

FINAL VERSION

MISSION REPORT

on a veterinary mission to France, carried out from

April 26th to May 1st, 1998

in the field of animal welfare during transport (Directive 91/628/EEC)

A comment from the French *Ministère de l'Agriculture et de la Pêche* has been included into this version of the mission report (page 5, footnote 3).

1. Mission details

The mission took place from 26.04 to 01.05.1998. Two representatives (a veterinary expert and a *technicien vétérinaire*) of the *Ministère de l'Agriculture et de la Pêche*, Paris, and a veterinary expert¹ of the European Commission's Food and Veterinary Office (FVO), Dublin, were members of the mission team.

Two points of exit (where animals destined for third countries are leaving the territory of the European Union) – both at the same time transfer points from road transport to sea transport -, a livestock market and a slaughterhouse were visited during the mission. All visits were carried out in collaboration with the competent authorities of the respective *départements*.

2. Scope of the mission

- 2.1. To verify whether the requirements of Council Directive 91/628/EEC on the protection of animals during transport (as amended by Council Directive 95/29/EC) have been transposed and are applied in France, with particular reference to long-distance transports by road and rail and by sea, including imports into the European Union and exports from the European Union.
- 2.2. To verify, during the visits of suitable sites (e.g. livestock market), whether animals transported are identified in accordance with Council Directive 92/102/EC on the identification and registration of animals.
- 2.3. As France is an important transit country for animals from other Member States and towards third countries, the mission also undertook to evaluate measures taken by other countries, in particular in the field of planning of animal transports.

3. Background

- 3.1. During a first visit to France in the field of animal welfare during transport, carried out by Commission veterinary experts in October 1995, it was found that a considerable number of requirements of Directive 91/628/EEC were not met in France and that unnecessary suffering was inflicted on animals in several cases.
- 3.2. The mission was therefore also undertaken by the European Commission to evaluate progress made since the last mission.
- 3.3. Information received from animal welfare associations was used when the Commission made proposals for choosing the sites to be visited.

4. Legal basis for the mission

¹ The Commission had planned to send two experts; but one of them was unable to participate.

Commission Decision 98/139/EC in connection with Article 10 of Directive 91/628/EEC.

**5. Main findings
(facts found and information received)**

5.1. Poor livestock vessels

Two livestock vessels used for transporting cattle from a French port towards Mediterranean third countries

- showed very rough surfaces on pens and passageways (very rusty metal, worn-out wood),
- had decks with very narrow passageways through which animals could not pass to be evacuated in case of illness or injury,
- had no adequate systems for the removal of liquid excreta and effluent water,
- showed many places where animals could be hurt and where their limbs could be entangled.

5.2. Inadequate road vehicles

5.2.1. Several road vehicles used for the transport of sheep over short distances of less than 50 km (thus not falling under the requirements of Directive 91/628/EEC) were completely unsuitable for the transport of live animals, as they

- were without apertures or without adequate apertures for ventilation (e.g. family cars, vans),
- had no unloading facilities, in particular not for the upper deck in cases of small two-tier trailers.

5.2.2. Many of the road vehicles used for the transport of sheep over distances of medium length (i.e. over 50 km, but less than 8 hours) showed one or more of the following defects:

- no roof,
- no partition to form compartments,
- horizontal or vertical gaps,
- steps that are too high.

5.2.3. Many of the road vehicles arriving from France, Germany, the Netherlands at the transfer points visited, after long-distance transports (i.e. more than 8 hours), were not of the “upgraded” type foreseen by EU legislation, i.e. showed one or more of the following aspects:

- no adjustable ventilation-system,
- no mobile partitions to form compartments of variable size,

- no direct access to all animals.

The readiness of certain transporters to use road vehicles of high standard (equipped, among other things, with automatic drinking bowls for cattle and granting sufficient head space even on the upper deck) was obvious in cases where strict veterinary controls were carried out at the transfer point, as seen during the visit.

5.3. Long trips aboard ferry boats

Sea transport aboard ferry boats (where the animals stay on the road vehicles) lasts:

- ca. 24 hours from Marseille to Tunisia,
- ca. 36 hours from Marseille to Algeria,
- ca. 60 hours from Marseille to Morocco,

according to information received.

5.4. Animals not sufficiently rested at transfer points

5.4.1. Cattle, after journey times by road of about 30 hours or more (54 hours in one case), were not unloaded to the lairages in many cases when arriving in the French ports, waiting to be transferred to sea transport. They had to stay in their road vehicle compartments for many hours in the ports, very often without ventilation and without being protected against the sun (no canopy). Among these animals were consignments of heifers in advanced stages of pregnancy. The cattle did thus in many cases not get the required 24-hour rest period in the lairages of the ports, with the consequence, in the case of sea transport by ferry boats, that these animals had to stay in the confinement of their road vehicle compartments for a total time of up to 100 hours (if destined for Morocco; less, if destined for Algeria or Tunisia).

5.4.2. According to information received from an animal welfare association before the mission and from the owner of the horses during the mission, there can be no doubt that horses, after journey times from Poland to France of more than 24 hours, were unloaded, but not systematically rested for 24 hours at a transfer point in France (not visited during the mission) where they were loaded on railway wagons.

5.5. Route plans approved at places of departure, despite inadequate planning

5.5.1. In general, the route plans established for cattle in Germany and the Netherlands for journeys lasting about 30 hours, did not foresee unloading and resting for 24 hours at the transfer points (ports): neither in the case of further transport by ferry boats (where animals

stayed on the road vehicles), nor in the case of further transport by livestock vessels (where animals left the road vehicles and were placed into the pens of the vessels). Keeping in mind the conditions described in point 5.4.1, knowing that delays of vessels in ports happen frequently and that road vehicles often arrive well before the scheduled time of departure of the vessels and considering the necessity to carry out a clinical examination of all cattle leaving the European Union at the points of exit (stressed once more by the recent Council Regulation 615/98 of 18.3.1998), unloading and resting for 24 hours at such transfer points appears to be absolutely essential for the planning.

5.5.2. Route planning for horses from Poland was equally inadequate.

5.6. Calvings during transport

In a French port from which a great number of pregnant heifers of German and Dutch origin were shipped to third countries, despite actual efforts by the port's veterinary authority to avoid this, seven heifers² (among a few thousand pregnant heifers destined for North Africa from 1.1.1997 to 12.5.1998) calved during road transport towards this port or in the port itself, information on the number of further calvings during sea transport not being available. An analysis of the available information showed that these animals were allowed to be sent on journeys of very long distances at the places of departure (Germany and the Netherlands), although in advanced pregnancy.³

5.7. Rough treatment of sheep

On a market visited, sheep were treated in a rough way, by dragging them by their legs or by their heads.

5.8. Competent authorities

5.8.1. The *Ministère de l'Agriculture et de la Pêche (Direction Générale de l'Alimentation; Sous-Direction de la Santé et de la Protection Animales)*, Paris, is the central competent authority for animal welfare in France. On the level of each *département* the *Directeur des Services Vétérinaires* represents the competent authority on the spot.

² Facts updated after the mission, on the basis of information received from a French authority.

³ In the comments of 18.8.1998, the French *Ministère de l'Agriculture et de la Pêche* states: "...dans le cadre du transport des vaches gestantes, la France a adopté des mesures afin que tout voyage durant les trente jours précédant la mise-bas des animaux soit interdit." The Food and Veterinary Office of the European Commission has asked for further details on these measures, but did not receive any reply by 23.11.1998.

In case of investigations of national importance, the *Brigade Nationale d'Enquêtes Vétérinaires*, affiliated with the *Ministère de l'Agriculture et de la Pêche*, may be active in this field.

Senior veterinary officials (*contrôleurs généraux*) have responsibilities on the level of the *Régions*; but during the mission no representative of any *Région* was present.

5.8.2. Although the European Commission has already sent, on 3.3.1998, a *avis motivé, adressé à la République française au titre de l'article 169 du traité CE relatif à la directive 95/29/CE du Conseil, du 29 juin 1995, modifiant la directive 91/628/CEE concernant la protection des animaux en cours de transport*, the Republic has not yet transposed several important requirements of Directive 95/29/EC.

5.8.3.1. On the level of the *départements* considerable differences in the efficiency of the veterinary supervision were noted during the visit. Whereas one site was under strict control by the competent veterinary authority, the necessary measures were not always taken at two other sites, in particular not in the following fields:

- no measures to prevent maltreatment of animals on a market (see point 5.7),
- no measures to exclude unsuitable means of transport, including livestock vessels (see points 5.1 and 5.2),
- no effective measures to improve route planning, in collaboration with the competent authorities of other countries (see points 5.5 in combination with point 5.4).

5.8.3.2. In one *département* the veterinary official did not seem to be aware of his obligations and competences by expressing doubts whether livestock vessels flying third-country flags were subject to veterinary inspection and acceptance in a French port – doubts rejected by the Commission veterinary expert.

5.8.3.3. In another *département* staff shortages were blamed for not having carried out certain tasks.

6. List of non-compliances/deficiencies

Apart from the fact that France has not fulfilled its obligation to transpose Directive 95/29/EC (by which Directive 91/628/EEC was amended), the following non-compliances were found:

6.1. The various requirements of Article 3 of Directive 91/628/EEC (last modified by Directive 95/29/EC) with regard to the standard of road vehicles and livestock vessels (see points 5.1, 5.2.2, 5.2.3), to resting animals during long-distance transports (see point 5.4), to the handling of animals (see point 5.7) were often not met.

- 6.2. The checks carried out by the competent French authorities at some of the sites visited were considered to be inadequate in several areas and thus not in compliance with Article 8 of Directive 91/628/EEC (see points 5.8.3.1 and 5.8.3.2).
- 6.3. The obligation of the veterinarians of the places of departure, resulting from Article 5 of Directive 91/628/EEC, to verify route plans for plausibility before “stamping” (i.e. accepting) them, was often not respected at several places of departure in Germany and the Netherlands (not seen during the visit), from where cattle were sent on long-distance combined road/sea journeys, insofar as these route plans did not foresee unloading and resting in the ports (points of exit). For the reasons given in point 5.5, such an unloading and resting for 24 hours is essential.
- 6.4. Dutch and German veterinary authorities did not respect the requirements of Article 3 of Directive 91/628/EEC, when allowing animals likely to give birth to be shipped (see point 5.6).

7. Main conclusions

- 7.1. Several important requirements of Directive 91/628/EEC have not yet been transposed into French legislation.
- 7.2. Basic requirements for unloading and 24-hour rest periods for animals during long-distance journeys were often neither respected by the competent authorities of the countries of origin when planning transports, nor were they always sufficiently enforced by the French authorities.
- 7.3. The required standards for means of transport by road and by sea and the necessity to avoid unnecessary suffering and ill treatment on a market are other main areas where shortcomings still existed.
- 7.4. In the field of animal welfare during transport, apart from one of the sites visited, the veterinary supervision in France was not of the standard necessary to enforce all the requirements of Directive 91/628/EEC.
- 7.5. When comparing the results of the 1998 mission with the results of the mission carried out in France in October 1995 (see Commission Documents VI/7450/95 and VI/7451/95), it could be stated that the situation was satisfactory on one of the sites visited in 1998 (a point of exit). As far as the other sites seen in 1998 are concerned, no substantial progress could be noted. The maltreatment seen on livestock markets in 1995 was to some extent also seen on the livestock market visited in 1998. The situation on the site that was seen in both years (a point of exit) was still unsatisfactory.
- 7.6. The cooperation between Member States in the field of long-distance transports was not sufficient.

7.7. Identification: As far as could be seen during the visits of a livestock market, the animals (sheep) examined had identification marks.

8. Recommendations

8.1. It is recommended that the measures already initiated by the European Commission against France for not having transposed the requirements of the last modification (Directive 95/29/EC) of Directive 91/628/EEC (see point 5.8.2) be pursued. Certain non-compliances in the application of Directive 91/628/EEC should be included in such a procedure.

8.2. France has to take action to ensure compliance with all parts of Directive 91/628/EEC throughout the whole country until 31.12.1998.

8.3. The competent Polish authorities at places of departure should ensure that route plans for horses travelling by road and rail from the interior of Poland towards the South of France, foresee unloading and a 24-hour rest period on their long way. The competent German or French authorities on the way should enforce this (e.g. at Lauterbourg, France, actually a transfer point, that should then be upgraded to a staging point).

8.4. The competent German, Dutch and French authorities at places of departure should ensure that route plans for cattle travelling by road and sea to North African countries, foresee unloading and a 24-hour rest period at the transfer points (French Mediterranean ports). The competent French authorities at the ports should enforce this.

8.5. It is recommended to invite representatives of Member States to the services of the Commission to discuss how progress could be achieved to improve cooperation between Member States in the field of long-distance transports of animals, in particular with regard to the length of transport aboard ferry boats, to the requirements for loading densities during combined road-and-ferry journeys and to the necessity to exclude animals in advanced pregnancy from being transported.

8.6. It is recommended to modify EC legislation in the following areas:

- new forms for route plans should be elaborated,
- a more precise definition for animals in advanced pregnancy (see point 5.6) should be formulated.