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**REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN  
PARLIAMENT**

**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**

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## SUMMARY

Protection of animals during transport has always been one of the major areas of concern in animal welfare. The first Community Directive in this area was adopted in 1977. Since then, the Directive has been amended twice, the last time in 1995 by Council Directive 95/29/EC. This latter Directive introduced several changes, including:

- Transporters of animals were made responsible for implementing the main provisions of the Directive and had to be approved by competent authorities in the Member States,
- Loading densities were set for farm animals,
- Journeys exceeding eight hours must be planned in accordance with specific requirements of the Directive concerning vehicles and travelling times. A specific procedure, the "route plan", was introduced in order to impose proper planning and help verify the correct execution of long-distance journeys.

It also included an obligation for the Commission to submit a report to the Council on the experience acquired by the Member States since the implementation of the directive. Three sources of information have been used in drafting this report:

- Member States inspection reports;
- Food and Veterinary Office (FVO) inspection reports;
- Complaints from Non Governmental Organisations (NGOs).

The main findings of the report are as follows:

Member States have difficulties in fully applying the Directive. The FVO reports point to the low level of priority given by Member States in implementing the Directive.

Difficulties in collecting inspection reports from Member States and insufficient harmonisation of the data transmitted limited their use.

The transport of horses from Central and Eastern European Countries to the European Union is a particular area of concern. Little long-term improvement has been secured.

From a technical point of view the main findings are the following:

- Inadequate road vehicles;
- Illegal route plans and non-compliance with travelling time limits;
- Negligence and poor handling of animals;
- Transport of unfit animals;
- Insufficient ventilation on road vehicles;

- Overloading;
- Difficulties in checking the approval of transporters for animal transport.

Arising from these findings, the main areas where remedial action must be considered are as follows:

Member States are primarily responsible for the day-to-day implementation of Community legislation. They must allocate rapidly adequate resources to meet the objectives set up by the Directive.

A harmonised certificate of registered transporters needs to be established in order to allow rapid checks.

Specific procedures must also be set up with a view to facilitating checks by competent authorities in particular in relation to the implementation of the route plan and appropriate follow-up of violations.

Community rules apply once the animals have arrived on the territory of the Union. The authorities in Central and East European countries should be called upon to ensure that their transport operators are aware of their obligation to respect Community rules once they have crossed the border of the Union. This role falls on the Commission which will also be encouraging the countries concerned by the enlargement process to adopt regulations compatible with current Community law.

The Community should become be a party to the European Convention for the Protection of Animals during International Transport.

To address the specific problem of transported horses, unloading and fixed resting period of horses passing through the border of the Union should become compulsory.

Technical amendments of the Directive are necessary and in particular in relation to route plan, definition of animals unfit for transport, health certificates, ventilation standards for road vehicles and Member States inspection reports.

Longer-term initiatives will be considered especially the need to update the scientific knowledge presently available to the Commission. Several fundamentals of the Directive should be evaluated on a scientific basis and notably data concerning travelling times and loading densities. Reflection is also needed to improve the qualifications of the personnel involved in animal transport. Measures to encourage the slaughter of animals closer to their breeding place also merit examination.

## 1. BACKGROUND

Transport is one of the most controversial areas of animal welfare and has always been under particularly close public scrutiny. The first Directive on the protection of animals during transport adopted in 1977<sup>1</sup> came just after the adoption of the first Directive on the protection of animals in 1974<sup>2</sup>. New legislation on the protection of animals during transport was adopted in 1991 and in 1995.

Under Article 13(3) of Council Directive 91/628/EEC on the protection of animals during transport, as amended by Council Directive 95/29/EC, the Commission is required to submit a report to the Council on the experience acquired by the Member States since the implementation of the amending Directive, possibly accompanied by proposals. The objective of this report is to analyse the level of implementation by Member States of the Community legislation concerning the protection of animals during transport and to propose future actions. The report will focus on critical areas where the situation could be improved in particular by modification of the existing Community legal framework.

Article 2 of Council Directive 95/29/EC stipulates that Member States must bring into force the laws, regulations and administrative provisions necessary to comply with its provisions by 31 December 1996 at the latest (except for Chapter VII (3)).

Directive 95/29/EC also introduced significant innovations in the way the welfare of animals in transport is controlled. It is therefore important to monitor the practical implementation of these amendments.

One of the major elements of the amending Directive was to impose a set of responsibilities on the transporter together with the obligation of approval by the competent authorities of a Member State. Animal protection organisations considered the approval of transporters as one of the most positive steps to make the transporter accountable for possible infringements in this field and to clarify the responsibility of Member States to take necessary enforcement action.

Directive 91/628/EEC defines loading densities for the most commonly transported species (horses, cattle, sheep, goats, pigs and poultry). A maximum limit of eight hours was introduced as a general rule for the transport of livestock. Extensions are still permitted, provided that the transport takes place in upgraded vehicles under specific conditions concerning watering and feeding intervals as well as resting periods. Based on Directive 91/628/EEC, two Regulations have been introduced to specify the standards for such vehicles as well as for staging points<sup>3</sup>.

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<sup>1</sup> Council Directive 77/489/EEC of 18 July 1977 – OJ 1977 L 200 p. 10.

<sup>2</sup> Council Directive 74/577/EEC of 18 November 1974 on stunning of animals before slaughter – OJ 1974 L 316 p. 10.

<sup>3</sup> Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC, OJ L 174, 02/07/1997, p. 0001 - 0006.

Council Regulation (EC) No 411/98 of 16 February 1998 on additional animal protection standards applicable to road vehicles use for the carriage of livestock on journeys exceeding eight hours, OJ L 52 p. 8-11.

Before departure, the transporter must submit a "route plan" to the official veterinarian describing all the "steps" of the journey (time of departure and arrival, feeding and watering stops, stops at staging points, change of means of transport).

Three principal sources of information have been used to produce this report:

- 1) Member States' reports. Article 8 of the Directive required Member States to submit an annual report to the Commission stating the number of inspections carried out, including details of any reported infringements and the action taken as a result by the competent authority. Article 2 of Council Directive 95/29/EC provides a deadline for implementation of 31 December 1996. Data from Member States used in the report thus relate to 1997 and 1998 (see Table 2). This data was supplemented by valuable information from a working group of the Standing Veterinary Committee set up on the issue of animal transport.
- 2) The Food and Veterinary Office inspection reports. The FVO is in charge of checking the proper enforcement of Community legislation in this field. Since the entry into force of Directive 95/29/EC, several inspections have been made concerning the protection of animals during transport in Member States (see Table 3).
- 3) Formal complaints from Non Governmental Organisations (NGOs). The Commission regularly receives complaints from NGOs for the protection of animals. The main NGOs that communicated information to the Commission on this issue were: the "EUROGROUP for Animal Welfare", the "Royal Society for the Prevention of Cruelty to Animals (RSPCA)", the "Dutch Animal Welfare Society" (NVBD), the "International League for the Protection of Horses" (ILPH), the organisation "Animals' Angels", "Compassion In World Farming" (CIWF) and "Deutscher Tierschutzbund e. V." The European Parliament and the general public have also repeatedly raised the issue of welfare conditions in animal transport.

In addition, the Commission is always concerned to develop legislation based on sound science. The Scientific Committee on Animal Health and Animal Welfare has produced a report concerning the ventilation on road vehicles, which was adopted<sup>4</sup> on 8 December 1999.

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<sup>4</sup> Standards for the Microclimate inside Animal Transport Road Vehicles - Report of the Scientific Committee on Animal Health and Animal Welfare (adopted 8 December 1999) SANCO/B3/AW/R13/1999.

## 2. MAIN FINDINGS<sup>5</sup>

### 2.1. Low level of priority given in certain Member States in implementing the Directive.

The low level of priority given by the competent authorities of Member States to the enforcement of the Directive is one of the most frequent comments found in the FVO and NGO's reports.

It is often reported that Member States were not taking action to remedy the deficiencies encountered in relation to the proper enforcement of the Directive. This remark applies to several technical deficiencies mentioned below such as, for example, approval of non-compliant route plans, no swift action taken in case of transport of unfit animals or poor handling of animals. Transporters operate in different Member States, within a fairly complex chain of transport, and responsibilities among the different operators are often confused. This situation leads to significant difficulties in applying penalties when infringements are observed by the competent authorities of Member States.

It should be noted that infringement proceedings have been opened against some Member States in relation to the failure to implement Community legislation in relation to the protection of animals during transport.

### 2.2. Difficulties in collecting inspection reports from Member States

Although the Commission issued repeated reminders to Member States about their duty to provide a report for 1997 and 1998, not all Member States have sent information to the Commission (24 reports out of 30). Data have been sent very late from some Member States and only 19 reports were actually available on time to draft this report. No information was available from Greece, although national implementing measures were adopted in 1997.

Delays in transposing the Directive could explain for some Member States the absence of a report for 1997. Nevertheless, some Member States were able to send some inspection data for 1997 without having fully transposed the Directive on 1 January 1997 (Belgium, Germany, Spain, Denmark, Luxembourg, Portugal, Finland, UK).

The reports are frequently incomplete and not harmonised with the result that the Commission is not able to give a comprehensive view of the efforts at enforcement made by the competent authorities of Member States. Insufficient harmonisation of the data presented makes the comparison and use of them limited in some instances. Data transmitted are not uniform and for this reason cannot be used to generate valid statistical comparisons.

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<sup>5</sup> See tables 1 to 6 of the Annex for details.

### **2.3. Transport of horses**

The transport of horses for slaughter from Central and Eastern Europe into some Member States is a particular area of concern. Animals are travelling long distances before reaching the territory of the European Union.

Since the opening up of Eastern Europe in the early 1990's, approximately 140 000 live horses have been imported into the European Union annually for slaughter, mainly by road. Poland, Baltic States, Hungary and Romania are the main exporters and Italy is the main importer (more than 80%).

According to NGOs<sup>6</sup> and as confirmed by the Commission, laws in the exporting or transit countries are inadequate to protect the welfare of these horses during transport. As a result, horses reach the border of the Union insufficiently rested, poorly watered and not fed. Vehicles are often not appropriate for long- distance transport, overloaded and minimum welfare requirements are disregarded.

NGOs also complain that inspections carried out at the border inspection posts of the Union (in particular in Italy) where horses are in transit are insufficient and animals are transported for several additional hours without any proper rest, water, feed or veterinary treatment until they reach the final destination.

Again this seems to reflect the low level of priority given by officials to animal welfare issues.

The FVO has made various recommendations to Member States authorities, but little long-term improvement has been secured. In particular it has criticised the lack of active enforcement by the Italian frontier veterinary authorities<sup>7</sup>.

### **2.4. Inadequate road vehicles**

The use of poorly designed, ill-maintained and dirty vehicles is commonly reported by Member States and the FVO. The lack of cleanliness of a vehicle is frequently reported by Member States and it also raises important animal health concerns. Other deficiencies relate to roofs and walls in bad conditions, sharps edges and tethering rings badly located on road vehicles. The FVO reports stress that both the poor design and bad maintenance of the vehicles are potentially dangerous for the transported animals (protruding objects, slippery surfaces, absence of roof, holes and depressions in floors, etc.).

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<sup>6</sup> See "Dead on arrival, the transport of live horses in Europe", published by the Royal Society for the Prevention of Cruelty to Animals and the International League for the Protection of Horses.

<sup>7</sup> See FVO report DG(SANCO)/1067/1999-MR Final concerning the mission in Italy on border inspection posts carried out 5-9 July 1999 and in particular the section 6.2.5 concerning the Border Inspection Post of Gorizia.

## **2.5. Non compliance with route plans and travelling time limits**

Non compliant route plans and insufficient resting time are not considered as frequent deficiencies by Member States. By contrast, the FVO missions identify them as two of the major technical deficiencies. FVO reports indicate that the competent authorities of the Member States are regularly approving route plans that do not meet the requirements of the Directive (Germany, Netherlands, France and Spain). Member States report difficulties in relation to the proper use of route plans. This confirms the outcome of some FVO inspection reports which indicate that the present layout of the route plan is not considered functional for multi-leg journeys in intra-Community trade. The necessity to perform precise calculations on the duration of a journey in order to check if the route plan complies with the requirements of the Directive has been reported as an area of concern for the competent authorities. In particular, problems of interpretation are mentioned regarding the use of the route plan when the journey is performed in different sections and with different means of transport.

Insufficient checks of the route plans at departure to ensure that they comply with the limits provided by the Directive allowed animals to be transported over excessively long periods, with insufficient watering, feeding and rest.

## **2.6. Negligence and poor handling of animals**

Evidence of poor handling and care of animals during transport is given in Member State, FVO and NGO reports. Lack of sufficient watering equipment for pigs has been reported. Absence of feed and litter has also been mentioned. The excessive use of electric prods is reported by various countries. Mixing of young animals with adults has been reported for cattle. The worst situations of poor handling and straightforward cruelty to animals are reported in some market places.

Improvement of handling methods is required. People directly dealing with animals as well as official inspectors in charge of supervising the operations need to be made more aware of the suffering of the animals and of their responsibility to prevent it as the law requires.

## **2.7. Animals unfit for transport**

Transport of unfit animals is a main finding both for Member States and the FVO. Main causes identified are varying degrees of lameness (arthritis, old or new break in limb), in particular for pigs, other injuries, advanced pregnancy (horses, cattle) and horses "in poor health conditions". The FVO underlines the need to find a more precise definition for pregnant and very young animals fit to be transported.

## **2.8. Insufficient ventilation on road vehicles used in long-distance transport**

Improper ventilation inside the lorries is a matter to be addressed, since the main traffic of livestock in Europe is taking place from northern to southern Europe for almost all farm species (horses, cattle, sheep, pigs). The absence of adequate ventilation for vehicles used in long-distance transport is considered a serious problem by the FVO reports while the competent authorities of Member States do not report problems on this particular aspect. NGOs have reported serious problems for animal welfare in relation to lack of ventilation.

As previous incidents have proved, the overheating of animals in summer is one of the major factors leading to suffering and mortality in long-distance transport. Efficient ventilation and sufficient watering are critical factors to ensure the welfare of animals during transport as are appropriate loading densities.

## **2.9. Overloading**

Overloading of animals often occurs but little data is available on the species involved. Evidence of overloading is reported from FVO reports and NGOs, in particular for pigs.

Overloading, in addition to being in itself an important cause of distress for the animals, is also one of the critical elements that contribute to increased temperature and humidity within the compartment where animals are transported and can lead to overheating. Again it is indicative of insufficient control at the time of departure.

## **2.10. Approval of transporters**

At present, transporters do not have the obligation to carry during transport and to submit at any time on request of the competent authorities a document providing evidence of their approval. Consequently the competent authorities of Member States find it unnecessarily difficult to check in a proper and efficient way if transporters are approved in accordance with Directive 91/628/EEC.

It also appears from data received that, when infringements by an approved transporter are notified to the Member State of registration, they are not necessarily followed up while the competent authority which carried out the inspection is not receiving any feedback on follow-up action.

Weaknesses in the Community rules on the approval of transporters and the insufficient exchange of information between Member States lower the effectiveness of inspections and the dissuasive effect of the imposition of penalties. Authorities in Member States of origin of transporters may not even be aware of all offences committed. As a result, transporters who are tempted to disregard animal welfare probably tend to take a chance and neglect, on a regular basis, Community provisions in this field. This also creates competitive distortions, with "good" transporters less able to compete with their irresponsible competitors.

## **2.11. Problems of interpretation of the Directive**

The following problems of interpretation concerning particular provisions of the Chapter VII of the Annex to the Directive have been pointed out by Member States, the FVO and NGOs:

- paragraph 4 (a) concerning the definition of weaned animals<sup>8</sup>,
- paragraph 4 (c) concerning the applicability of the route plan to registered horses,
- paragraph 7 (b) concerning the 12-hour rest period after a journey on roll-on/roll-off vessels.

These provisions are not applied in a uniform manner within the Community and these discrepancies are often detrimental to the welfare conditions of the animals. As a consequence, implementation of these requirements is not effective in many Member States.

## **2.12. New scientific research has been carried out in the field of transport of animals**

Requirements of Chapter VII of the Annex to the Directive on travelling time need to be reviewed in the light of research recently carried out in this field, for example, on loading densities and the stress caused by loading and unloading.

Loading densities might also be reassessed taking into account the possible revision of these data in the technical protocols of the revised European Convention for the Protection of Animals during International Transport (ETS 65).

## **3. ACTIONS<sup>9</sup>**

The Commission intends to start presenting proposals to improve the transport of animals in the near future, if possible before the end of the year. In addition longer-term initiatives will also be considered.

### **GENERAL**

#### **3.1. Member States**

The correction of some important deficiencies reported primarily depends on the attitudes and engagement of inspectors and persons dealing with the animals. This is particularly the case concerning brutalities and improper care and handling of animals. Checking the conformity of vehicles from a welfare point of view as well as the verification of loading densities are two other areas

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<sup>8</sup> Maximum journey times are different for weaned and unweaned animals under the Directive.

<sup>9</sup> See table 7 of the Annex, which establishes the correspondence between the main findings and the actions to be taken by the Commission.

requiring active, professional monitoring under the responsibility of Member States.

Member States must allocate in the near future adequate resources to informing, training and co-ordinating the actions of their field inspectors in order to apply the current legislation more efficiently. Animal welfare issues must be given high priority by professionals throughout the Community.

### **3.2. Registration and certification of transporters**

The Directive does not provide for any harmonised procedure in relation to the registration and the certification of the approved transporters.

The certificates of registered transporters need to be established in a harmonised format for the whole Union in order to allow rapid checks, especially when deficiencies are observed in a different Member State than the one where the transporter is registered. The certificate should in particular include all relevant data concerning transporters, the conditions of their approval (scope and period of validity) as well as the details of the competent authority responsible for approval.

### **3.3. Information exchange and mutual assistance**

A proper exchange of information between competent authorities of Member States is essential for the enforcement of Directive 91/628/EEC.

The Directive recalls the necessity for Member States to cooperate in particular with a view to facilitating the proper checks in relation to the registration of approved transporters and the use of the route plan. Taking into account that the most delicate situations occur during long-distance journeys where different Member States are involved, specific procedures must be established in order to facilitate checks by competent authorities in the State of origin in relation to the proper completion of the journey as scheduled in the route plan as well as appropriate follow-up of violations, particularly by persistent offenders.

### **3.4. Application of Community rules to animals arriving from third countries**

Long-distance journeys frequently start in Central and Eastern Europe and animals are at present reaching the border of the Union after having travelled for long periods of time.

Enforcement in such cases frequently appears to be lacking in rigour due to some confusion as to the legal possibility for competent authorities to insist on compliance with Community rules. However, there is no doubt that Community rules apply once the animals have arrived on the territory of a Member State. Member States are required to prohibit transport which does not meet the requirements of the Directive. The intention of the Directive was to try to prevent animal's suffering during their entire journey, but it is beyond doubt that Member States should take measures to prevent animal's suffering on their territory, even if that suffering had its origin in events taking place in third countries. Member States' competent authorities normally have the means to establish the conditions under which the animals were transported prior to arrival at Community frontiers, including the documentation accompanying consignments notably veterinary and customs papers as well as the tachograph disc of vehicles. This evidence may be relevant to determining the welfare of animals.

The Community rules should be applied with regard to factors having their origin on the journey to the territory of the European Union provided that these factors continue to exist. In such circumstances an infringement may be committed and ascertained on the territory of the Union. A transporter is not being held responsible for the transport that occurred earlier in a third country but for transporting an animal on Community territory in violation of the conditions required by the Directive and so causing the animal to suffer at that time. Moreover, the Directive ensures that importers and exporters are aware of Community requirements in this respect by specifying that importation, transit and transport into and through the Community shall only be authorised where a written undertaking has been given to comply with them and appropriate arrangements made (Article 11, par. 2).

In an attempt to improve the welfare conditions of animals arriving at the Union's external frontiers, the Commission intends to work with the competent authorities of Central and Eastern European countries and seek to persuade them to apply requirements equivalent to those of the Community. The question of long distance transport of animals and in particular horses has been discussed with the Heads of the Veterinary Services of the Central and East European countries which are in the process of negotiating accession to the Union. On the bases of the outcome of that discussion a protocol for the protection of horses during transport has been agreed. In this framework the TAIEX Office (Technical Assistance Information Exchange Office) has developed programs of awareness on animal welfare issues for the general public and in particular for official veterinarians of these countries. Particular attention has been drawn to the question of the protection of animals during transport. It is the intention of TAIEX to continue such programs.

Furthermore, in the context of the discussions that will now be intensifying on veterinary matters in the context of enlargement, the Commission will be encouraging the countries concerned to adopt and implement regulations that are compatible with current Community law. This will ensure that transporters and competent authorities will be operating in a coherent regulatory environment as soon as possible or even before the formal accession date. This will both facilitate transport operations and ensure a high level of respect for animal welfare within the Union and on the territory of its neighbours.

### **3.5. Mandate to negotiate the revised European Convention**

For this reason also, the Community should also be a party to the European Convention for the Protection of Animals during International Transport (ETS-65). The negotiations for participation should have the aim of obtaining wider acceptance of the Community principles related to the protection of animals during transport.

The Commission has already submitted to the Council a draft recommendation authorising the Commission to negotiate on behalf of the European Community the revised European Convention for the Protection of Animals during International Transport (documents SEC(2000) 649 and 764). The Commission calls on the Member States to agree to its adoption as soon as possible.

### **3.6. Transport of horses**

*Additional measures for the protection of horses during transport.*

Given the gravity and frequency of the problems currently arising as mentioned in paragraph 2.3 of this report, additional measures will be provided to improve the conditions of horses transported for slaughter.

To secure the welfare of live horses they should be transported only in individual stalls or boxes designed to protect them against jolts.

The maximum number of horses to be transported per road vehicle should also be defined on the basis of scientific evidence.

In line with the general principles in the report of the Scientific Committee on Animal Health and Animal Welfare on "Standards for the Microclimate inside animal transport road vehicles" adopted 8th December 1999 adult horses will be transported only when temperatures are between 0/30°C with a humidity of <80%.

In relation to the solipeds passing through the external frontier of the Union a mandatory unloading and a fixed resting period (minimum 24 hours) at the border inspection post should be introduced, where this is justified to ensure that the animals are fit to travel.

Derogation from such a requirement might only be granted when transporters can provide to the competent authorities of the border inspection post concerned sufficient evidence that:

- the animals have been transported from their place of departure to the border inspection post in accordance with conditions equivalent to those set out in Directive 91/628/EC and;
- taking into account the overall journey, there would be no obligation to unload the animals in order to comply with the provisions of the Directive.

## TECHNICAL

### 3.7. Amend the route plan

The format of the route plan should take into account the complex chain of transport and be clear enough to prevent the approval of non-compliant documents. Similarly the document should be developed in order to identify easily the responsibility for each stage of the journey and resting periods. Procedures to check the document after completion of the journey should be improved in order to inform the competent authority of the place of departure.

The possibility to amend the route plan format by the Commission via the Standing Veterinary Committee procedure, would facilitate future improvements in the light of experience.

### 3.8. Definition of unfit animals

With certain categories of animals being at particular risk of suffering during transport, a more precise definition of animals unfit for transport must be established. No pregnant animals should be transported before the date foreseen for giving birth for a period at least equal to 10% of the length of gestation. Nor should transport be permitted for at least one week after giving birth.

In the same context, as the Directive is providing stricter maximum journey times for unweaned animals, a detailed definition of such animals in relation to the different species should be provided.

### 3.9. Health certificates

Animal health certificates used for intra-Community trade must be modified in order to draw the attention of the veterinarians in charge of the certification to their responsibilities concerning the protection of animals during transport<sup>10</sup>.

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<sup>10</sup> Article 6 (2) of the Directive already provides that "*The certificates or documents referred to in Article 3 of Directive 90/425/EEC shall be supplemented in accordance with the procedure laid down in Article 17, in order to take account of the requirements of this Directive.*"

### **3.10. Ventilation**

To solve the problems of extreme climatic conditions experienced by animals during long journeys (in particular from Northern to Southern Europe), lorries will have to be equipped with a monitoring device for the temperature and the humidity inside the compartment where animals are transported. The Commission will put forward a proposal to the Council<sup>11</sup> on this matter based on the report adopted in December 1999 by the Scientific Committee on Animal Health and Animal Welfare.

### **3.11. Member States inspection report**

Member States' inspection reports as required by Article 8 of the Directive will be harmonised in order to improve the quality of information available. This will also be extended to include additional details (such as withdrawal of approvals of transporters for infringements).

## **LONGER TERM INITIATIVES**

Provisions of the Directive in relation to the travelling time limits and resting periods for transport in roll-on-roll-off vessels have raised difficulties of implementation and specific measures need to be taken to address this problem. However scientific advice is necessary to establish standards for the future.

Similarly scientific advice needs to be taken into consideration to clarify difficulties of interpretation of the Chapter VII of the Annex to the Directive on travelling times. Also a number of scientific research projects have been carried out recently notably on loading densities and stress related to loading and unloading operations. The view of the Scientific Committee on Animal Health and Animal Welfare will be sought on all these questions. Reflection is also needed on whether further improvement in the regulatory framework is needed, for example, to improve the training and qualifications of different categories of personnel involved in animal transport. Measures to encourage the slaughter of animals closer to the places where they are raised also merit examination. The Commission intends to explore those and any other possibilities for improvement with experts from the Member States and sectors concerned.

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<sup>11</sup> Amending the Annex to Council Regulation (EC) No 411/98 on additional animal protection standards applicable to road vehicles used for the carriage of livestock on journeys exceeding eight hours (OJ L 52 p. 8-11).

## ANNEX

**TABLE 1 - LIST OF NATIONAL IMPLEMENTING MEASURES**

Member State	List of national implementing measures	Latest date
Sweden	Statens jordbruksverks föreskrifter om transport av levande djur, Statens jordbruksverks författningssamling (SJVFS) 1996:105	1996
Netherlands	Regeling van de Minister van Landbouw, Natuurbeheer en Visserij van 23/12/1996 (Wijziging Regeling dierenvervoer, Regeling vaststelling bescheiden dierenvervoer en Regeling handel levende dieren en levende produkten, Staatscourant van 30/12/1996, nr. 250, bl. 19  1. Besluit van 08/11/1996 houdende wijziging van het besluit dierenvervoer 1994 van 08/11/1996, Staatsblad 1996, nr. 561	1996 December
Ireland	1. The Diseases of Animals (Protection of Animals during Transport) Order, 1995, Statutory Instruments number 98 of 1995 2. The Diseases of Animals (Protection of Animals during Transport) (Amendment) Order, 1997, Statutory Instruments number 326 of 1997	1997 July
United Kingdom	1. The Welfare of Animals (Transport) Order 1997, Statutory Instruments number 1480 of 1997 2. The Welfare of Animals (Transport) Order (Northern Ireland) 1997, Statutory Rules of Northern Ireland number 346 of 1997	1997
Belgium	Arrêté royal du 20/12/1996 relatif à la protection des animaux pendant le transport - Koninklijk besluit van 20/12/1996 betreffende de bescherming van dieren tijdens het vervoer, Moniteur belge du 13/03/1997 Page 5910 Remplacé par l'Arrêté royal du 9/7/99 relatif aux conditions d'enregistrement des transporteurs et d'agrément des négociants, des points d'arrêts et des centres de rassemblements (moniteur belge du 2/9/99)	1997 March
Spain	Real Decreto número 1041/97 de 27/06/1997, por el que se establecen las normas relativas a la protección de los animales durante su transporte, Boletín Oficial del Estado número 163 de 09/07/1997 Página 21093 (Marginal 15192)	1997 July
Denmark	Bekendtgørelse nr. 201 af 16. april 1993 om beskyttelse af dyr inder transport som ændret ved bekendtgørelse nr. 810 af 29. oktober 1997.	1997 October
Greece	Décret présidentiel numéro 344 du 11/11/1997, FEK A numéro 233 du 25/11/1997 Page 8161	1997 November
Austria	1. Verordnung des Bundesministers für Wissenschaft, Verkehr und Kunst über die Ausstattung und Beschaffenheit von Tiertransportfahrzeugen und -behältnissen (Tiertransportmittelverordnung- TG-TV) , Bundesgesetzblatt für die Republik Österreich, Nr. 679/1996, ausgegeben am 06/12/1996 2. Veterinärbehördliche Einfuhr- und Binnenmarktverordnung 1996, Bundesgesetzblatt für die Republik Österreich, Nr. 647/1996 3. Tiertransportgesetz-Luft, Bundesgesetzblatt für die Republik Österreich, Nr. 152/1996 4. Bundesgesetz über den Transport von Tieren auf der Eisenbahn (Tiertransportgesetz-Eisenbahn - TGEisb) , Bundesgesetzblatt für die Republik Österreich, Nr. 43/1998 ausgegeben am 27/02/1998 5. Bundesgesetz über den Transport von Tieren auf der Straße (Tiertransportgesetz-Straße - TGSt), BGBl. Nr. 411/1994, in der Fassung BGBl. I Nr. 134/1999	1998 February
Luxembourg	Règlement grand-ducal du 22/06/1998 relatif à la protection des animaux en cours de transport, Mémorial A Numéro 59 du 29/07/1998 Page 1020	1998 July
Portugal	Decreto-lei n.º 294/98 de 28/09/1998. Estabelece as normas relativas à protecção dos animais durante o transporte e revoga o Decreto n.º 153/94, de 28 de maio, e a Portaria n.º 160/95, de 27 de Fevereiro, Diário da República I Série A n.º 216 de 18/09/1998 Página 4838	1998 September
Finland	1. Eläinsuojelulaki (247/1996) 2. Asetus eläinten kuljetuksesta (491/1996) 3. Maa- ja metsätalousministeriön päätös eläinten kuljetukselle asetettavista eläinsuojeluvuatuimuksista (27/EEO/1996) 4. Djurtransportsförordning (97/98) 29/09/1998, Ålands författningssamling Djurskyddslag (95/98) 29/09/1998, Ålands författningssamling	1998 September
Italy	Decreto legislativo del 20/10/1998 n. 388, attuazione della direttiva 95/29/CE in materia di protezione degli animali durante il trasporto, Gazzetta Ufficiale - Serie generale - del 09/11/1998 n. 262 pag. 4	1998 November
Germany	1. Verordnung zum Schutz von Tieren beim Transport (Tierschutztransportverordnung - TierSchTrV) vom 25/02/1997, Bundesgesetzblatt Teil I vom 28/02/1997 Seite 348 2. Erste Verordnung zur Änderung der Tierschutztransportverordnung vom 23/02/1999, Bundesgesetzblatt Teil I vom 26/02/1999 3. Bekanntmachung der Neufassung des Tierschutzgesetzes vom 17/02/1993, Bundesgesetzblatt Teil I vom 23/02/1993 Seite 254 4. Bekanntmachung vom 02/12/1996, Bundesanzeiger N° 81a vom 30/04/1997 5. Bekanntmachung vom 02/12/1996, Bundesanzeiger N° 80a vom 2/09 6. Verordnung vom 25/02/1997, Bundesgesetzblatt N° 12 vom 28/02/97	1999 February
France	1. Arrêté ministériel du 05/11/1996 relatif à la protection des animaux en cours de transport, Journal Officiel du 23/11/1996 Page 17098 2. Décret Numéro 95-1285 du 13/12/1995 relatif à la protection des animaux en cours de transport, Journal Officiel du 15/12/1995 Page 18237 3. Loi numéro 99/5 du 06/01/1999 relative aux animaux dangereux et errants et à la protection des animaux, Journal Officiel du 07/01/1999 Page 327 4. Décret 99-961 et arrêté ministériel du 24 novembre 1999 modifiant l'arrêté du 5 novembre 1996 relatif à la protection des animaux en cours de transport (JORF du 25 novembre 1999 p17495-17500)	1999 November

**TABLE 2 - LIST OF MEMBER STATES' INSPECTION REPORTS<sup>1</sup>**

<b>Member States</b>	<b>Year of the report</b>	
	<b>1997</b>	<b>1998</b>
A Austria	+	+
B Belgium	+	-
D Germany	+	+
DK Denmark	+	+
E Spain	+	+
EL Greece	-	-
F France	-	+
FIN Finland	+	+
I Italy	-	+
IRL Ireland	+	+
L Luxembourg	+	+
NL Netherlands	+	+
P Portugal	+	-
S Sweden	+	+
UK United Kingdom	+	+
<b>Total</b>	<b>12</b>	<b>12</b>

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<sup>1</sup> Reports from Austria (1997 and 1998), the Netherlands (1998) and Ireland (1997 and 1998) were received too late to be fully included in this report (received in March 2000).

**TABLE 3 - LIST OF FVO INSPECTION REPORTS**

Since 1 January 1997

<b>Member States inspected by FVO</b>	<b>Dates of the FVO missions</b>
A Austria	No mission
B Belgium	<b>13-18 September 1998</b>
D Germany	21-23 March 1999 (Report not available in English) <b>5-8 October 1999 (Staging points)</b>
DK Denmark	No mission
E Spain	<b>8-12 December 1997</b>
EL Greece	<b>12-16 October 1998</b>
F France	<b>26 April to 1 May 1998</b> <b>2-5 November 1999 (Staging points)</b>
FIN Finland	No mission
I Italy	<b>5-9 July 1999</b>
IRL Ireland	<b>10-11 November 1998 and 16-19 February- 7 and 16 March 1999</b>
L Luxembourg	No mission
NL Netherlands	No mission
P Portugal	<b>November 1999</b>
S Sweden	No mission
UK United Kingdom	No mission
<b>Total</b>	<b>9 missions / 8 countries</b>

**TABLE 4 - FINDINGS OF THE MEMBER STATES' REPORTS**

MEMBER STATE	B DK D E L N L P FIN S UK	DK D E F L F I FIN S	19
YEAR	1997	1998	TOTAL
<b>Points of non conformity</b>			
<u>Fitness of animals for transport (Art.3(b) and (c), Annex Chap. I A1)</u>	<u>5</u>	<u>5</u>	<u>10</u>
<u>Loading densities (Art.3(1)(aa) , Annex Chap. I 2 a, Chap. VI)</u>	<u>6</u>	<u>6</u>	<u>12</u>
Ventilation (Annex Chap. I A 2 b)	2	2	4
Design and maintenance of the means of transport (Annexe Chap. I A 2 c et A 5)	3	6	9 (2)
Separation of animals (Annex Chap. I A 2 g and A 3)	3	5	8
Absence or non conformity of the route plan (Art. 5A (2)(b)(c), (d) (e))	3	4	7
Duration of transport and rest (Art. 5A(2)(f)(g)(h) and Annex 8 Chap. VII )	1	3	4
Loading –unloading (Annex Chap. I A 4)	2	1	3
<u>Care and handling of animals (Annex Chap. I A 6, 7, 8,)</u>	<u>5</u>	<u>8</u>	<u>13</u>
Others	1	2	3 (3)
<b>COMMENTS</b>			
(2) Vehicles needed cleaning.			
(3) Non approved transporter, lack of training.			

**TABLE 5 - FINDINGS OF FVO REPORTS**

<b>MEMBER STATES</b>	<b>B , F, E, EL, I, IRL, P, D</b>	
<b>Total number of reports examined</b>	<b>9</b>	
<b>Points of non-conformity</b>	<b>Member States involved</b>	
Fitness of animals for transport (Art.3(b) and (c), Annex Chap. I A1)	Mentioned 4 times	B, I, E (1), F (2)
Loading densities (Art.3(1)(aa), Annex Chap. I 2 a, Chap. VI)	Mentioned (9)	P
Ventilation (Annex Chap. I A 2 b)	Mentioned 5 times (3)	E, I, IRL, F, P
<u>Design and maintenance of the means of transport (Annex Chap. I A 2 c and A 5)</u>	<u>Mentioned 7 times (4)</u>	<u>B, E, EL, IRL, F, P</u>
Separation of animals (Annex Chap. I A 2 g and A 3)		
<u>Absence or non conformity of the route plan (Art. 5A(2)(b)(c)(d) (e))</u>	<u>Mentioned 6 times (5)</u>	<u>B, IRL, E, EL, F</u>
<u>Duration of transport and rest (art. 5A(2)(f)(g)(h) and Annex Chap. VII)</u>	<u>Mentioned 6 times</u>	<u>I, E, EL, F, D</u>
Loading – unloading (Annex Chap. I A 4)	Mentioned 4 times	B, IRL, F, P
Care and handling of animals (Annex Chap. I A 6, 7, 8,)	Mentioned 5 times (6)	B, E, I, F, P
Others	Mentioned 5 times (7)	I, IRL, F, P, D
<u>Deficiencies of the competent authority</u>	<u>Mentioned 7 times (8)</u>	<u>B, E, EL, F, I, IRL</u>
<b>COMMENTS</b>		
<p>(1) This problem was noticed in E but concerned animals coming from F and NL.</p> <p>(2) This problem was reported in F but concerned animals coming from D and NL.</p> <p>(3) Lack of forced ventilation on lorries to be used for long journeys during summer.</p> <p>(4) Road transport vehicles are often identified as potentially dangerous to transported animals and poorly cleaned.</p> <p>(5) Deficiencies of route plans involve also D, NL, E and F as countries of departure.</p> <p>(6) Most frequently the absence of watering and feeding but also beating and excessive use of electric prods in one case, lack of bedding.</p> <p>(7) Nonapproved transporters in particular (I, P), Documents not checked properly at staging points and poor record keeping.</p> <p>(8) Insufficient involvement of competent authorities, lack of resources and unwillingness to penalise breaches of the Directive are commonly mentioned. Little improvement noted where a previous inspection has been made.</p> <p>(9) Pigs.</p>		

**TABLE 6 - FINDINGS OF NGO REPORTS AND COMPLAINTS<sup>2</sup>**

Points of non-conformity		Member States involved
Fitness of animals for transport (Art.3(b) and (c), Annex Chap. I A1)		
Loading densities (Art.3(aa), Annex Chap. I 2 a, Chap. VI)	Mentioned 3 times (2)	NL, I, L
Ventilation (Annex Chap. I A 2 b)	Mentioned (2)	NL, I
Design and maintenance of the means of transport (Annex Chap. I A 2 c and A 5)		
Separation of animals (Annex Chap. I A 2 g and A 3)		
Absence or non-conformity of the route plan (Art. 5A(2)(b)(c)(d) (e))	Mentioned 3 times (2) (3)	NL, I, L, F, UK
<u>Duration of transport and rest (Art. 5A(2)(f)(g)(h) and Annex Chap. VII)</u>	<u>Mentioned 7 times (1) (3) (4)</u>	<u>I, F, UK, E, EL</u>
Loading – unloading (Annex Chap. I A 4)		
<u>Care and handling of animals (Annex Chap. I A 6, 7, 8,)</u>	<u>Mentioned 7 times (1) (2)</u>	<u>I, NL, E, I</u>
Others		
<p><b>COMMENTS</b></p> <p>(1) Horses.</p> <p>(2) Pigs.</p> <p>(3) Turkeys.</p> <p>(4) Sheep.</p>		

<sup>2</sup> Based on eleven trails reported in the Eurogroup document onfor Animal Welfare document : "A Summary of Suffering, An investigation into the poor enforcement of Directive 95/29 on the welfare of animals in transport".



**TABLE 7 - CORRESPONDENCE TABLE**

N°	MAIN FINDINGS	ACTIONS FROM THE COMMISSION
1	Transport of horses	<ul style="list-style-type: none"> <li>• Additional requirements for the transport based on scientific evidences and current experience as: individual compartments, maximum number of animals per vehicle, minimum and maximum temperature for transport.</li> <li>• Mandatory unloading, resting, feeding and watering of the animals at the border inspection posts of the Union.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Non compliance of route plans</li> <li>• Non compliance with travelling time limits</li> </ul>	<ul style="list-style-type: none"> <li>• Amend the route plan - Standing Veterinary Committee procedure to introduce future amendments.</li> <li>• Mutual assistance - harmonised enforcement</li> </ul>
3	Negligence and poor handling of animals	Harmonised certification of transporter
4	Animals unfit for transport	Detailed definition of unfit animals Health certificates
5	Inadequate road vehicles	<ul style="list-style-type: none"> <li>• Harmonised certification of transporter</li> <li>• Mutual assistance</li> </ul>
6	Insufficient ventilation on road vehicles used for long-distance transport	New standards for ventilation and temperatures inside vehicles
7	Overloading	<ul style="list-style-type: none"> <li>• Mutual assistance - harmonised enforcement</li> <li>• Harmonised certification of transporter</li> </ul>
8	Approval of transporters	Harmonised certification of transporter
9	Difficulties in interpreting data from Member States inspection reports	Harmonised tables for the annual transmission to the Commission of the data derived from the inspections.