in, to and from Portugal and that nearly 14 million equidae were checked by the authorities.

5.5 Sanctioning systems – not effective, proportionate and dissuasive

The rules on the protection of animals during transport contained in Regulation (EC) No 1/2005 apply to all 28 Member States. However, each Member State has to lay down its own sanctions for infringements of the Regulation. Thus there are 28 different sanctioning systems in the EU.

In order to properly enforce Regulation (EC) No 1/2005, it is necessary that Member States utilise sanctioning systems which are effective, proportionate and dissuasive, as required by Art. 25 of the Regulation. The Member States must ensure that penalties do not only exist, but are actually applied.

However, the reality in many Member States is different. All too often, Regulation (EC) No 1/2005 is not properly enforced, because

- monetary penalties are too low to be dissuasive
- penalties are simply not applied
- some Member States have no effective powers to impose penalties on transporters from other Member States
- administrative procedures are often extremely slow, rendering the penalty systems ineffective
- even after repeated infringements, the authorization of the transporter is often not withdrawn.

The following examples illustrate inappropriate sanctioning systems in twelve different Member States:

Belgium

The FVO mission report of 2014 to Belgium states that in the visited province five cases involving the transport of unfit animals were investigated. All but one was closed after hearings and **only written warnings were issued** to farmers or/and drivers, but no fines were applied. The amount of fines would have been €300-400, which is **not dissuasive** as it is many times lower than the value of, for example, a bull transported and sold to a slaughterhouse, even though he was not fit for transport.⁹⁹

⁹⁹ FVO mission to Belgium, DG(SANTE)2014-7059 (p. 13, 15)

Bulgaria

In 2012, the central competent authority of Bulgaria itself admitted that the administrative penalties for transport infringements are still not dissuasive.¹⁰⁰ In 2009, the FVO had already concluded that level of fines was not effective, proportionate or dissuasive in relation to commercial transport of significant numbers of animals.¹⁰¹

Furthermore, the Bulgarian veterinarians have no legal power to impose monetary sanctions on transporters from other Member States. How much this fact weakens adequate enforcement becomes evident when considering that, from January until May 2012, approximately 1.500 consignments¹⁰² of live animals destined for Turkey were transported through Bulgaria, mainly by transporters from other Member States. It is extensively documented that uncountable infringements were found in these transports, such as highly pregnant animals that gave birth during transport, missing or broken water systems, deck heights so low that animals were unable to stand upright, animals standing in ankle-deep manure, etc. How is a Bulgarian veterinarian supposed to prevent these irregularities from reoccurring, if there is no power to impose a monetary fine?

In addition, during a visit¹⁰³ to the Bulgarian exit point with the border to Turkey, the FVO found that no action was taken to notify infringements of the Regulation to the Member State of origin of the animals, which therefore is not aware of the need for preventive action for future consignments. The lack of appropriate action in case of non-compliance was already criticized by the FV in 2010.

¹⁰⁰ FVO mission to Bulgaria, DG(SANCO)2012-6454 (p. 7)

¹⁰¹ FVO mission to Bulgaria, DG(SANCO)2009-8263 (p. 19)

¹⁰² FVO mission to Bulgaria, DG(SANCO)2012-6454 (p. 14)

¹⁰³ FVO mission to Bulgaria, DG(SANCO)2012-6454 (p. 6, 7)

France

*“Enforcement action by the Competent Authority in cases of non-compliance is insufficient to ensure that the operator remedies the situation.”*¹⁰⁴ This was concluded by the FVO after a mission to France.

Additionally, the FVO found cases where *“although significant animal welfare problems had been reported to the prosecutor, only small fines had been imposed [...]”*¹⁰⁵ and stated that *“The long procedure for penalties, generally combined with relatively **low fines** i.e.g. €135 for the transport of two unfit animals to a slaughterhouse leads to **sanctions not being dissuasive.**”*¹⁰⁶

And again, during the most recent audit in France in 2015, the FVO stated that *“no effective actions have been taken”* concerning the fact that *“animals unfit for transport are frequently transported to slaughterhouses”*.¹⁰⁷

Germany

Concerning animals that are too sick or injured to be transported, the FVO concluded, during a mission to Germany in 2014, that *“the level of fines, proposed by the CA’s [Competent Authority’s] prosecuting officials, is not proportionate to dissuade the most recalcitrant of offenders.”* Fines of €250 to €500 had been imposed in such cases, but local courts had reduced those fines to €100 on occasion and certain cases had been thrown out on appeal. The German Competent Authority itself agreed that, given the fact that the approximate value of a slaughter bull may be €1.500, **those small fines are not a sufficient disincentive** when such an animal is transported with a broken leg.¹⁰⁸

Hungary

The FVO report states that *“in relation to Animal Welfare, **no enforcement action was taken in nearly all cases** evaluated. Sometimes corrective actions were requested but no proper follow up took place. The only exception concerned joint inspections carried out with the Police where sanctions were applied. Nevertheless the CA [Competent Authority] has no legal power to collect fines on the spot (...)”*¹⁰⁹. This means that in practice it is **impossible to sanction foreign transporters.**

¹⁰⁴ FVO mission to France, DG(SANCO)2010-8390 (p. 12)

¹⁰⁵ FVO audit in France, DG(SANCO)2012-6446 (p. 12, 13)

¹⁰⁶ FVO mission to France, DG(SANCO)2010-8390 (p. 12), see also FVO audit in France, DG(SANCO)2012-6446 (p. 15)

¹⁰⁷ FVO audit to France, DG(SANTE)2015-7427 (p.1, 17, 18)

¹⁰⁸ FVO audit in Germany, DG(SANCO)2014-7073 (p. 9, 10)

¹⁰⁹ FVO audit in Hungary, DG(SANCO)2009-8346 (p. 22), see also FVO audit in Hungary, DG(SANCO)2014-7072

Latvia

In cases of unfit animals, for example cows with post-calving injuries arriving at slaughterhouses, and in a case where calves had died during transport as a result of being transported without adequate separation from adult animals, the official veterinarian at the slaughterhouses had only issued warning letters, but no fines were applied or further action taken.¹¹⁰

Poland

Sanctions are **not sufficiently dissuasive** and the authorities are unable to take appropriate corrective actions in cases of non-compliance. This was concluded by the FVO during a mission to Poland. The relevant FVO recommendation of the previous mission had not been adequately addressed.¹¹¹

To give an example: the FVO visited an animal market in Poland where the competent Polish authority explained that the veterinarians contracted for the market have no powers to issue administrative decisions and that it is difficult to enforce requirements, in particular for repeated offenders.¹¹²

Portugal

In 2009, the FVO found out that sanctions for transport of unfit animals have **not been effective** to dissuade operators from this practice. In any case, only very extreme cases have been sanctioned, while on other occasions **transport of unfit animals to the slaughterhouse was tolerated**.¹¹³

Two years later, in 2011, the FVO concluded again that sanctions were not sufficiently dissuasive due to the **slowness in the administrative procedure**.¹¹⁴

The FVO detected that between 2009 and 2011, 22 administrative procedures for transport of unfit animals had been initiated against one transporter and 92 against another one: none of these procedures had been finalized.¹¹⁵

¹¹⁰ FVO audit in Latvia, DG(SANCO)2014-7077 (p. 8, 10)

¹¹¹ FVO mission to Poland, DG(SANCO)2011-6049, (p. 13)

¹¹² FVO mission to Poland, DG(SANCO)2011-6049, (p. 11)

¹¹³ FVO mission to Portugal, DG(SANCO)2009-8242 (p. 8)

¹¹⁴ FVO mission to Portugal DG(SANCO)2011-6052 (p. 9,10)

¹¹⁵ FVO mission to Portugal DG(SANCO)2011-6052 (p. 9)

One would think that an effective and dissuasive sanctioning system should ensure that a transporter, after having been sanctioned once, twice, or maybe three times for having transported severely injured or ill animals, would stop this illegal practice... but not in Portugal. **In Portugal, a transporter can get 92 sanctions and still go on to violate the most basic principles of animal protection during transport** – because the administrative procedures are so slow that after the 92nd sanction not even the 1st one has been finalized!

Romania

During a mission in 2009 on Romania's horse trade, the FVO concluded that ***"Imposing sanctions remain a low priority for the CA [Competent Authority] on these issues as only one case resulted in a fine and the CA were unable to demonstrate that further legal measures had been taken. The fine was relatively low [i.e. 50 Euros] when compared with the amount of trade [approx. 40 to 45 consignments of horses per year] from this AC [Assembly Centre]"***.¹¹⁶

Three years later, in 2012, the FVO report stated that sanctions were still not effective in reducing the incidence of repeated offending for commercial long distance animal transport.¹¹⁷

In 2007, the FVO had already concluded that actions taken when deficiencies had been detected had not been effective, proportionate and dissuasive. The Inspection Department had not taken any action to implement more stringent action in relation to deficiencies of animal welfare during transport.¹¹⁸

¹¹⁶ FVO mission to Romania, DG(SANCO)2009-8256 (p. 19)

¹¹⁷ FVO audit in Romania, DG(SANCO)2012-6374 (p. 7, 8)

¹¹⁸ FVO mission to Romania, DG(SANCO)2007-7339 (p. 14)

Spain

From FVO reports on missions to Spain, it is evident that the **level of fines is low**, thus they are **rarely dissuasive**. Sanctioning procedures have been used only in limited circumstances and, due to the low level of fines, did not, in themselves, bring about corrective measures. The FVO also found that, even where major welfare problems have been recurring, fines (relatively small fines) have only been proposed, but have still not been imposed.¹¹⁹

The experience of Animals' Angels has been similar. Animals' Angels has been monitoring transports on Spanish roads for 10 years: practically no fines are issued for infringements of Regulation (EC) No 1/2005. Here is just one example out of many: In 2010, Animals' Angels requested the withdrawal of the authorization of a transport company that, for several years, systematically violated Regulation (EC) No 1/2005 on animal protection during transport. The violations had been extensively documented and were thus clearly verifiable. The competent Spanish authorities, however, ignored the request to withdraw the authorization. In 2011, the same transport company carried out a transport of horses loaded on two decks, which is clearly forbidden by the Regulation. Once again, the authorities imposed no momentary fine but only reminded the transporter of the fact that this transport practice is forbidden.

Another example can be found in the FVO mission report to Spain from 2014¹²⁰: in one of the visited regions *"there were 378 cases of animals which presented lesions, physiological weaknesses or pathological processes and which were unable to move by themselves"*. Nevertheless, those animals were transported to slaughterhouses, which is a clear violation of the Regulation (EC) No 1/2005. Many of these unfit animals were accompanied by certificates issued by private veterinarians, which falsely attested to the animals' fitness for transport. However, only one of these veterinarians has been subject to sanctions, while the other veterinarians got away with it.

During the same mission in 2014, it was found that the lack of clear, easy channels of communication and feedback **hinders effective enforcement**.¹²¹

The FVO concluded that enforcement actions are *"ineffective to improve the situation" and "fines imposed to farmer and transporters are not effective nor dissuasive"*.¹²²

¹¹⁹ FVO missions to Spain, DG(SANCO)2009-8284 (p. 14, 18) and DG(SANCO)2014-7079 (p. I, 15)

¹²⁰ FVO mission to Spain, DG(SANCO)2014-7079 (p. 13)

¹²¹ FVO mission to Spain, DG(SANCO)2014-7079 (p. 5)

¹²² FVO mission to Spain, DG(SANCO)2014-7079 (p. 15)

Sweden

From an FVO report on an audit in Sweden, it becomes evident that, in general, enforcement measures are taken but they are not always effective in rectifying the deficiencies and their **implementation can be very slow**, which together with the **non-dissuasive nature of administrative fines**, reduces the deterrent effect of the sanctions.¹²³

United Kingdom

During an audit, the FVO detected that no action was taken with regard to frequently reported cases of poultry trapped between crates and unloading modules in the two slaughterhouses visited.¹²⁴

* * * * *

Despite the fact that Regulation (EC) No 1/2005 came into force ten years ago, many Member States still do not dispose of adequate sanctioning systems and/or do not apply sanctions adequately.

At this point, it should be noted that the **EU Commission stated that it “is not planning to take any specific action in relation to the Member States’ use of penalties”**, because *“the applicable EU legislation has not provided the Commission with any empowerment in relation to penalties under Regulation (EC) No 1/2005”*.¹²⁵

¹²³ FVO audit in Sweden, DG(SANCO)2010-8391 (p. 15)

¹²⁴ FVO audit in the United Kingdom, DG(SANCO)2014-7080 (p. 13)

¹²⁵ See the Commission’s answer to Parliamentary Question E-006833/2012

Necessary measures:

In order to improve enforcement of the Regulation and thus improve animal protection during transport, it is very important that the Member States establish and apply adequate and thus dissuasive sanctioning systems. But, apparently, no-one can force them to do so. Allegedly, neither can the EU Commission intervene.

A revised Regulation, including a drastic limitation of transport times, would immediately lead to a decrease of cases where sanctions are needed – it is commonly recognized that animal welfare deteriorates the longer the transport continues. Furthermore, as an 8 hour maximum journey time limit would lead to fewer live animal transports between Member States, the problems the inspection authorities currently have in effectively enforcing sanctions on foreign transport companies would be reduced considerably.

5.6 Social legislation for drivers – entirely ignored to allow long distance transports

The maximum driving hours and the required breaks and rest periods for drivers according to the social legislation are not compatible with the maximum allowed transport times and the required rest breaks for animals during long distance transports (see chapter 4.2. for details). If a long distance transport is carried out by two drivers, their social legislation stipulates that after 18 hours (exceptionally 20 hours) of driving they are not allowed to be in the moving truck for the next 12 hours (exceptionally 10 hours).

This is not in line with the maximum transport times for animals, which are 24 hours for pigs and horses and 29 hours for cattle, sheep and goats. Thus a transport of pigs, for example, which requires 24 hours of transport, i.e. wheel turning time, can only be carried out by 3 drivers. If, due to the long distances to be covered, the transport requires 24 hours of transport, followed by 24 hours of rest for the animals, and a further 10 or more hours of transport, then a fourth driver is necessary. According to their social legislation, these third and fourth drivers would have to be sent to an intermediate point on the route to substitute for the original two drivers, i.e. they must not be in the original truck before.

If the veterinary services responsible for authorizing such long distance transports only gave their approval to transports carried out with a third or fourth driver, then these transports would cost much more and thus become uneconomical for transporters and dealers. Consequently, the number of these long distance transports would decrease considerably.

In practice, however, even transports over very long distances are almost always carried out by only two drivers, and sometimes just by one.

6. EU Commission: proved incapable of remedying systematic non-compliance with the Regulation

6.1 FVO – the EU Commission's inspection service

a. Very low number of inspections on animal welfare

The Food and Veterinary Office (FVO) is the inspection service of the European Commission concerning food safety, animal health, plant health and animal welfare. The number of FVO missions to Member States concerning the welfare of animals during transport is, and has always been, very low. In the 5 year period from 2011 to 2015, only 27 such missions were programmed, which means that on average 1 visit per Member State was carried out within 5 years. The specific visits concerning animal protection during transport represent only 2,2% of the total number of visits (1.216) carried out by the FVO. For 2015, the number of programmed missions on animal welfare during transport was set to zero – this is certainly not an adequate answer to the perpetual enforcement deficiencies of the Regulation on transport.

The **animal welfare sector of the FVO comprises only 5 inspectors** to check on compliance with the requirements of EU animal welfare legislation within the EU and in third countries.¹²⁶

How can it be expected that 5 EU inspectors, even though they are certainly motivated and competent, could guarantee an adequate level of assessment of compliance with and enforcement of the Regulation on the protection of animals during transport in 28 Member States? Even more because these 5 inspectors are responsible not only for inspections concerning the protection of animals during transport, but in relation to all issues of EU animal welfare legislation.

¹²⁶ <http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierarchy&nodeID=1462229&lang=en>;
see also Parliamentary question E-011393/2011

| | No. of planned FVO visits to Member States concerning animal welfare during transport | % (Ratio between planned visits to Member States concerning transport and total of FVO visits) | |
|--------------------------|---|--|--------------------------|
| 2011 | 7 | 2,65% | (7 out of 264) |
| 2012 | 10 | 3,81% | (10 out of 262) |
| 2013 | 7 | 2,81% | (7 out of 249) |
| 2014 | 3 | 1,36% | (3 out of 220) |
| 2015 | 0 | 0% | (0 out of 221) |
| TOTAL 2011 - 2015 | 27 | 2,22% | (27 out of 1.216) |

Source: http://ec.europa.eu/food/fvo/inspectprog/index_en.htm

b. The same violations are repeatedly found

Within this heterogeneous European Union, one fact common to many of its Member States is stunning: the perpetual disregard of statutory provisions which should safeguard animal welfare during transport. So one can find the same shortcomings over many years in large areas of Europe and regarding many provisions of the Transport Regulation.

The main matters of concern are, inter alia,

- that unsuitable lorries are nevertheless approved and used for many years
- that lorries continue to be serially built with equipment and features which are not appropriate to the animals transported or pose a direct threat to animal health
- that unsuitable lorries pass through many states without comment because they are accompanied by a certificate of approval
- that animals too young, sick, injured or weak to be transported are nevertheless loaded systematically, often with a veterinary attestation of their alleged fitness
- that animals are transported with insufficient head space hindering them from standing upright and compromising sufficient ventilation
- that journey logs are approved and routes are authorized by the competent authorities which are far beyond the permissible, which leads to transport times being exceeded and rest breaks systematically neglected, and
- that – over periods of years – nobody is held responsible for ignoring the law.

This all is witnessed by NGOs and deeply dismayed citizens. Even worse, these violations of the law and illtreatment of animals happen in the public eye of the European Commission because the Food and Veterinary Office (FVO)¹²⁷ of the European Commission has been repeatedly finding the same violations during its missions to Member States. This is even more shocking considering the fact that the FVO missions are preannounced, and thus Member States can prepare for the visits to a certain extent.

Please find several examples of repeated FVO findings in the following.

Belgium

The FVO concluded that *“the CA **has taken no action to address the recommendations on checks at unloading from the last FVO report** and is **still not in compliance** with the requirements of Article 3 of Regulation (EC) No 882/2004 which requires controls to be carried out regularly and on a risk basis. The lack of checks carried out at unloading, means that the higher risk consignments from long-distance transport are not being adequately controlled.”*¹²⁸

Bulgaria

The FVO mission to Bulgaria in 2009¹²⁹ *“concludes that there was **very little progress since the previous mission** on the same subject carried out in January 2008 and most of the commitments made by the CCA to correct deficiencies have **not been implemented**”.*

It was mentioned that “in relation to transport, welfare checks were inadequate, in particular prior to long journeys for equidae, of both the journey logs and stocking densities, and in relation to animals exported to Third Countries”.

One year later, in 2010, the next FVO report¹³⁰ again stated *“that there has been little improvement in the performance of the Competent Authority since the last mission in 2009”*. In particular:

- *“recommendations (...) are outstanding from the previous report 2009-8263, and require **urgent action**”,*
- *“the system for approval of long distance means of transport is **not effectively administered** by the Competent Authority”,*

¹²⁷ The Food and Veterinary Office is an office of the European Commission carrying out audits, inspections and related non-audit in Member States, Third Countries and Candidate Countries concerning EU legislation on food safety, animal health, animal welfare, plant health and in the area of medical devices.

¹²⁸ FVO audit in Belgium, DG(SANCO)2011-6039 (p. 11)

¹²⁹ FVO mission to Bulgaria, DG(SANCO) 2009-8263

¹³⁰ FVO audit in Bulgaria, DG(SANCO) 2010-8383

- “there are **still weaknesses in the official controls**” and “official checks on journey logs are **insufficient**”,
- “no sanctions for animal welfare non-compliances during transport were issued at the Regional Veterinary Service visited by the mission team in 2009 and 2010”.

Again, two years later, in **2012**, the FVO summarized in its report¹³¹ that “regarding animal welfare during transport, additional effort is needed [...]”. It **criticized the effectiveness of official controls** and once again complained about the **approval of inadequate long distance means of transport**. Furthermore, as already concluded during the mission in 2009, the penalties for transport infringements were **still not dissuasive** in 2012. And again the FVO repeated its criticism of 2010 regarding **inappropriate actions** in case of non-compliances.

Here is an example experienced by Animals’ Angels: in May 2011, Animals’ Angels observed a Bulgarian truck transporting lambs on too many decks, which resulted in a lack of space above the animals. This violation was communicated to the Bulgarian authorities. Nevertheless, in January 2012, Animals’ Angels observed the very same truck again transporting lambs with insufficient ceiling height. Once more, this was reported to the Bulgarian authorities. However, in October 2012, Animals’ Angels found the same truck committing the same violation of the Regulation for a third time.



May 2011



October 2012

The very same Bulgarian truck was observed three times transporting lambs with insufficient ceiling height. The Bulgarian authorities were informed, but nothing changed.

¹³¹ FVO audit in Bulgaria, DG(SANCO)2012-6454

France

In 2012, the FVO found that “(...) certain **actions remain to be implemented**. As a result certain requirements for long-distance transport are **still not adequately verified** during official control, notably in relation to vehicle approval and for transporter authorization”.¹³²

During a mission to France in 2010, the FVO stated that the transport of unfit animals “is an **enduring problem** in France and the subject of recommendations from previous [FVO] mission reports”.¹³³ And again, five years later, in 2015, the FVO found that “animals unfit for transport are frequently transported to slaughterhouses (...)”. It is particularly alarming that contrary to the provisions of Regulation (EC) No 1/2005, “current national guidance allows this with no enforcement actions being taken and significant negative impact on animal welfare”.¹³⁴



Downer cow at market in France.

¹³² FVO mission to France, DG(SANCO)2012-6446 (p. I)

¹³³ FVO mission to France, DG(SANCO)2010-8390 (p. 18)

¹³⁴ FVO audit to France, DG(SANTE)2015-7427 (p. I, 18)

Italy

Transport of unfit animals

Three consecutive FVO missions carried out in 2008, 2010 and 2011¹³⁵ confirmed that the transport of unfit animals, i.e. animals whose transport is clearly forbidden as they are too injured, weak or sick to be transported, is a widespread and persistent problem in Italy. Often, unfit animals are even accompanied by veterinary certificates, which falsely confirm the animals' fitness. Nevertheless, in most cases no action was taken against the veterinarians who issued those certificates.

Previously, in 2006, having carried out a major investigation in slaughterhouses and on farms, Animals' Angels had already informed the Italian and EU authorities about the illegal but common practise of transporting unfit animals, e.g. animals with broken limbs, to slaughterhouses in Italy.

Here are the pertinent extracts from the FVO mission reports:

2008 *“Although certain CAs [Competent Authorities] have begun to address the issue of the transport of sick and injured dairy cows, in regions where there are a substantial number of such cases, **measures have not been sufficient to prevent unnecessary suffering** arising as a result of such transport. “*

*“(...) certificates for fitness for transport issued by private practitioners, where **severe injuries, such as fractures of limbs, dislocations of joints or paralysis** had been diagnosed and noted on the certificates issued, but nevertheless the animals had been sent to the slaughterhouse as fit for transport, contrary to (...) Regulation (EC) No 1/2005.”*

*“(...) the OV [Official Veterinarian] noted clear signs of dragging animals into the lorry and a case of an animal with a prolapsed uterus, those being obvious indications that the animals had been transported contrary to (...) Regulation (EC) No 1/2005; (...) **no action had been taken against the private veterinarians** who had issued certificates in such cases.”*

¹³⁵ FVO missions/audits in Italy, DG(SANCO)2008-7691, DG(SANCO)2010-8388, DG(SANCO)2011-6048

2010 *“no enforcement action had been taken (...) against private veterinarians who had signed certificates stating that animals were fit to be transported when this was clearly not the case.”*

2011 *“(...) police stated that in the three Provinces of Piacenza, Modena and Reggio-Emilia roadside checks in 2011 were carried out once or twice per month and detected **non-compliances with the fitness of animals being transported in approximately 25% of consignments of bovines** inspected (...)*

*“(...) neither the CCA [Central Competent Authority] **nor the regions have yet effectively addressed the issue of applying sanctions against private practitioners** issuing false or misleading certificates for fitness for transport of cull cows.”*

“The CCA should take appropriate actions and apply sanctions (...) in particular in relation to the transport of unfit animals and the use of misleading or false certification in this matter.”

During its latest mission to Italy in 2014¹³⁶, the FVO still found evidence of animals unfit for transport that have nevertheless been transported to slaughterhouses. This is particularly appalling considering the fact that the Italian Central Competent Authority, after the previous FVO mission in 2011, indeed took a number of actions to remedy this illegal practice.

Concerning one out of the two Italian regions visited in 2014, the FVO stated that a project was initiated in order to prevent the transport of unfit cattle to slaughterhouses. The FVO found evidence that, as a result of this project, the number of cattle undergoing emergency slaughter on farm indeed rose considerably. In connection with this, it is particularly alarming that in 2015 a slaughterhouse in exactly this region was put under sequestration by the public prosecution department, because, among other issues, downer cows, i.e. cows that are too ill or injured to stand or walk, were delivered to and maltreated at this slaughterhouse.¹³⁷

¹³⁶ FVO audit in Italy, DG(SANCO)2014-7075

¹³⁷ Corriere della Sera, 07.10.2015, http://brescia.corriere.it/notizie/cronaca/15_ottobre_07/ghedi-sequestrata-l-italcarni-macello-maltrattamenti-animali-8d4b731a-6ceb-11e5-8dcf-ce34181ab04a.shtml



Downer cow at slaughterhouse. She is dragged down from the truck by means of a chain attached to her hind leg.



Downer cow being pushed with a tractor towards the transport truck.



2012 Transport of a downer cow to the slaughterhouse.



2013 Transport of a breeding sow, unable to walk.

Deficiencies in granting of transporter authorisations

In 2010, the FVO report¹³⁸ summarized that the Central Competent Authority “*should ensure that, **as already requested** in FVO recommendations from **2007** and **2008**, procedures for the authorisation of transporters comply with all the requirements of Articles 10 and 11 of Regulation (EC) No 1/2005 [...]*”.

Deficient checks of journey logs by the vet authorities

During its mission to Italy in 2008¹³⁹, the FVO found that checks on journey logs were insufficient. The same deficiency was found two years later, in 2010¹⁴⁰, and again in 2011¹⁴¹ the FVO stated that journey logs were approved even though the indicated journey times were unrealistically short. After 2011, the FVO has not carried out any missions to Italy which involved checking this aspect.

Here are extracts from the FVO mission reports:

2008 “(...) the OV [Official Veterinarian] was not able to recognize the format of a journey log (...)”

“(...) the CA [Competent Authority] had not detected that the journey times indicated on the plan were **inconsistent and unrealistic** (...)”

2010 “(...) controls on the accuracy of journey logs accompanying animals to their destination are **failing to spot basic deficiencies** in their completion which may have important consequences for the welfare of the animals (...)”

2011 “(...) in the case of consignments of calves from one assembly centre to the Netherlands the CA was **stamping journey logs with unrealistic journey times** (...)”

“The CCA [Central Competent Authority] should take further measures (...) to ensure effective checks on journey logs, and that the journey logs (...) are only stamped if they are realistic and indicate compliance with Regulation (EC) No 1/2005 (...).”

¹³⁸ FVO audit in Italy, DG(SANCO)2010-8388

¹³⁹ FVO mission to Italy, DG(SANCO)2008-7691

¹⁴⁰ FVO mission to Italy, DG(SANCO)2010-8388

Database of means of transport used for long distance

In its report on the mission carried out in Italy in 2011¹⁴², the FVO recommended that *“the CCA should ensure that (...) the certification of the approval of means of transport for long journeys is recorded in an electronic database enabling them to be rapidly identified by the competent authorities in all Member States as required in Article 18.3 of Regulation (EC) No 1/2005.”* The FVO expressly stated that this was **already requested during the FVO missions carried out in 2007, 2008 and 2010**. After 2011, the FVO has not carried out any missions to Italy during which this aspect was verified.

Portugal

The audit team of the FVO noticed in Portugal, in 2009¹⁴³, that, *“regarding the transport of unfit animals **seriously injured cows continue to be transported** alive to slaughterhouses” and that “**sanctions (...) have not been effective** to dissuade operators from this practice”.*

Two years later, in 2011, the aforementioned problem is still ongoing. The FVO report¹⁴⁴ highlights:

- *“Regarding the **longstanding problem** of the transport of unfit animals (...) **action is still required** in particular concerning veterinary practitioners providing incorrect declarations of fitness for transport for recumbent cows” and urges Portugal to*
- *“Take measures to ensure that, **as already indicated in Recommendation 10 from report 2009-8242**, only animals which are fit for transport are transported and that animals which do not comply with the conditions of Annex I, Chapter I of Regulation (EC) No 1/2005 are slaughtered or killed on the spot outwith slaughterhouses in order to be spared unnecessary suffering.”*

And once again, the FVO complains that *“(...) the slowness in the procedure for administrative sanctions renders them not sufficiently dissuasive.”*

¹⁴¹ FVO mission to Italy, DG(SANCO)2011-6048

¹⁴² FVO mission to Italy, DG(SANCO)2011-6048

¹⁴³ FVO audit in Portugal, DG(SANCO)2009-8284

¹⁴⁴ FVO audit in Portugal, DG(SANCO)2011-6052

Between 2005 and 2012, Animals' Angels carried out more than 20 inspection visits at the cattle market at San Pedro de Rates, which is the most important livestock market in Portugal. The cattle sold here are mainly “dairy cull” cows. Among other things, severe deficiencies regarding the general condition of the animals have been regularly observed. In particular, the transport of severely sick, injured or emaciated cattle has been giving reason for serious, on-going concerns. Additionally, rough handling, including severe maltreatment, was observed on various occasions. Animals' Angels repeatedly informed the EU Commission, as well as the national authorities, about these findings. Nevertheless, during all these years, the same or similar violations of Regulation (EC) No 1/2005 were observed. After 2012, Animals' Angels was denied entry to the market by the market director. However, information from official veterinarians who work at slaughterhouses receiving cows from the market at San Pedro de Rates confirms that the transport of unfit cows has been and is still on-going.



2005 Market San Pedro de Rates



2006 Market San Pedro de Rates.



2007 Market San Pedro de Rates.



2008 Market San Pedro de Rates.



2011 Market San Pedro de Rates.

Romania

In Romania, five consecutive FVO missions brought persistent disregard of legal provisions to light:

In **2009**, the first FVO mission report¹⁴⁵ found that *“non-compliances in the sector, which were already identified in the previous mission, **continue to exist** and have **not been adequately addressed** by the authorities. As a result, equidae continue to be transported on long journeys in a way which does not meet the requirements of Council Regulation (EC) No 1/2005”* and *“concludes that **legislation for identification and movement control of equidae is poorly applied and not enforced**. Official data do not match with the field situation”*.

The second FVO mission in the same year¹⁴⁶ found that

- *“**problems remain** with the implementation of checks on the feasibility of long distance transport”,*
- *“**despite the recommendation** from the previous FVO report in **2007** [...] local level implementation of checks on the planning of long distance journeys was not fully in compliance with Article 14(1)(c) of Regulation (EC) No 1/2005”,*
- *“the **Competent Authority is not able to verify** if journey times were realistic and complied with the Regulation as required in Article 15(1)”*.

In **2010**,¹⁴⁷ still 4 of 9 **recommendations** from the 2007 FVO report, and 6 out of 13 recommendations from the 2009 FVO report, were **not yet addressed**. These recommendations concerned, for example, inadequate vehicles used for long distance transports and insufficient checks of journey logs.

And again during its audit in 2012¹⁴⁸, the FVO raised concerns concerning the approval of inadequate vehicles used for long distance transports (“...raises concerns that the approval of these vehicles throughout the country has not been performed correctly”). The audit team also raised concerns regarding the checking of journey logs. The same issues had already been criticized during the 2007 mission.

¹⁴⁵ FVO mission to Romania, DG(SANCO)2009-8256

¹⁴⁶ FVO mission to Romania, DG(SANCO)2009-8269

¹⁴⁷ FVO audit in Romania, DG(SANCO) 2010-8389

¹⁴⁸ FVO audit in Romania, DG(SANCO) 2012-6374

Slovakia

In 2011, the FVO mission¹⁴⁹ team to Slovakia recorded

- “regarding animal welfare during transport, **despite the recommendations made in a 2008 report (...) the requirements of Regulation (EC) No 1/2005 remained poorly implemented and controlled** in many areas, such as authorisation of transporters, approval of vehicles, fitness for transport, availability of the records from the navigation system and planning and controlling of long journeys” and
- “many issues regarding (...) official controls on journey logs (...) and exceeded journey times **still need to be addressed**”,
- “means of transport are not fully equipped for long journeys”,
- “animals were still transported without suitable equipment for providing water/liquid” and
- “calves had been transported on long journeys although they were unfit for such journeys”.

After 2011, no further FVO missions to Slovakia on the protection of animals during transport were published (status: November 2015).

Spain

Transport of unfit animals

Three consecutive FVO missions¹⁵⁰ carried out in 2008, 2009 and in 2014 revealed that the transport of unfit animals, i.e. animals that are too sick, injured or weak to be transported, is a chronic problem in Spain. The same severe violations found in 2008 were not remedied in 2009, and not even some five years later, in 2014. So nine years after the Regulation came into force, identical problems were detected again. Here are the extracts from the FVO mission reports:

2008 “**checks** at unloading, and actions taken subsequent to problems being detected, **are still not sufficient** to deter transporters from transporting unfit animals”.

2009 “the CA [Competent Authority] has given **insufficient attention** to addressing the issue of the transport of unfit animals. The high numbers of cows with serious injuries which are transported for slaughter (...) represents a significant welfare problem and several other ACs [Autonomous Communities] are also implicated in allowing these animals to be transported”

¹⁴⁹ FVO audit in Slovakia, DG(SANCO)2011-6053

¹⁵⁰ FVO missions/audits in Spain, DG(SANCO)2008-8347, DG(SANCO)2009-8284, DG(SANCO)2014-7079

2014 *“the transport of unfit bovine animals to slaughterhouses is a **major problem** (...) **sanctions are not dissuasive** (...) and resolution of this **chronic issue** appears some way off”*

“the existing systems of risk categorisation did not identify the major animal welfare risk of unfit bovines being transported for slaughter”,

“the numbers of animals subject to a (...) notification from the slaughterhouse for follow up action due to reasons of unfitness for transport runs to many hundreds”,

*“the audit team saw reports in slaughterhouses (...) of **animals which had suffered fractures** and other injuries and conditions **being transported on a regular basis**”,*

“many of these unfit animals were accompanied by veterinary certificates issued by private practitioners attesting to the animals’ fitness for transport”,

*“no **measures are taken** against veterinarians issuing transport certificates for unfit animals”.*



Downer cows delivered to slaughterhouses in Spain.

Unjustified granting of transporter authorisations

An FVO mission carried out in 2009¹⁵¹ detected major deficiencies concerning the granting of authorisations to transport companies, even though the same issue had already been criticized by the FVO during the previous mission in 2008¹⁵². Again, in 2014, the FVO found¹⁵³ that this issue was still not adequately addressed. Here are the extracts from the FVO mission reports:

2008 *“the authorisation of transporters (...) [has] **not been satisfactorily implemented**”*

2009 *“**despite a recommendation in the previous report no steps have been taken** to comply with Art. 10 (1)(c) of Regulation (EC) No 1/2005 [concerns the requirements for the transporter authorisation]”*

*“**repeated infringements** by a transporter were not taken into consideration before granting an authorisation”*

*“the assistance to the CCA [Central Competent Authority] in following-up complaints regarding animal welfare during transport has been insufficient to deal with the issues raised by the CAs [Competent Authorities] of other Member States. **Repeated infringements** by the same transporter were not taken into consideration either at the time of issuing his authorisation or in relation to the continuing status of this authorisation”*

2014 *“(...) transporters who **frequently re-offended** where the option of rescinding their transport authorisation or increasing the levels of transport checks had not been put in place by the ACs [Competent Authorities] despite repeated sanctioning.”*

¹⁵¹ FVO mission to Spain, DG(SANCO)2009-8284

¹⁵² FVO audit in Spain, DG(SANCO)2008-8347

¹⁵³ FVO mission to Spain, DG(SANCO)2014-7079



Between 2005 and 2015, Animals' Angels observed numerous irregular transports carried out by a particular Spanish transport company. More than 10 cases were documented in detail, including video and photo evidence. The observed infringements were, for example, exceeded loading density, exceeded maximum transport times, not unloading the animals for rest during transport, not watering the horses after a maximum of eight hours, transporting unbroken horses on long distance journeys, transporting horses on more than one deck, etc. Animals' Angels has been constantly informing the Spanish authorities about the severe infringements committed by this transport company and has repeatedly asked for the withdrawal of the company's authorisation. Nevertheless, the transporter still holds an authorisation and continues to violate the Regulation.



Deficient checks of journey logs by the vet authorities

Even though the FVO had detected, in 2008¹⁵⁴, that the checks of journey logs were deficient, this major shortcoming was not remedied and was found again by the FVO during a mission in 2009¹⁵⁵. Here are the extracts from the FVO mission reports:

2008 “all the journey logs reviewed by the FVO team were unsatisfactory”

“journey logs (...) were inadequately checked both at the time of approval and subsequently after the journey”

2009 “control of journey logs continues to be poorly implemented. (...) Measures by the Central Competent Authority to improve the level of verification have also been ineffective”

The issue was not checked during the FVO mission in 2014.

Average weight per sheep: 57kg
(17.000kg / 300 sheep)

Minimum space required by
legislation for unshorn sheep of
more than 55 kg: 0,4m²

Thus a maximum of 245 sheep
can be transported on the
available surface (98m² / 0,4m²)

However 300 sheep were loaded;
55 more than legally allowed.

This journey log accompanied 300 sheep transported from Spain to Greece. It was approved by the veterinary service in Spain despite the fact that it was obvious that the loading density would be exceeded by 55 sheep.

¹⁵⁴ FVO audit in Spain, DG(SANCO)2008-8347

¹⁵⁵ FVO mission to Spain, DG(SANCO)2009-8284

Please find several examples of repeated FVO findings – related to type of infringement of Regulation (EC) No 1/2005 - in the following:

Insufficient ceiling height

Lack of space or insufficient space above the animals is a widespread problem, which hinders the animals from standing in a natural upright position and compromises adequate ventilation. The Commission's own inspection service, the FVO, has constantly been finding this infringement of Regulation (EC) No 1/2005, for instance, during the following missions:

DG(SANCO)2006-8042 (Greece)
 DG(SANCO)2006-8038 (Slovenia)
 DG(SANCO)2007-7328 (Spain)
 DG(SANCO)2007-7335 (Slovenia)
 DG(SANCO)2007-7330 (France)
 DG(SANCO)2007-7581 (Germany)
 DG(SANCO)2007-7331 (Hungary)
 DG(SANCO)2009-8271 (Latvia)
 DG(SANCO)2009-8252 (Lithuania)
 DG(SANCO)2009-8241 (Slovenia)
 DG(SANCO)2010-8384 (Czech Republic)
 DG(SANCO)2011-6045 (Hungary)
 DG(SANCO)2012-6375 (Slovenia)
 DG(SANCO)2012-6454 (Bulgaria)



Hungary.



Germany.



2009 Sheep loaded in Spain.



2010 Lambs loaded in Romania.



2012 Cattle from Czech Republic.



2012 Lambs loaded in Bulgaria.



2013 Italy.



2013 Lambs loaded in Hungary.

Approval of deficient journey logs by vet authorities

The FVO inspection reports listed below concerning 23 missions to 16 Member States show that officials in the Member States often accept and stamp journey logs with unrealistically short estimated journey times. As a result, the obligatory rest stops for very long journeys are neither planned nor carried out. Additionally, FVO reports confirm that in many cases controls by officials on journey logs, which have been returned after the transport, fail to spot basic deficiencies; therefore, for example, exceeded journey times remain undetected.

DG(SANCO)2008-7765 (Estonia)
DG(SANCO)2008-7768 (Ireland)
DG(SANCO)2008-8347 (Spain)
DG(SANCO)2009-8245 (France)
DG(SANCO)2009-8252 (Lithuania)
DG(SANCO)2009-8255 (Belgium)
DG(SANCO)2009-8256 (Romania)
DG(SANCO)2009-8263 (Bulgaria)
DG(SANCO)2009-8269 (Romania)
DG(SANCO)2009-8271 (Latvia)
DG(SANCO)2009-8284 (Spain)
DG(SANCO)2010-8385 (Luxembourg)
DG(SANCO)2010-8386 (Malta)
DG(SANCO)2010-8387 (Poland)
DG(SANCO)2010-8388 (Italy)
DG(SANCO)2010-8389 (Romania)
DG(SANCO)2011-6212 (Greece)
DG(SANCO)2011-6045 (Hungary)
DG(SANCO)2011-6048 (Italy)
DG(SANCO)2011-6053 (Slovakia)
DG(SANCO)2012-6374 (Romania)
DG(SANCO)2012-6526 (Lithuania)
DG(SANCO)2012-6525 (Latvia)

After 2012, the issue of “approval of journey logs” was not checked during the FVO missions.

Transport of unfit animals

The transport of animals that are too sick, injured, weak or young is an enduring and serious problem in the EU. It particularly concerns “dairy” cows, “breeding” sows and “laying” hens. The FVO has been constantly finding serious breaches of Regulation (EC) No 1/2005 concerning this issue, for instance, during the following missions:

DG(SANCO)2008-8347 (Spain)
DG(SANCO)2008-7691 (Italy)
DG(SANCO)2009-8284 (Spain)
DG(SANCO)2009-8242 (Portugal)
DG(SANCO)2009-8245 (France)
DG(SANCO)2009-8252 (Lithuania)
DG(SANCO)2009-8263 (Bulgaria)
DG(SANCO)2010-8390 (France)
DG(SANCO)2010-8385 (Luxembourg)
DG(SANCO)2010-8388 (Italy)
DG(SANCO)2010-8392 (Denmark)
DG(SANCO)2010-8391 (Sweden)
DG(SANCO)2010-8400 (Netherlands)
DG(SANCO)2010-8386 (Malta)
DG(SANCO)2011-6049 (Poland)
DG(SANCO)2011-6096 (Austria)
DG(SANCO)2011-6052 (Portugal)
DG(SANCO)2011-6053 (Slovakia)
DG(SANCO)2011-6048 (Italy)
DG(SANCO)2014-7079 (Spain)
DG(SANCO)2014-7072 (Hungary)
DG(SANCO)2014-7078 (Netherlands)
DG(SANTE)2014-7059 (Belgium)
DG(SANCO)2014-7060 (Czech Republic)
DG(SANCO)2014-7073 (Germany)
DG(SANCO)2014-7080 (United Kingdom)
DG(SANCO)2014-7075 (Italy)
DG(SANCO)2014-7077 (Latvia)
DG(SANTE)2015-7427 (France)



Bulgaria.



Poland.



Spain.



Portugal.



Italy.



Germany.





France.



Austria.



© Mag. Pledl, Hungarian cows. Unfit at time of loading. Dead at time of arrival.

Inadequate vehicles

The FVO inspection reports listed below, on 22 missions carried out in 16 Member States between 2009 and 2012, show that officials in the Member States frequently grant certificates of approval to vehicles used for long distance transport which do not fulfill the requirements of Regulation (EC) No 1/2005 (for example, concerning water and ventilation systems). Clearly, the approval and thus the use of vehicles that do not comply with the additional standards for long distance transport have negative consequences on the transported animals.

DG(SANCO)2009-8242 (Portugal)
 DG(SANCO)2009-8245 (France)
 DG(SANCO)2009-8252 (Lithuania)
 DG(SANCO)2009-8255 (Belgium)
 DG(SANCO)2009-8263 (Bulgaria)
 DG(SANCO)2009-8268 (United Kingdom)
 DG(SANCO)2009-8271 (Latvia)
 DG(SANCO)2009-8284 (Spain)
 DG(SANCO)2010-8383 (Bulgaria)
 DG(SANCO)2010-8384 (Czech Republic)
 DG(SANCO)2010-8387 (Poland)
 DG(SANCO)2010-8389 (Romania)
 DG(SANCO)2010-8391 (Sweden)
 DG(SANCO)2010-8400 (The Netherlands)
 DG(SANCO)2011-6039 (Belgium)
 DG(SANCO)2011-6045 (Hungary)
 DG(SANCO)2011-6052 (Portugal)
 DG(SANCO)2011-6212 (Greece)
 DG(SANCO)2011-6053 (Slovakia)
 DG(SANCO)2012-6374 (Romania)
 DG(SANCO)2012-6446 (France)
 DG(SANCO)2012-6454 (Bulgaria)



Dutch truck: inadequate divider installed.

After 2012, the issue of “adequate vehicles” was not checked during FVO missions.



Polish truck: the watering installed is not usable for the cattle on board.



Italian truck: constructed in a way that poses a risk of injury to the animals.



German truck: pig crushed between divider and ceiling.



Spanish truck: insufficient number of drinking devices.



Hungarian truck: legs trapped between loading deck and side wall.



Dutch truck: divider too low – calf tried to jump over and remained stuck.



Irish truck: the water trough is too narrow for the mouth of cattle.



Italian truck: the press/spray nipples are not usable for the calves on board.



Bulgarian truck: leg stuck between loading deck and side wall.



Polish truck: water trough not accessible.

The Commission's limited powers to improve enforcement in the Member States also becomes obvious when considering the fact that the FVO (the Commission's own inspection service) is obliged to give only "recommendations" to the Member States in relation to the aforementioned breaches of the Regulation.

6.2 Lack of fundamental data necessary to assess (non-)compliance and enforcement

Question:

What information is needed to obtain a realistic picture of the situation of animal transport in the EU and of the level of compliance with and enforcement of the Regulation?

Answer:

- reliable data on the number of animals transported within the EU
- reliable data on the number of animals transported on long (>8 hours) and short (<8 hours) distance journeys
- reliable data on the number of inspected transports
- reliable data on the number of irregular transports detected/number of detected infringements
- reliable data on the type of detected infringement
- reliable data on the number of animals arriving dead at slaughterhouses, animals arriving dehydrated, severely distressed, etc.
- information on the size of penalties laid down by the 28 Member States for infringements of the Regulation
- reliable information whether penalties were actually applied for detected infringements
- reliable data on the nature of applied sanctions (e.g. only oral or written warnings, monetary fines, etc.)
- etc.

Question:

Does the Commission have reliable data on these issues?

Answer:

No, it does not.

Examples 1:

Number of animals transported within the EU and

Number of animals transported on long and short distance journeys

Movements of animals within Member States are not subject to a compulsory declaration. Therefore the EU Commission does not have data on the number of animals transported within the individual Member States.¹⁵⁶

The data the Commission possesses refer only to the number of animals transported from one Member State to another and exported/imported from/to the EU.

Neither does the Commission have data on the total number of animals transported on long distance journeys (> 8 hours) because, again, only the transports taking place between Member States and exports/imports are declared; long distance transports within the individual Member States are not recorded. Given the geography of many Member States, journeys can, of course, take far more than 8 hours. For example, an animal transport journey from Southern to Northern Germany or from Southern to Northern France can easily take 15 hours. It can even take considerably longer if animals are loaded and/or unloaded at different places along the way.

Examples 2:

Reliable data on the number of inspected transports and

Reliable data on the number of irregular transports detected/number of infringements

Theoretically, the Member States have to submit annual reports to the EU Commission in which they declare how many transports and how many animals they have inspected in a given year. Additionally, these reports need to indicate the number of transports which were detected as being in violation of Regulation (EC) No 1/2005. In practice, however, the annual reports of several countries contain figures which are simply not reliable. The number of infringements does not have to be submitted to the Commission.

¹⁵⁶ Report from the Commission to the European Parliament and the Council on the impact of Council Regulation (EC) No 1/2005 on the protecting of animals during transport, Brussels, 10.11.2011, page 4.

Example of Hungary:

Hungary claims to have inspected 97,44% out of a total of 323 million transported animals in 2012. It is obvious that a significant number of these animals has not been physically inspected. The most that is likely to have occurred is that the documents accompanying the animals were inspected. At the same time, Hungary claims to have found infringements only in 0,04% of all inspected transports.¹⁵⁷ This does not seem very realistic.

Example of Portugal:

In the annual report¹⁵⁸ submitted by Portugal for 2012, it is stated that 8.461% of the transported equidae were inspected, i.e. 13.966.053 equidae were allegedly inspected, while only 165.054 were transported in, to and from Portugal. This would mean that each transported equine was inspected 85 times. This is apparently “just” a careless mistake, but it is certainly no data the Commission can rely on. Nevertheless, this report has been published on the Commission’s website – thus either the Commission did not even spot this error or it did not bother to ask the Portuguese authorities to correct it.

Example of Spain:

Spain declares to have physically inspected 28.291 animals of “other species” in 2012, i.e. other than cattle, pigs, small ruminants, poultry, rabbits and equidae. Additionally, it claims to have inspected 467.607 documents concerning these “other species”. At the same time, however, Spain states that the number of “other species” transported in, to and from Spain in the same year was “0”.¹⁵⁹

¹⁵⁷ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_hu_en.pdf

¹⁵⁸ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_pt_en.pdf

¹⁵⁹ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_es_en.pdf

Examples 3:

Data on the type of detected infringement

Most of the annual reports on inspection activity sent from the Member States to the European Commission do not contain an explanation as to the nature of the detected infringements, i.e. they do not analyze which type of infringement (e.g. insufficient internal height, exceeded loading density, broken water system, etc.) and how many infringements per consignment were found.¹⁶⁰

Examples 4:

Number of animals arriving dead at slaughterhouses in the EU

In its reply to a Parliamentary Question tabled in 2012, the EU Commission confirmed¹⁶¹ that it did not have data on the number of animals arriving dead at slaughterhouses in the EU Member States. Neither does it know whether the Member States have applied sanctions in case of animals that did not survive transport. The Commission goes on to say that it does not even intend to request these data from the Member States.

Despite its lack of knowledge of DOAs (“Dead on arrival”), the EU Commission, in its transport report (2011)¹⁶², claims that *“the numbers decreased significantly from 2005 to 2009”*. It should be noted that this claim is merely based on a questionnaire and not on specific statistic. The outcome of the questionnaire expresses, above all, the opinions of the livestock industry, since out of 179 responses received to the questionnaire 119 (66%) were from farmers, slaughterhouses, trade and transport companies and control post owners. Out of the 27 national competent authorities of the Member States, 9 did not reply at all.¹⁶³

However, when asked the above mentioned Parliamentary Question about the precise *“number of animals arriving dead at slaughterhouses in the various EU Member States”* the Commission stated that *“The Commission does not have this information as there is no obligation for Member States to provide data on the number of animals arriving dead at slaughter or on their detailed use of penalties.”*

¹⁶⁰ http://ec.europa.eu/food/animals/welfare/practice/transport/inspection-reports_en.htm

¹⁶¹ See written Parliamentary Question E-005081/2012

¹⁶² Report from the Commission to the European Parliament and the Council on the impact of Council Regulation (EC) No 1/2005 on the protecting of animals during transport, Brussels, 10.11.2011.

¹⁶³ Study on the impact of Regulation (EC) No 1/2005 on the protection of animals during transport, April 2011, (p. 38, 39)

These data, however, would be necessary in order to assess the level of compliance with, and enforcement of Regulation (EC) No 1/2005.



Chickens that died during transport to slaughterhouse.

Example 5:

Information on the size of penalties laid down by the 28 Member States for infringements of the Regulation

As confirmed by the Commission, it does not have precise information on the size of fines for infringements or offences of Regulation (EC) No 1/2005 on the protection of animals during transport laid down by the Member States. According to the Commission, Member States are not even obliged to provide such information to the Commission. Consequently, when asked about the level of fines laid down by certain Member States on common infringements, such as a non-functioning water system on a long distance vehicle, or transport of seriously ill animals, the Commission was unable to provide the requested information.¹⁶⁴

¹⁶⁴ See Parliamentary Question E-000372-13

Example 6:

Information on whether penalties were actually applied for detected infringements and Information on the nature of applied sanctions/penalties

The vast majority of Member States just report the number of animal transports detected in violation of the Regulation, but do not provide information on whether penalties were actually applied for the infringements found in these irregular transports, nor information on the nature of the applied sanctions.

It is important to stress at this point that, even if it seems self-evident that an infringement is automatically followed by a penalty, this is often not the case in reality. Many times, detected infringements are not sanctioned at all, or are just followed up by an oral or written warning but no monetary fine. This is evident from the information provided by a few Member States, by FVO mission reports and by Animals' Angels experience of 20 years in the field.

Austria, for example, stated in its annual report of 2012 to the EU Commission to have found 2.331 animal transports with infringements. 89% (= 2.080 transports) of these received only a “warning”, i.e. there were no practical consequences for the perpetrators. Only 11% of the irregular transports detected received a ticket or legal proceedings were opened.¹⁶⁵

Ireland reported to have found 308 non-compliances with Regulation (EC) No 1/2005 in 2012, but only 9 penalties were imposed. In other words, only 2,9% of the detected infringements were actually penalized.¹⁶⁶

In **Spain**, for example, the FVO mission team¹⁶⁷ noticed that

- “in Extremadura sanctions have only been used in a small number of the cases where infringements have been detected and even where major welfare problems have been recurring relatively small fines have been proposed and have still not been imposed”,
- “repeated infringements by the same transporter were not taken into consideration either at the time of issuing his authorisation or in relation to the continuing status of this authorisation”.

Clearly, enforcement can only be efficient if appropriate action is taken after infringements are detected. If the information on this action is missing, it is not possible to assess the efficiency of enforcement.

¹⁶⁵ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_at_en.pdf

¹⁶⁶ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2012_report_ie_en.pdf

¹⁶⁷ FVO mission to Spain, DG(SANCO) 2009-8284

Example 7:**No feedback – no problem**

When confronted with the ongoing problem that pigs are often not granted continuous access to water on long distance transports, as required by the Regulation, the Commission replied that it “has not received any information from the competent authorities of the Member States pointing to major difficulties in enforcing this part of the legislation.”¹⁶⁸

When subsequently asked whether it received any information of a contrary nature from the Member States, i.e. information as to whether and, if so, how and to what extent this part of the regulation is in fact being verified and enforced, the Commission admitted that it “has not received such information from Member States” either.¹⁶⁹

From this example, it becomes obvious that the Commission assumes that the Regulation is respected, not because it has evidence that this is the case, but because it lacks evidence that the Regulation is not being respected.

¹⁶⁸ See Parliamentary Question E-004881/2012

¹⁶⁹ See Parliamentary Question E-000368-13

6.3 Available data not adequately used

The Commission has, however, important scientific data at its disposal. These data are ascertained by scientific research and were published by the European Food Safety Authority EFSA¹⁷⁰ in 2011 on request of the Commission. The publishers recommended that, for the sake of the animals, certain aspects of the Regulation have to be changed. For example:

- Transport time for horses for slaughter should be shorter than provided in the Regulation.
- Space allowances provided by the Regulation should be recalculated.
- Internal height of the compartments in road vehicles should be defined.
- Transport of poultry¹⁷¹ e.g.: transport of broilers only at temperatures of 5-25°C; for journeys of 4 hours or over, vehicles should be equipped with mechanical ventilation systems; journey time should include loading and unloading, and standing periods, etc.
- Transport of rabbits¹⁷² e.g.: inside crate temperature of 5-20°C; journey time should not exceed 7 hours; minimum cage height of 35 cm for rabbits going for slaughter.

Despite the existing new scientific evidence for improvable transport preconditions, the EU Commission does not follow EFSA's recommendations, which obviously must lead to an amendment of the legislation. Instead, the Commission obstinately insists that the implementation of existing law must be improved.

This ignorance of legal commitment was demonstrated on various occasions, e.g. when the Commission answered the Parliamentary Question E-011234/2012 by stating that *"The Commission is (...) not considering any amendment to Council Regulation (EC) No 1/2005 on the protection of animals during transport, including the maximum journey time for horses for slaughter"*.

¹⁷⁰ Scientific Opinion Concerning the Welfare of Animals during Transport, EFSA Journal 2011; 9(1):1966

¹⁷¹ Aside from ornamental fish the main animal species transported in Europe is poultry – 1,46 billion animals in 2014, excluding national transports, i.e. excluding transports within the single Member States.

¹⁷² Aside from ornamental fish and poultry, rabbits are the third main animal species transported in Europe.

This attitude is a clear contradiction to Art. 30 of Regulation (EC) No 1/2005, which requires the Regulation to be amended in order to adapt it to new scientific evidence. In addition, the Commission's inactivity is contradicting recital (8) of Reg. (EC) No 1/2005, which stipulates that *"Community legislation should therefore be amended to take into account new scientific evidence (...)".* Moreover, it is contradictory to recital (11), which requires that *"detailed provisions (...) should be timely updated whenever, in particular in the light of new scientific advice, they appear no longer to ensure compliance with the above principle i.e. "animals must not be transported in a way likely to cause injury or undue suffering to them" for particular species or types of transport".* The Commission's refusal to propose a revised Regulation is also in clear contrast to recital (9) of Regulation (EC) No 1/2005, which states that *"Specific provisions for poultry [...] will be set out in appropriate proposals when the relevant opinions of the European Food Safety Authority (EFSA) are available."*

It is stunning to learn that the EU Commission refuses the compulsory adaption of Regulation (EC) No 1/2005 and, by doing so, completely ignores the aforementioned provisions of the Regulation itself.

Whilst Commissioners M. Kyprianou (2004-2008) and A. Vassiliou (2008-2010) pledged a modification of transport times and stocking densities, it was Commissioners J. Dalli (2010-2012) and T.Borg (2012-2014) who said goodbye to this commitment and changed to a mere implementation of the existing and un-implementable law.

The change in testimonies of the Commissioners, superseding one another, appears to be politically aimed at a flourishing transport industry and against the protection of animals: this political and economic intent clearly emerges when considering the fact that the current legislation cannot guarantee animal protection in transports, that therefore any attempt at implementation is bound to fail, and that there is clear scientific evidence of necessary legislative changes. However, despite all this, the legislative bodies refuse to revise legislation.

Also, the Commission is in possession of the data provided by its own inspection service, the FVO, which is, according to the Commission, its main source of information. As highlighted mainly in the chapters 5.2, 5.5 and 6.1.b, the FVO over many years found the same violations and problems again and again, clearly showing that the current Regulation has not been and is not enforced. There is no reason to believe that it will be properly enforced in the future. Nevertheless, the Commission does not intend to propose a new Regulation which is less complex and thus easier to enforce.

Furthermore, the EU Commission has been receiving countless reports over the years from animal welfare NGOs, above all Animals' Angels. These reports prove the persistent and ongoing problems, particularly in long distance transport, such as: exceeding transport times, disrespect of required rest periods, lack of or insufficient supply of water and feed, exceeded loading densities, injured and dead animals, animals suffering from severe heat stress, animals not able to stand upright due to insufficient deck height, lack of unloading facilities, lack of trained inspection personnel, inadequate sanctioning systems, etc.

Despite these available data and sources of information, the Commission stubbornly insists that enforcement of the current Regulation has to be improved, instead of drawing the only logical conclusion: namely, that a revision of the current Regulation is needed in order to at least have a chance of reaching an acceptable level of animal protection during transport.

6.4 EU Commission - Lack of power to improve enforcement

a. Commission slogan: “Responsibility rests with the Member States...”

Numerous Parliamentary Questions have been submitted to the EU Commission on different aspects of the Regulation and its enforcement. In its replies the Commission has been constantly repeating that, according to the existing rules, the responsibility for enforcement of the Regulation lies on the Member States. The powers and the will of the Commission to improve enforcement are apparently very limited.

- For example, the Commission was asked how it intends to rectify the systematic and ongoing illegal practice of the Member States’ authorities to grant certificates of approval to long distance vehicles even though they do not fulfill the requirements of the Regulation as the installed ventilation system is not able to guarantee a range of temperature between 0°C and 35°C. The Commission did not give an answer to the question, but just stated that *“The main responsibility to ensure proper enforcement of EU legislation rests with the Member States”*.¹⁷³
- Also, the Commission was confronted with the fact that animal transports are often delayed for many hours at harbors or EU exit points. The animals are forced to remain on board the trucks for additional hours, often without the possibility of the driver being able to park the vehicle in shade. When asked what measures are taken by the Commission to ensure that animal transports are not unnecessarily detained, the Commission again just replied that the responsibility rests on the competent authorities of the Member States.¹⁷⁴
- Again, when the Commission was asked what it was going to do about the fact that pigs often do not have continuous access to water on a 24 hour transport as required by the Regulation, the Commission replied that *“primary responsibility to enforce the regulation rests on the Member States”*.¹⁷⁵

¹⁷³ Parliamentary Question E-005391/2012

¹⁷⁴ Parliamentary Question E-005039/2012

¹⁷⁵ Parliamentary Question E-004881/2012

- In addition, the Commission was confronted with the discrepancy between the maximum permitted height of vehicles in international traffic and the requirement of the Regulation to provide sufficient ceiling height for the animals. This often becomes problematic when adult cattle are transported on double-decked vehicles, which is a common practice and can even lead to injuries. When asked how the Commission intends to solve this situation, the Commission again replied that *“it is up to the Member States to ensure that this requirement [sufficient internal height for the animals] is implemented”*.
- Once again, when asked about the non-correlation of driving times and rest periods for commercial drivers and transported animals respectively (see also chapter 4.2 “Incompatibility of driving hours and resting times for animals”), the Commission responded that *“Enforcement is primarily the responsibility of the Member States, and the Commission is indeed aware that the current Regulation is not properly enforced”*. Here the Commission added, however, that its proposal (before Council Regulation (EC) No 1/2005 was adopted) contained a change to the legislation in relation to travelling times, but those remained unchanged in Regulation (EC) No 1/2005.¹⁷⁶
- A further example: according to official figures provided by Spain¹⁷⁷ for 2010, only 0,21 % of animals (cattle, pigs, sheep, goats and equidae) transported within, to and from Spain were checked by the Spanish authorities for compliance with Regulation (EC) No 1/2005 on the protection of animals during transport, i.e. out of a total of 101 million transported animals only 0,2 million were physically checked. This percentage of physical checks is entirely insufficient to guarantee an acceptable level of animal protection during transport, especially in consideration of the fact that, in the same year, 40.67 % of animal transports checked on the road in Spain were found to be in violation of Regulation (EC) No 1/2005. When confronted with these facts, the Commission again just stated that *“it is for the Member State to ensure proper resources for official controls”* and that *“Official controls on, amongst others, live animals have according to Article 4 (2)(a) of the same Regulation to be effective and appropriate”*. Shockingly, and despite the official figures proving the opposite, the Commission added that it *“has no indications that Spain systematically fails to implement the above mentioned Articles in relation to controls of animal welfare during transport”*¹⁷⁸ and that *“(...) the Commission does not consider necessary for the time being to take any measures in relation to the number of controls carried out by the Spanish authorities during the transport of animals (...)”*.¹⁷⁹

¹⁷⁶ Parliamentary Question E-009973/2011

¹⁷⁷ http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2010_report_es_en.pdf

¹⁷⁸ Parliamentary Question E-008550/2012

¹⁷⁹ Parliamentary Question E-002374-13

- Regulation (EC) No 1/2005 requires that unweaned calves transported on long distance journeys be given adequate liquid in between two transport periods of nine hours each. It is, however, proven that *“it is technically impossible to feed calves on board of the vehicle with milk or milk replacer”*.¹⁸⁰ Nevertheless, unweaned calves are being transported in large numbers on long distance journeys and are thus regularly suffering from feed/liquid deprivation. These transports are approved by the competent authorities of the Member States. When asked how it intends to rectify this systematic and permanent failure of Member States, the Commission once more replied that *“It is for the Member States to ensure that, before approving long transports of unweaned animals, they will be transported on a truck that is suitable for such transport, taking into account their particular needs”*.¹⁸¹

In this case, it is particularly incomprehensible that the Commission offloads the responsibility onto the Member States, knowing that trucks “suitable for such transport” do not exist.

- The transport of unbroken horses on journeys exceeding eight hours is forbidden. These young horses cope even less well than older horses with the stress of long transport. However, investigations and checks carried out over the years have shown that the vast majority of horses transported from Spain to Italy for slaughter are unbroken.¹⁸² These illegal transports are approved in Spain and mostly not sanctioned in Italy, the country of destination, or in France, the transit country.

When asked how it intends to rectify this systematic and ongoing failure by the Spanish, Italian and French authorities to enforce Council Regulation (EC) No 1/2005, the Commission again responded *“It is the Member States that are primarily responsible for the daily implementation and enforcement of Regulation 1/2005”*.¹⁸³

¹⁸⁰ Technical report entitled ‘Project to develop animal welfare risk assessment guidelines on transport’, 2009, p. 30

¹⁸¹ Parliamentary Question E-001072/2013, see also Parliamentary Question E-005906-13

¹⁸² See for example the Animals’ Angels report “Long distance transport of Unbroken Horses from Spain to Italy”, published in 2010.

¹⁸³ Parliamentary Question E-005025-13

b. Commission's recommendations to Member States without effect

Sometimes, but not often, the Commission sends letters to the Member States containing recommendations on certain issues. This happens when the Commission has received constant complaints about specific non-compliances over a (very) long time. These letters might be well-intentioned, but they result in very little effect. Apparently, the Commission can just express recommendations, but cannot impose the Member States to act. The Commission receives only very few replies from the Member States following its letters, i.e. the Member States do not report back on whether they have followed the Commission's guidance or not. Worryingly, the Commission is apparently not interested in receiving this information as it does not even ask for any follow-up communications.

Once or twice a year, the Commission organizes a meeting of the Member States' "contact points"¹⁸⁴ to discuss topics concerning the protection of animals during transport. However, the vertical flow of information from these meetings to the local veterinary offices in the Member States is limited, i.e. the local veterinary offices responsible for approving long distance transports scarcely ever receive information on the results of the discussions.

The actions of the Commission seem limited to sending some letters and organizing some meetings without any assessment of their effectiveness.

¹⁸⁴ Each Member State has a so-called "contact point", i.e. a contact person in the area of animal protection during transport.

Example 1: Precise figures on internal height

After having continuously received complaints in relation to transports carried out with insufficient head space for the animals, the Commission sent a letter to the Chief Veterinary Officers of the Member States in 2011, stating that the *“Regulation does not contain precise figures related to the internal height and the Commission considers that it may be necessary for you to provide clear instructions to your services on this issue”*.¹⁸⁵ The Commission explained the problems resulting from insufficient head space, such as: animals are prevented from standing and moving naturally, wounds and bruises due to the contact with the ceiling, hindered ventilation, and reduced possibility to inspect and care for the animals. The scientific recommendations on the necessary space above animals published by EFSA and SCAHAW were annexed to the letter and the Commission even explained that it is possible for the Member States to adopt precise figures on internal height not only for transports taking place within the single Member States, but also for transports leaving the Member State of origin.

The Commission received answers from only 5 Member States¹⁸⁶ to the aforementioned letter – the remaining 22 Member States did not answer. Moreover, the Commission stated that none of these 5 Member States confirmed in their reply that they had introduced specific rules for internal heights - the Commission had not even asked for this information.¹⁸⁷ The Commission admits in this way that it does not know whether its letter had any effect, and it is of great concern that it is not even interested in receiving such information.

The fact is that currently, in the year 2015, and thus four years after the Commission sent the above mentioned letter to the Member States, the **problem is far from being resolved**. Transports loaded with lambs on four decks, sheep on three decks and huge cattle on two decks, resulting in insufficient internal height and thus contributing to the animals’ suffering, are taking place every day.

¹⁸⁵ SANCO G3 AN/ap D(2011) 862232

¹⁸⁶ Parliamentary Question E-001476-13

¹⁸⁷ Parliamentary Question E-004889-13



2015 Transport of lambs from Romania to Italy. No head space.



Lack of space above the animals can result in considerable bruising and injuries.

Courtesy of Dr. Paul Bours

Example 2: Long distance transport of unweaned calves

It is technically impossible to supply unweaned calves with adequate liquid on board the trucks since, among other reasons, they would have to be manually fed on an individual basis. This is obviously not feasible on trucks commonly loaded with around 200 calves on three decks (please see point 3.2. for further details). On long distance transports it is, however, necessary and legally required to provide unweaned animals with liquid/feed. Even though the Commission was informed about the impossibility of correctly carrying out long distance transports of unweaned calves, it tried in 2009 via a letter¹⁸⁸ to the ambassadors of the Member States to provide guidance as to what outside temperatures (“not below 0°C”), with what kind of liquid supply (“electrolytes or milk substitutes”) and with what kind of drinkers (“pails and flexible teats”) unweaned calves should be transported. This **piece of advice is grossly neglected** all over the continent. **Unweaned calves are still transported in deep winter, on board trucks with unsuitable metal nipples as drinkers and are provided with a pure water supply only.**



Long distance transport of calves from Lithuania to Turkey.

¹⁸⁸ SANCO D5 DS/dj D(2009) 450351, dated 04.12.2009

Example 3 : Transport of animals not fit for transport

The transport of animals that are too sick, injured or weak to be transported to slaughterhouses is an ongoing and serious problem in the EU and concerns, in particular, “dairy” cows, “breeding” sows and “laying” hens. The Commission’s own inspection service FVO¹⁸⁹ has been constantly finding serious breaches of Regulation (EC) No 1/2005 concerning this issue. In addition, animal protection NGOs, particularly Animals’ Angels, have constantly provided the EU Commission and the Member States concerned with the results of their intensive investigations, which prove that the transport of unfit animals is carried out on a regular basis and with severe consequences for the animals.

Thus in 2010, the Commission sent a letter¹⁹⁰ to the Member States drawing their attention to the importance of establishing policies for, among other things, increasing checks at slaughterhouses in order to discourage the transport of unfit animals. **Answers to this letter were received from only three Member States**, of which only one provided information on a measure that existed already previously.¹⁹¹ Again, the Commission did not even ask to be informed whether the Member States took any enforcement measure to discourage this illegal practice.¹⁹² Furthermore, the Commission stated that it *“is not considering initiating such procedures [infringement procedures] in the case of transport of unfit animals, as it does not possess evidence indicating that a particular Member State systematically fails to enforce this requirement”*.¹⁹³ This statement is highly surprising because the Commission’s own inspection service, FVO, found that the transport of unfit animals, for example, in France is an *“enduring problem and the subject of recommendations from previous [FVO] mission reports”*.¹⁹⁴ Also, regarding Spain, the FVO considered the transport of unfit cattle a *“chronic issue”* whose *“resolution appears some way off”*.¹⁹⁵ As well, in a mission report on Portugal the FVO stated that the transport of unfit animals was *“a longstanding problem”*.¹⁹⁶

¹⁸⁹ for example:

(DG(SANCO)2008-8347 (Spain), DG(SANCO)2008-7691 (Italy), DG(SANCO)2009-8284 (Spain), DG(SANCO)2009-8242 (Portugal), DG(SANCO)2009-8245 (France), DG(SANCO)2009-8252 (Lithuania), DG(SANCO)2009-8263 (Bulgaria), DG(SANCO)2010-8390 (France), DG(SANCO)2010-8385 (Luxembourg), DG(SANCO)2010-8388 (Italy), DG(SANCO)2010-8392 (Denmark), DG(SANCO)2010-8391 (Sweden), DG(SANCO)2010-8400 (Netherlands), DG(SANCO)2010-8386 (Malta), DG(SANCO)2011-6049 (Poland), DG(SANCO)2011-6096 (Austria), DG(SANCO)2011-6052 (Portugal), DG(SANCO)2011-6053 (Slovakia), DG(SANCO)2011-6048 (Italy), DG(SANCO)2014-7079 (Spain), DG(SANCO)2014-7072 (Hungary), DG(SANCO)2014-7078 (Netherlands), DG(SANTE)2014-7059 (Belgium), DG(SANCO)2014-7060 (Czech Republic), DG(SANCO)2014-7073 (Germany), DG(SANCO)2014-7080 (United Kingdom), DG(SANCO)2014-7075 (Italy), DG(SANCO)2014-7077 (Latvia), DG(SANTE)2015-7427 (France).

¹⁹⁰ SANCO D5 DS/eu D (2010) 450003, dated 24.02.2010

¹⁹¹ Parliamentary Question E-005205/2012

¹⁹² Parliamentary Question E-001915/2013

¹⁹³ Parliamentary Question E-001915/2013

¹⁹⁴ FVO mission to France, DG(SANCO)2010-8390 (p. 18)

¹⁹⁵ FVO mission to Spain, DG(SANCO)2014-7079

¹⁹⁶ FVO mission to Portugal, DG(SANCO)2011-6052

The Commission's limited powers to improve enforcement in the Member States also becomes obvious when considering the fact that the reports of the FVO (the Commission's own inspection service) give only "recommendations" to the Member States.

c. Infringement cases – closed without adequate result or not even opened

The Commission can open infringement procedures against Member States in case of systematic non-compliance with the Regulation. However, it takes a lot until the Commission is of the opinion that there is "systematic non-compliance" and infringement procedures do not necessarily achieve the desired result of improved enforcement.

Example 1: Spain

In 2007, Animals' Angels and Compassion in World Farming submitted a complaint to the EU Commission denouncing the systematic failure by the Spanish authorities to enforce Council Regulation (EC) No 1/2005 on the protection of animals during transport. Following this complaint, the EU Commission opened an infringement procedure against Spain. This original complaint, together with the cases handed in to the Commission during the course of the infringement procedure, referred to Animals' Angels' investigations, during which **65 transports with animals loaded in Spain were checked. 60 out of these 65 transports were found to be in violations of Regulation (EC) No 1/2005 on the protection of animals during transport.** The vast majority of violations detected, and thus a great deal of animal suffering, could have been avoided if the Spanish authorities at the places of departure had enforced the Regulation. Examples of non-compliance included exceeded loading densities, insufficient internal height, structural deficiencies of the trucks, failure to plan obligatory rest breaks for the animals, etc. In many cases during the observation of these irregular trucks en route, Animals' Angels asked for the intervention of police – as a result more than **160.000 Euros of fines were imposed** (mainly by Italian inspection authorities). These 60 irregular animal transports originated from 10 different Autonomous Communities in Spain and were mainly destined for Italy.

In 2011, the Commission announced that it had decided to close the case. Giving its reasons, the Commission stated that in the Spanish Autonomous Community of Castilla y León improvements concerning animal transport had occurred and that thus *“there is not sufficient evidence available pointing to a general and systematic failure by the Spanish authorities to enforce the relevant provisions of Regulation (EC) No 1/2005 that would permit [the Commission] to continue the infringement procedure”*.

Thus the Commission based its decision to close the infringement procedure against Spain exclusively on the assessment of one Autonomous Community (Castilla y León) and ignored that the complaint file referred also to 9 other Spanish Autonomous Communities, where the irregular animal transports were authorized.

The Commission stated that *“given the limited resources of the Commission and the regional administrative structure of Spain”* it was unable to obtain sufficient information from the other 9 denounced Autonomous Communities and thus decided to focus just on one.

Also in the years following the closure of the complaint and up to the present year, Animals' Angels has been observing irregular transports originating from Spain and destined for Italy and has been informing the Commission about the findings.

To cut a long story short:

NGOs, like Animals' Angels, financed by private donations of European citizens, have continuously spent enormous amounts of money and time to carry out inspection tasks, which actually should be carried out by the Member States' authorities, and have brought an enormous number of violations to the attention of the Spanish authorities and of the EU Commission.... and the result is that the EU Commission due to its *“limited resources and the regional structure of Spain”* is unable to get the necessary information, and thus closes the complaint!

What do we learn from this?

That the EU Commission has actually even less resources than a private NGO?

That a Member State can avoid providing information to the EU Commission due to its “regional structure”?

That 60 animal transports from Spain, which were without any doubt found to be in violation of Regulation (EC) No 1/2005 (otherwise they would not have been fined with 160.000 Euros by Italian authorities, after Animals’ Angels had requested their intervention), do not represent “*sufficient evidence pointing to a general and systematic failure by the Spanish authorities to enforce the relevant provisions of Regulation (EC) No 1/2005*”? And that consequently the Commission is not permitted to continue the infringement procedure against Spain?

What we certainly learn from this is something more about **The Myth of Enforcement!**

The following photos were taken between 2005 and 2016 on the route from Spain to Italy and from Spain via Italy to Greece, and show several of the irregular transports observed by Animals’ Angels:



2005 Exhausted horse from Spain, unable to stand up.



2007 Exceeded loading density. The lambs are unable to reach the watering devices.

2007 Horse stuck with one hind leg under divider. Another horse is standing with both hind legs on the lying one.





2010 Spanish lamb born during long distance transport to Greece with his dead mother.



2010 Dead sheep loaded in Spain.



2010 Spanish sheep died during long distance transport.



2012 Pig suffering from heat stress.



2016 This pig died during transport from Spain to Italy.



2013 No access to water for at least 25,5 hours.



2010 Exhausted bull from Spain.



2010 Lamb born during long distance transport from Spain to Greece.

Example 2: Transports from the EU to Turkey

Since several years, large numbers of cattle and sheep are being exported from the EU to Turkey. Animals transported via road enter Turkey at the border with Bulgaria. The horrific conditions the animals have to endure on this route have been extensively documented by animal protection NGOs. Even transporters have been and are complaining about, for example, the long delays at the border to Turkey.

When asked in a Parliamentary Question¹⁹⁷ in 2012 whether it intends to take measures against this horrendous situation, the Commission answered that it *“has examined the situation of animal welfare during transport to Turkey within the framework of a complaint concerning the infringement of EC law by several Member States. Insofar, a systematic failure to apply EC law could not be established and therefore no measures are foreseen”*.

In 2011, just one year before this statement of the Commission, Animals' Angels, as well as other NGOs for the protection of animals, had provided the Commission with extensive evidence, supported by photos and videos, on the various infringements of Regulation (EC) No 1/2005 on this transport route.¹⁹⁸ Among other things, Animals' Angels had sent a report to the Commission dealing with the deficient veterinary checks at the Bulgarian exit point at the border with Turkey. The report comprised 20 irregular animal transports, observed in just a few days, and showed that major problems concerning the animals, the means of transport and the accompanying documents remained undetected. The non-compliances Animals' Angels observed in the reported transports were, for example, exceeded loading density, calves that were born on board the trucks, insufficient deck height, missing or broken water systems and water systems not suitable for the animals on board, animals suffering from problems of the respiratory system, no feed on board, lack of or insufficient bedding, compromised ventilation, etc. All these transports had passed the Bulgarian exit point unchallenged. But the Commission says that *“a systematic failure to apply EC law could not be established and therefore no measures are foreseen”*...

¹⁹⁷ Parliamentary Question E-001506/2012

¹⁹⁸ Animals' Angels' video on animal transports from the EU to Turkey: <https://www.youtube.com/watch?v=WWDvu073lBg>, <https://www.youtube.com/watch?v=rNiXxN2Kj3s>

During three investigations into this transport route in 2011, Animals' Angels observed many transports originating from Hungary and/or carried out by Hungarian transport companies, which were also reported to the Commission. Aside from various other infringements, these transports resulted in dozens of dead and dying sheep, lambs and cattle. And what does the Commission say in March 2012? That “a systematic failure to apply EC law could not be established and therefore no measures are foreseen”...

Also, in the following years, Animals' Angels and other NGOs continued to monitor this transport route, particularly at the Bulgarian border with Turkey and reported the non-compliances observed to the EU Commission and to the Member States concerned. The most recent investigation was carried out in September 2015 and, again, numerous transports were observed with animals on board, who suffered from lack of food and water, lack of sufficient space, extremely high temperatures, exceeded transport times, etc.

The following photos show animals transported from the EU to Turkey between 2011 and 2015.



Bull trapped under divider.



Lambs desperate for water. The water system installed on the truck is unsuitable.



Thirsty calves unable to use the inadequate water devices.



Exhausted lambs from Bulgaria.



Dead Hungarian lambs during unloading in Turkey.



Problems of the respiratory system, like cough and nasal discharge, are frequent due to the ammonia gases the animals are exposed to for days on end.



Hungarian cattle confined in a truck with ankle-deep manure.



Dead bull from Hungary.



Heifer Bruna did not survive the transport from Hungary to Turkey.



Dead bull from Hungary.



Exhausted Slovakian bull on transport to Turkey.



Exhausted cattle transported from France to Turkey.



Exhausted cattle transported from France to Turkey.



This bull from Slovakia died before reaching Turkey.



Cattle lying on excrements.



Young Estonian bulls transported to Turkey.

Example 3: Portugal

Between 2005 and 2012, Animals' Angels has been monitoring the cattle market at San Pedro de Rates, which is the most important livestock market in Portugal. The cattle sold here are mainly “dairy cull” cows, a large number of which are transported from the market to slaughterhouses in Spain. Among other things, severe deficiencies regarding the general condition of the animals have been regularly observed and, in particular, the transport of severely sick, injured or emaciated cattle has been giving continuous reason for most serious concern. In addition, on various occasions rough handling was observed including severe maltreatment.

Since 2005, Animals' Angels has been sending numerous complaints regarding the market and the transports to and from the market to the Portuguese and Spanish authorities and the EU Commission. In November 2007, Animals' Angels also filed a formal complaint to the EU Commission concerning the systematic failure by the competent authorities of Portugal to guarantee compliance with Community legislation on the protection of animals during transport at this market. This complaint contained a comprehensive list of the irregularities observed until November 2007.

In the following years, i.e. in 2009 and 2011, the FVO visited this market twice. The FVO inspection report of 2009¹⁹⁹ states that “severely injured animals have been repeatedly and recently delivered to this market up to one month before the mission (October 2009)”.

Until December 2012, Animals' Angels continued to visit the market and continued to observe cattle that were not fit for transport but nevertheless were being transported. All in all, Animals' Angels inspected the market more than 20 times between 2005 and 2012. Again and again, Animals' Angels informed the EU Commission, as well as the national authorities. After that time the market director did not allow Animals' Angels entry to the market anymore. However, until the present (2015), Animals' Angels is still receiving information from official veterinarians in Spain about cows loaded at the market in Rates that had to be emergency slaughtered at Spanish slaughterhouses due to their very bad health condition.

¹⁹⁹ FVO audit in Portugal, DG(SANCO)2009-8242

During all these years, the Commission did not open an infringement procedure against Portugal. It just opened several “EU Pilot projects”²⁰⁰ and closed them again. Apparently they did not have the appropriate results. Cattle continue to be transported to and from the market in violation of Regulation (EC) No 1/2005.



2007 Downer bovine transported from the market San Pedro de Rates to a slaughterhouse.



2011 Market San Pedro de Rates.

²⁰⁰ „EU Pilot“ is a scheme designed to resolve compliance problems without having to resort to infringement proceedings. It is based on a website which the Commission and national governments use to share information on the detail of particular cases, and give governments a chance to remedy any breaches through voluntary compliance.
www.ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/eu_pilot/index_en.htm

d. No impact on inadequate sanctioning systems of the Member States

As illustrated in point 5.5, ten years after the coming into force of Regulation (EC) No 1/2005, many Member States still do not dispose of adequate sanctioning systems and/or do not apply sanctions adequately.

However, the Commission will not intervene and, what is more, it does not have the right to intervene. It stated that *“Given the fact that the applicable EU legislation has not provided the Commission with any empowerment in relation to penalties under Regulation (EC) No 1/2005, the Commission is not planning to take any specific action in relation to the Member States’ use of penalties”*.²⁰¹

The Commission cannot expect that the Regulation will be properly enforced in the future if there is apparently no means to force the Member States to lay down appropriate sanctioning systems.

²⁰¹ See the Commission’s answer to Parliamentary Question E-006833/2012, tabled in 2012.

6.5 Guidelines cannot substitute legislation

The Commission requested EFSA, the European Food Safety Authority, to provide a scientific opinion on the welfare of animals during transport. The EFSA opinion²⁰², adopted on 02.12.2010, contains several findings and recommendations which are stricter than the requirements of Regulation (EC) No 1/2005, for example: shorter transport times for horses, space requirements, internal height of compartments and cages, temperature ranges for poultry and rabbits, limited transport times for rabbits, etc.

Instead of revising Regulation (EC) No 1/2005 and including the EFSA recommendations, the Commission states in its transport report (2011)²⁰³ that it prefers to adopt guides to good practices in order to close the gap between the current legislation and available scientific evidence [i.e. EFSA opinion 2010].

Guides to good practices are, however, not legally binding and thus not enforceable. The Commission itself confirmed this in its answer to a Parliamentary Question by stating that *“It should however be emphasized that a scientific opinion does not constitute a legal obligation.”*²⁰⁴ Thus guides to good practices should be used only regarding those requirements of the Regulation which must leave some space for interpretation and which therefore cannot be sufficiently included into legislation.²⁰⁵ But guides to good practices are not appropriate to remedy basic shortcomings of the Regulation. All the recommendations given by EFSA listed above definitely require a revision of the Regulation, as there is no necessity to leave space for interpretation, and it is clearly possible to define minimum standards. Thus these minimum standards must be legally established. Only in this way can an adequate level of animal protection and of legal certainty for the inspection authorities and the stakeholders involved be guaranteed.

²⁰² “Scientific Opinion Concerning the Welfare of Animals during Transport”, requested by the Commission and adopted by the European Food Safety Authority (EFSA) in December 2010.

²⁰³ „Report from the Commission to the European Parliament and the Council on the impact of Council Regulation (EC) No 1/2005 on the protection of animals during transport“, 10.11.2011

²⁰⁴ Parliamentary Question E-010103/2011

²⁰⁵ For example it is not feasible to list within the Regulation all the possible physiological weaknesses and pathological processes that render an animal unfit for transport, consequently there is some space for interpretation. Thus for this aspect guides to good practices are essential and they help the stakeholders involved to correctly interpret the Regulation.

Example:

Concerning ceiling heights, the EFSA opinion, adopted in 2010, recommends for cattle a ceiling height of at least 20 cm above the withers of the tallest animal. And already in 2002, the EU Commission's Scientific Committee on Animal Health and Animal Welfare²⁰⁶ recommended a space of 15 cm above the heads of sheep.²⁰⁷ The Regulation just speaks of "sufficient height". It is obvious that the transport industry would not adhere to "guides to good practices" as this would mean that sheep, lambs and in many cases cattle could only be transported on fewer decks than so far, and thus transport costs would considerably rise.

By 2015, the EU Commission had not yet formulated "guides to good practices" regarding any of the above mentioned subjects recommended by EFSA, even though the EU Commission announced this in 2011.

What makes the Commission believe that guides to good practice, which are not legally binding, will be enforced by the Member States, given the fact that so far not even Council Regulation (EC) No 1/2005, which is legally binding, has been enforced?

For what reason does the EU Commission not propose a revision of the Regulation on the basis of the findings of EFSA?

How can the EU Commission justify spending taxpayers' money to have an EFSA opinion drawn up if it does not utilize the findings and turn them into enforceable legislation afterwards?

To date (2015), why has the Commission not initiated "guides to good practices" on any of the above mentioned subjects recommended by EFSA back in 2010?

²⁰⁶ "The welfare of animals during transport (details for horses, pigs, sheep and cattle)", report of the Scientific Committee on Animal Health and Animal Welfare, adopted on 11 March 2002

²⁰⁷ The recommendation of 15 cm above the top of the head of sheep concerns vehicles with good forced ventilation systems, while at least 30 cm are recommended for vehicles without forced ventilation.

6.6 The “famous” navigation system – another myth

Since 2009, the Regulation requires that all vehicles carrying cattle, sheep, goats, pigs and equines (other than registered equidae) are equipped with a satellite navigation system if journeys exceed 8 hours. This system shall provide information on the actual itinerary of the transport, i.e. the time and location. In addition, it shall register the opening and closing of the loading flap – the fact that the loading flap has been opened or closed is, however, no proof that animals have in fact been loaded or unloaded at this point of time.

As confirmed by the Commission,²⁰⁸ the navigation system is NOT appropriate for monitoring compliance with the following provisions:

- loading density
- sufficient deck height to allow the animals to stand in a natural position
- functioning water system
- functioning ventilation system
- watering/feeding of cattle and sheep after a maximum of 14 hours of transport; watering/feeding of horses every 8 hours
- constant access to water for pigs

As is evident from the Commission Report on animal welfare during transport,²⁰⁹ the Commission considers this navigation system as being a very useful means in order to guarantee better enforcement of Council Regulation (EC) No 1/2005 on the protection of animals during transport. At the same time, the Commission acknowledges that the navigation system is not adequately implemented in the different Member States.

The navigation system is much lauded by the Commission – almost as if it was the ultimate solution to all enforcement problems. However, the question may be permitted: in how far can this system actually provide such meaningful improvements in the enforcement of legislation? It is nothing but a tracking system, which indicates at what time the truck has been at specific locations on its journey. Furthermore, it must be stressed that many transport inspectors, who carry out road checks, have neither the legal powers nor the technical means to access the navigation system’s data.

²⁰⁸ See Parliamentary Question E-010775-12 and the Commission’s answer.

²⁰⁹ Report from the Commission to the European Parliament and the Council on the impact of Council Regulation (EC) No 1/2005 on the protection of animals during transport. COM(2011) 700 final.

And why, in 2015, seven years after the navigation system became obligatory, and after endless discussions, meetings and costly studies, have Member States and the EU Commission still not reached an agreement on how properly to use the data from the navigation system and an agreement as to which authority the data should be transferred? The local veterinary authorities and the central competent authorities of the Member States are still unable to retrieve relevant data to determine the real-time locations of trucks; thus they cannot organize on the spot checks accordingly. Only the transport companies themselves can locate their own trucks.

Should the navigation system eventually, one day in the future, function adequately, and should it be used properly, it could be used to verify that maximum transport times (which are in any case extremely long) are being respected. However, the navigation system can do nothing else towards verifying any of the other important conditions of animal transport.

7. Supportive Statements

for a revision of the Regulation

Please find below a selection of statements by veterinary organizations, authorities of Member States, Members of European Parliament and other EU institutions, as well as by European citizens, supporting a revision of Regulation (EC) No 1/2005.

Veterinary organizations:

I. Federation of Veterinarians of Europe (FVE)²¹⁰

“FVE’s view is that the current Regulation is already too complicated and this inhibits its effective monitoring and enforcement.”²¹¹

“FVE calls on Member States and other interested parties to support Sweden, Belgium, Denmark and Austria who request that transport rules be in accordance with current research findings and for journey times to be limited, in particular as regards animals for slaughter and unweaned animals.

FVE has always advocated that animals should be reared as close as possible to the premises on which they are born and slaughtered as close as possible to the point of production. It must be recognized that long-distance transport carries an increased risk of compromising the welfare of these animals, as well as increasing the risk of spreading infectious diseases.

FVE therefore strongly supports Sweden, Belgium, Denmark and Austria in their wish to add this into the Council conclusions.”²¹²

²¹⁰ The Federation of Veterinarians of Europe (FVE) is an umbrella organisation of 46 veterinary organisations from 38 European countries, representing a total of around 200 000 veterinarians.

²¹¹ FVE Position paper “The welfare of animals during transportation”, 15.11.2008

²¹² FVE press release, 15.06.2012, (www.fve.org/uploads/publications/docs/12_006_animal%20transport_rev2-2.pdf)

II. Federation of European Equine Veterinary Associations (FEEVA)

“It has always been FEEVA’s policy, that horses for welfare reasons should be slaughtered as close to the point of origin as possible, keeping transport to a minimum and where transportation is necessary, the horses’ welfare should be considered with priority, observing all regulations addressing the needs of these animals.

FEEVA therefore strongly express the support to the maximum 8-hour limit adopted by the European Parliament.”²¹³

European citizens:

Over 1 million European Citizens, 8hours-petition, 2012

“With my signature, I call for a restriction of 8 hours for animal transports in the member states of the European Union.”

EU institutions:

I. European Parliament, 2001²¹⁴

“In the case of cattle, horses, goats, sheep and pigs not intended for specific breeding and/or sporting purposes, transport should be limited to a maximum of eight hours duration.”

II. European Parliament, 2012²¹⁵

“The European Parliament calls on the Commission and the Council to review Regulation 1/2005 to establish a maximum 8-hour limit for the journeys of animals transported for the purpose of being slaughtered.”

III. Council of Europe, 2003²¹⁶

“For reasons of animal welfare the period during which animals, including animals for slaughter, are transported should be reduced as far as possible...”

²¹³ FEEVA position paper on maximum 8-hour limit for the journeys of animals transported for the purpose of being slaughtered. (www.fvee.org/about_fve/docs_to_download/feeva/2012/FEEVA_position_8hours.pdf)

²¹⁴ European Parliament resolution on the Commission report on the experience acquired by Member States since the implementation of Council Directive 95/29/EC amending Directive 91/628/EEC concerning the protection of animals during transport, text adopted: 13.11.2001, Strasbourg

²¹⁵ Written Declaration 49/2011, adopted on 15.03.2012

²¹⁶ Council of Europe, European Convention for the Protection of Animals during International transport (revised), Official Journal of the European Union, 13.07.2004

IV. European Commission, 2008²¹⁷

“...the Commission is conscious that efforts in enforcing the legislation will only achieve limited progress without a new approach to certain provisions in the Regulation and, in particular, on travelling times and space allowances. The Commission believes that the present time limits are not fully in line with scientific knowledge and are also inconsistent with the social legislation applicable to drivers, making the overall implementation of transport time difficult. Therefore the Commission considers the revision of travelling times and space allowances as a priority.”

Member State authorities:

I. Austria, Federal Ministry of Health

“Commission Regulation (EC) No 1/2005 still contains several imprecise rules that periodically cause lack of legal formality. Especially the missing specifications concerning the transport of calves, the definition of adequate drinking devices, minimum internal heights and authorizations of transports cause problems executing this regulation. Austria would like to express its deep concern that those lacks of common definitions as well as other important issues have not been corrected within the framework of the report of the impact of Commission Regulation No. 1/2005 (EC).”²¹⁸

II. Austria and the Netherlands

“Austria and the Netherlands expressly regret that the Commission rules out a revision of the Regulation. There is severe doubt that the desired Europe-wide harmonization can be achieved by establishing non-binding guidelines and recommendations. Also the rising number of Member States’ national provisions on animal transport is an indication that requirements in the Regulation are missing or too general. Many of the deficits mentioned in the report are not primarily rooted in the different ways of enforcement by Member States, but are due to the well-known ambiguities of the text of the Regulation.

²¹⁷ Letter on behalf of José Manuel Barroso, President of the European Commission, dated 28.11.2008

²¹⁸ Letter from the Austrian Federal Ministry of Health to the EU Commission dated 13.06.2012 (http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2011_action-plan_at_en.pdf)

For the Netherlands and for Austria (being one of the EU Member States most directly affected by transit), a uniform and clear legal framework remains question of utmost importance and a revision of Regulation (EC) No 1/2005 is still considered an absolute necessity. Such revision should contain not only more precise descriptions of unclear provision. Also clear improvements for the purpose of animal protection are required, such as establishment of a maximum duration of transport of animals to be slaughtered (proposal: maximum of eight hours) and improvements and clarification of stipulations/rules concerning space allowances, like loading densities and internal/ceiling heights.”²¹⁹

III. Czech Republic, State Veterinary Administration

“Difficulties arose, particularly during inspections of transit transport, in the checks of compliance with and practical implementation of provision of Council Regulation (EC) No 1/2005 caused by unclear technical requirements.”²²⁰

IV. Denmark

“It is extremely important that journey times be limited, in particular as regards animals for slaughter and unweaned animals. In the case of animals for slaughter, Denmark would like a restrictive maximum transport time.”²²¹

V. Germany, The Netherlands, Denmark, Joint declaration

“As most animal species for animal welfare reasons need a longer resting time after 8 hours transport, as indicated in the SCAHAW report, this would justify a maximum journey time for animals for slaughter of 8 hours, even if they are transported via assembly centers.”²²²

VI. Hungary, Ministry of Rural Development

“Hungary welcomes that the Danish Presidency deals with long journeys of live animals as a priority. During the elaboration of the EU animal welfare strategy for 2012-2015, we indicated to the European Commission that the relevant legislation needs urgent supervision and the long term aim should be the transport of animal products instead of live animals.”²²³

²¹⁹ Request from the Austrian and Netherlands’ delegations to the Council of the European Union, 11.07.2012 <http://register.consilium.europa.eu/pdf/en/12/st12/st12403.en12.pdf>

²²⁰ Communication from the State Veterinary Administration of the Czech Republic to the EU Commission, 2012 (http://ec.europa.eu/food/animals/docs/aw_transport-inspection_2011_action-plan_cs_en.pdf)

²²¹ Monthly summary of acts of the Council of the European Union, June 2012, Danish statement (<http://register.consilium.europa.eu/pdf/en/12/st13/st13093.en12.pdf>)

²²² Request for revision of Council Regulation (EC) No 1/2005 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 (http://www.bmel.de/SharedDocs/Downloads/Tier/Tierwohl/GemeinsameErklaerungTransportverordnung-englisch.pdf?__blob=publicationFile)

²²³ Hungarian Ministry for Rural Development, letter to Animals’ Angels dated 22.02.2012

VII. The Netherlands

“The Netherlands government calls upon the European Commission to submit, at the earliest possible opportunity, proposals limiting journey times for slaughter animals to a maximum of eight hours.”²²⁴

VIII. Sweden (supported by Belgium and Austria)

“We are deeply disappointed that the Council was unable to agree on a proposal to enhance the protection of animals during transport, in particular since – according to the Commission’s report concerning the Regulation on the protection of animals during transport - the present provisions are incompatible with current scientific findings in this area.

It is essential that the rules in force be complied with and that the body of legislation be continually updated in accordance with current research findings; furthermore, it is extremely important that journey times be limited, in particular as regards animals for slaughter and unweaned animals. In the case of animals for slaughter, Sweden would like the journey time to be limited to eight hours.”²²⁵

IX. United Kingdom

“The UK [...] would like to see a review of long journey rules to take account of existing and emerging scientific evidence, including that highlighted by the recent EFSA report, particularly in relation to revising the journey time down to a maximum of 12 hours for horses going to slaughter. We also wish to see discussion on greater protection for infant livestock, particularly calves [...] considering the very long distances some unweaned calves have to travel, which can involve multiple cycles of 19 hours journeys”.²²⁶

²²⁴ Monthly summary of acts of the Council of the European Union, June 2012, Statement by the Netherlands (<http://register.consilium.europa.eu/pdf/en/12/st13/st13093.en12.pdf>)

²²⁵ Monthly summary of acts of the Council of the European Union, June 2012, Swedish statement supported by the Belgian and Austrian delegations (<http://register.consilium.europa.eu/pdf/en/12/st13/st13093.en12.pdf>)

²²⁶ Jim Paice, Agriculture minister for the UK, at the Agriculture and Fisheries Council in Luxembourg, June 2012
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2013093%202012%20INIT>
<https://www.gov.uk/government/news/review-needed-of-livestock-transport>

Members of the European Parliament:

I. Kriton Arsenis, Member of EU Parliament (2009 – 2014), Greece, S&D

“The current EU legislation regarding animal transport is far beyond unacceptable and the position of European Commission not to change it is extremely disappointing.”

II. Georges Bach, Member of EU Parliament, Luxembourg, EPP

“In the EU, living animals are allowed to be transported for up to 24 hours without a break, and even for up to 28 hours with a one-hour-break. After a 24-hour break, it is even possible to repeat the mentioned transport-periods. Even though EU-regulations have been tightened for long animal transports – specific requests are necessary, the equipment of the transport-vehicles as well as the training of the accompanying staff are determined – but in my opinion this is not sufficient if we want to spare animals from unnecessary torment. Currently, there is still no maximal transport duration. With the initiative “8 hours”, an upper limit for transport duration should finally be established – to at least reduce the Animals’ exertion.”

III. Michael Cramer, Member of EU Parliament, Germany, Greens

„Each day uncountable animals in the EU are sent on their last journey to slaughter-houses. But instead of at least sparing them unnecessary suffering by slaughtering them in the vicinity, the animals are often transported for days under dramatically bad conditions.

In practice Member States do not check and enforce compliance with EU-laws, which are anyway weak. Citizens’ initiatives often observe transports of slaughter animals on the roads of the EU, which last for more than one week (!). Therefore a revision of the current Regulation (EC) No 1/2005 is indispensable. Instead of very complex, elastic provisions, which are hardly enforceable in practice, the EU should decide to clearly limit animal transports to a maximum of 8 hours.”²²⁷

IV. Karl-Heinz Florenz, Member of EU Parliament, Germany, EPP

„Ten years ago, I have already asked to abolish animal transports that exceed 8 hours. They are a violation of animal protection and also prevent the meat from being produced, processed and sold locally. This situation is particularly due to the lobby of the big slaughterhouses which are responsible for animals suffering hours of agony in trucks. It is important that Europe will intervene forcefully.”

²²⁷ Press release by Michael Cramer, 07.06.2012
www.michael-cramer.eu/presse/pressemitteilungen/single-view/article/tiertransporte/

V. Julie Girling, Member of EU Parliament, UK, ECR

“According to current legislation animal transports up to several days are acceptable as long as the haulier fulfils simple demands concerning rest, feeding and watering of the animals. EC studies have shown that these simple welfare actions are often not taken at all. If operations ignore the law then it needs to be changed.”

VI. Dan Jørgensen, Member of EU Parliament (2004 – 2013), Danish Minister for Food, Agriculture and Fisheries (2013 - 2015), Denmark, S&D

“In reality what goes on today on the European roads is animal cruelty. This has to be stopped. The European Commission has so far disregarded the demand for new rules for animal transports. But it will be difficult for the Commission to ignore one million citizens.”²²⁸

“A change of legislation can change problems with enforcement. The current legislation is complicated and bureaucratic.”²²⁹

VII. Esther de Lange, Member of EU Parliament, Netherlands, EPP

„Already in 2004 the European Parliament proposed to drastically reduce the transport of live animals for slaughter to 8 hours. Back then, the Council of Ministers ignored our plea. Now that the Parliament has co-decision powers they can no longer do so!”

VIII. Angelika Niebler, Member of EU Parliament, Germany, EPP

“Experience has shown that current provisions with regard to the transport of animals are not sufficient in order to prevent animals from suffering as much as possible during transports exceeding 8 hours. The European Commission has recently determined in a report that more needs to be done in that field. I therefore argue in support of a prohibition of animal transports exceeding 8 hours.”

IX. Pavel Poc, Member of EU Parliament, Czech Republic, S&D

“It’s part of humanity and humanism to fight against suffering. Not only human suffering, but also animal suffering. We don’t need to transport animals in small compartments across thousands of kilometers for production. So it’s part of humanism and humanity to stop this suffering as well” and “end long distance journeys of animals sent for slaughter.”²³⁰

²²⁸ Animal Welfare and Trade, 2012
<http://animalwelfareandtrade.com/animal-welfareone-million-signatures-against-long-distance-transport>

²²⁹ Reporting the EU, 2012
<http://reportingtheeu2012.mediajungle.dk/2012/03/21/eu-member-states-lack-to-enforce-rules-on-animal-transport/>

²³⁰ Video message by Pavel Poc, 2012
www.youtube.com/watch?v=S4UzQrS2nDY&feature=youtu.be

X. Carl Schlyter, Member of EU Parliament (2004 – 2014), Sweden, Greens

“European citizens and MEPs have grown tired of hearing empty words on animal welfare. The Commission has run out of excuses for not putting forward a proposal of reduced transport times. Eight hours is more than enough.”²³¹

XI. Jutta Steinruck, Germany, S&D

“... from an ethical and moral point of view it is not understandable why animals are transported thousands of kilometres through Europe just to satisfy the greed of some companies. These transports only exist because it started a competition in wage dumping in the butcher industry: The animals are slaughtered there, where labour costs are at minimum – against any ecological or social reason. In Mai 2011 I organized a Hearing in the European Parliament about Social Dumping in the European Meat Industry where we also discussed about the shocking situation of the animals.”

XII. Keith Taylor, Member of EU Parliament, United Kingdom, Greens/EFA

“The long distance transport of farm animals is of great concern to me and the Commission has reported widespread failings across the EU to enforce the relevant legislation. This really is unacceptable as it is in place to protect the welfare of these animals.”²³²

XIII. Andrea Zaroni, Member of EU Parliament (2011 – 2014), Italy, ALDE

“If we want to protect animals during transport, we have to stop these journeys that last entire days and cause indescribable suffering to the animals. The current Regulation does not allow efficient controls of long distance transport. Animals are often transported in dramatic conditions without water, limited space and with very bad ventilation.”²³³

“It’s time to stop this torture. Europe (...) has to provide itself with regulations which demonstrate respect for animals, also to take account of Art. 13 of the Lisbon Treaty, which recognizes animals as sentient beings.”²³⁴

²³¹ www.greens-efa.eu/de/animal-transport-5556.html, 15.03.2012

²³² Website of Keith Taylor, www.keithtaylor MEP.org.uk/2014/02/14/keith-welcomes-enforcement-of-eu-animal-transport-regulations-in-ramsgate-sheep-tragedy-case/

²³³ European Parliament, Brussels, 11.12.2012, www.youtube.com/watch?v=Sz7wA4OejzQ

²³⁴ European Parliament, Brussels, 30.01.2014, www.youtube.com/watch?v=Jth1YHcgQ40

8. Conclusion

The aim of this documentation is not to show that enforcement of Regulation (EC) No 1/2005 on the protection of animals during transport does not work properly. This is already well known. It has been well known for years. The Commission knows and acknowledges it. The Member States know and acknowledge it.

The aim of this documentation, however, is to show why, under the current Regulation, it is impossible and it will remain impossible to improve enforcement to an extent that could guarantee an acceptable level of animal protection during transport.

There are many veterinarians and police officers who have been doing, and still do, the best they can for the animals on board the trucks. Many of them work under difficult conditions, with insufficient equipment and infrastructure; they do extra hours and are often badly paid; they are on the roads at night and day, in heavy rain and blazing heat; but still, they are ready to confront themselves with often unsolvable problems, to argue with animal dealers, transport companies and their own superiors, to bear insults and to endure the fact that the penalties they impose are often not even paid. These veterinarians and police officers deserve the greatest respect!

But these veterinarians and police officers still remain an exception and, what is more, they observe the same or similar problems year after year – because their only legal tool is Regulation (EC) No 1/2005. This Regulation is too complex, contains too many vague provisions and, above all, it allows long distance transport.

Ten years after the coming into force of the current Regulation (EC) No 1/2005, enforcement has improved in several Member States, but the situation of the transported animals in the EU is still far from being acceptable. Many problems endangering the protection of animals during transport persist: exhaustion and suffering due to heat stress, injuries, lack of food and water, strain to balance and remain upright in moving vehicles, the risk of being trampled, etc. These problems are inherent in long distance transport. As the journey time increases, animal welfare deteriorates. These problems can thus not be adequately resolved by increased enforcement. They can only be reduced by drastically limiting the currently allowed transport times.

In short: While reading this documentation, you might have asked yourself: *“If enforcement is so difficult and often even impossible, what would be the advantage of a revised legislation, which includes a drastic limitation on transport times and excludes vague provisions, if anyway it, too, would not be properly enforced?”*

The answer is simply:

1. The shorter the transport time, the less the animals suffer from the given enforcement deficiencies and from the problems inherent in longer transport.
2. If long distance transport was outlawed, the legislation would be much less complex. Thus it would be much easier to enforce and enforcement would improve automatically.
3. The substitution of vague provisions by precise ones would provide the inspection authorities with legal certainty, which again makes enforcement easier and more efficient.

Enforcement is and remains important, but it must go hand in hand with a

New Regulation.

Why do the Commission and several Member States still claim that focusing exclusively on improving enforcement will be sufficient to achieve an acceptable level of animal protection?

Maybe after reading this documentation they will stop believing in and defending the

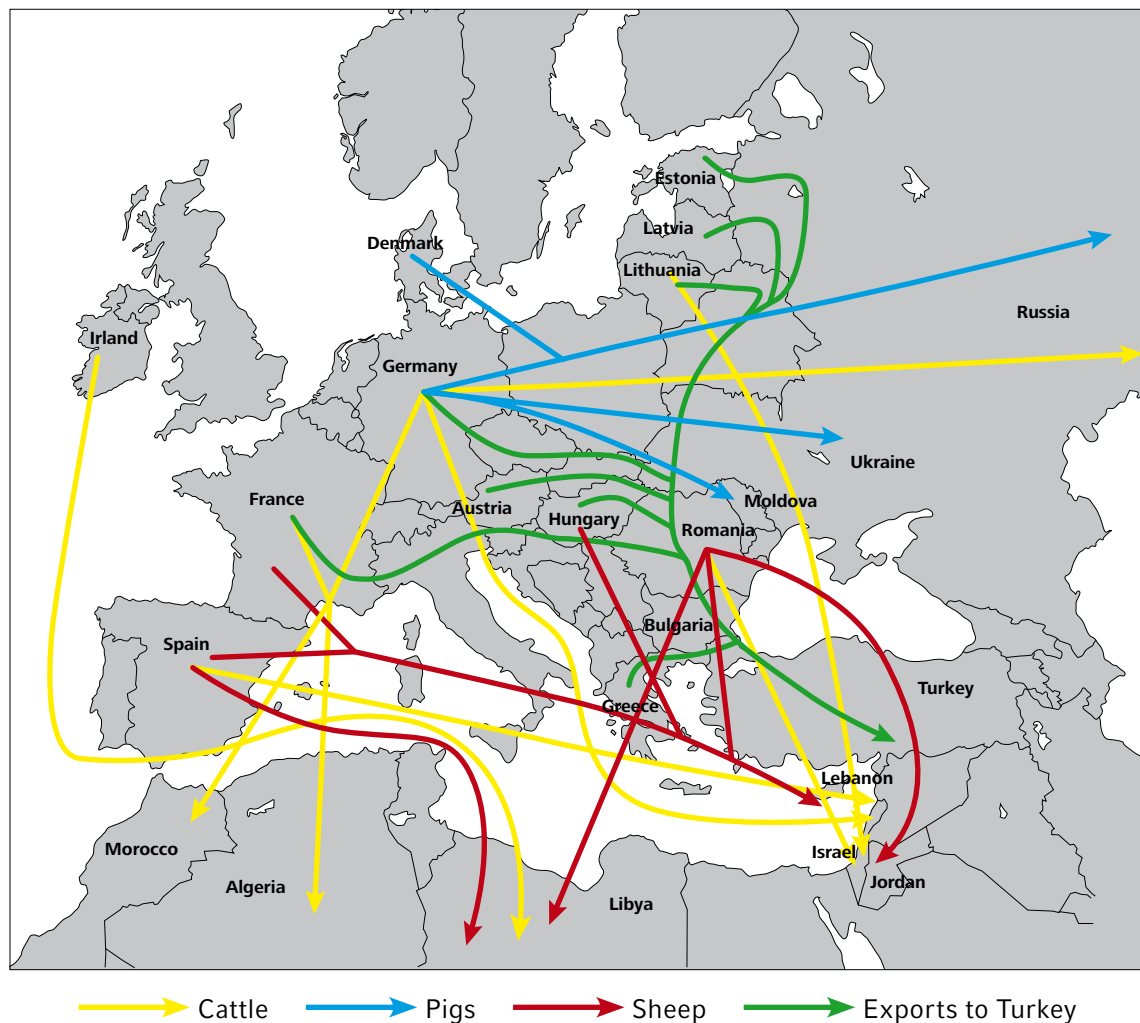
Myth of Enforcement

and start working on a new Regulation on the protection of animals during transport which is worthy of the name!

Annex

Export of Live Animals from the EU to Third Countries

Live animals are exported each day from the EU to Northern Africa, Asia and the Middle East – for slaughter, fattening or breeding. They are transported by road, sea and a few by air. In 2014, the number of sheep, cattle and pigs exported to Third Countries amounted to more than 3 million.



In 2014²³⁵ ...

... roughly 2 million sheep, 500.000 cattle (out of which approx. 42% were „for slaughter“) and 570.000 pigs were exported from the EU. Altogether more than 3 million animals.

...the vast majority of sheep were exported from Romania to Libya (734.332) and Jordan (552.077) and from Spain to Libya (476.611).

... the EU Member States exporting most of the pigs were Hungary, Croatia and Germany, while the main importing countries were Serbia, Albania, Moldova and Ukraine.

... Lebanon, Israel and Libya were the main importing countries for cattle from the European Union, originating, among others, from Spain, Slovenia, Romania, Ireland and Lithuania.

... Germany exported around 49.000 cattle to 29 Third Countries, mainly to Lebanon, Russia, Morocco and Turkey.

... Romania exported cattle even to Syria and sheep as well as cattle to Iraq.

Turkey²³⁶ ...

... imported roughly 1,2 million sheep and lambs and 570.000 cattle from 17 different Member States of the EU between 2011 and 2014.

...most sheep and lambs were exported from Bulgaria (880.000), Hungary (166.000) and Greece (160.000) to Turkey, while the majority of cattle originated from Hungary (252.000) and France (144.000), followed by Austria, Slovakia, Germany and Lithuania.

²³⁵ Eurostat, data extracted in August 2015.

²³⁶ Eurostat, data extracted in February 2016.

Abbreviations:

| | |
|---------------|--|
| CA | Competent Authority |
| CCA | Central Competent Authority |
| EFSA | European Food Safety Authority |
| FVE | Federation of Veterinarians of Europe |
| FVO | Food and Veterinary Office |
| | <i>The FVO is an office of the European Commission carrying out audits, inspections and related non-audits in Member States, Third Countries and Candidate Countries concerning EU legislation on food safety, animal health, animal welfare, plant health and in the area of medical devices.</i> |
| NGO | Non-Governmental Organization |
| SCAHAW | Scientific Committee on Animal Health and Animal Welfare |
| TRACES | Trade Control and Expert System |

Definitions:

| | |
|--------------------------------|---|
| Long distance transport | A transport exceeding 8 hours. |
| Control post | Places where animals are unloaded, rested, fed and watered for 24 hours (in exceptional cases for 12 hours) during long distance transport. |
| Inspection rate | Number of inspected animals in relation to number of transported animals. |
| Infringement rate | Number of transports detected in violation of Regulation (EC) No 1/2005 in relation to the total number of transports inspected. |

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ANIMALS' ANGELS
PRESS

ISBN: 978-3-9816696-4-0