Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

Legislative aspects of farm animal welfare

The enforcement of animal welfare legislation falls within the powers of the Member States, which means that:

- Member States are responsible for:
  - day-to-day enforcement through their national legislation and control procedures

Commission is responsible for:

- providing appropriate information and where necessary training on EU legislation requirements
- ensuring that EU legislation is properly implemented and enforced

How this is achieved:

- Independent and controls undertaken by the national and veterinary office to check that competent authorities in EU countries apply EU legislation in an effective and uniform way

- The Standing Committee on the Food Chain and Animal Health provides a platform for representatives of the Member States to discuss issues of public interest on animal health or animal welfare and when necessary approve urgent measures

Areas of responsibility:

- The legislation is designed to cover all stages of a farm animal's life, from birth to death, ensuring a humane end.
no / weak enforcement → means of transport
Lorries are built in series with inappropriate equipment but are accompanied by a certificate of approval

FVO missions:
"approval of inadequate vehicles by vet authorities":
- 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)2011-6121 (Greece)
- DG(SANCO)2011-6535 (Slovakia)
- DG(SANCO)2012-6374 (Romania)
- DG(SANCO)2012-6446 (France)
- DG(SANCO)2012-6454 (Bulgaria)

Is proper enforcement of the current EU legislation on the protection of animals during transport possible?
Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

no / weak enforcement
→ means of transport
→ unrealistic journey logs

FVO missions:
"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)

weak sanctioning systems
Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

<table>
<thead>
<tr>
<th>no / weak enforcement</th>
<th>means of transport</th>
<th>unrealistic journey logs</th>
<th>unfit animals</th>
<th>bad transport practices</th>
<th>weak sanctioning systems</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unenforceable</strong></td>
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</table>

"Formable nipples + electrolytes or milk replacer" /SANCO/D5/D(2009)453351
"Technically impossible to feed calves on board of the vehicle with milk or milk replacer"
(Project to develop Animal Welfare Risk Assessment Guidelines on Transport, EFSA Report to CFP/EFS/AHAW/2008/02)

<table>
<thead>
<tr>
<th>sufficient</th>
<th>appropriate</th>
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<tbody>
<tr>
<td>Sufficient bedding</td>
<td>Appropriate bedding</td>
</tr>
<tr>
<td>Sufficient space</td>
<td>Appropriate comfort</td>
</tr>
<tr>
<td>Sufficient floor area</td>
<td>Appropriate quantity</td>
</tr>
<tr>
<td>Sufficient height</td>
<td>Appropriate staff</td>
</tr>
<tr>
<td>Sufficient staff</td>
<td>Appropriate welfare conditions</td>
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<tr>
<td>Sufficient bio-security</td>
<td>Appropriate equipment</td>
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<td>Sufficient lighting</td>
<td>Appropriate operational procedures</td>
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<tr>
<td>Sufficient ventilation</td>
<td>Appropriate checks</td>
</tr>
<tr>
<td>Sufficient receptacles</td>
<td>Appropriate care</td>
</tr>
<tr>
<td>Sufficient feed</td>
<td>Appropriate documentation</td>
</tr>
<tr>
<td>Sufficient water</td>
<td>Appropriate sanitary breaks</td>
</tr>
<tr>
<td>Sufficient rest period</td>
<td>Appropriate forced ventilation</td>
</tr>
<tr>
<td>Appropriate air pressure</td>
<td>Appropriate air quality</td>
</tr>
<tr>
<td>Appropriate facilities</td>
<td>Appropriate lighting</td>
</tr>
<tr>
<td>Appropriate feed</td>
<td>Appropriate water</td>
</tr>
<tr>
<td>Appropriately designed watering devices</td>
<td>Appropriate Navigation System</td>
</tr>
</tbody>
</table>

Is proper enforcement of the current EU legislation on the protection of animals during transport possible?
Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

Welfare in exports to Third Countries
unenforced / unenforceable
→ unrealistic journey logs

CURIA judgement to case C-424/13 of 23. 4. 2015
Art 14 (1) Reg(EC)1/2005 – LDT – Domestic Livestock
"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 (…) is realistic and indicates that the provisions of that regulation will be complied with, including for the stages of the journey which are to take place in the territory of third countries (…)."

watering intervals - feeding intervals - duration of transport times - duration of resting periods
resting at staging points - provisions for staging points (e.g. biosecurity)
traffic law / weather conditions / street qualities / Reg(EC)561/2006 multimanning driving

520,099 cattle exported after judgement V-XII2015
Welfare in exports to Third Countries
unenforced / unenforceable
→ unrealistic journey logs

CURIA judgement to case C-424/13 of 23. 4. 2015
... is totally ignored

EU-TR exports: unpredictable delays in TR → NON-REALISTIC journey logs
no control posts in TR → NON-REALISTIC journey logs

Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

Welfare in exports to Third Countries
unenforced / unenforceable
→ unrealistic journey logs

CURIA judgement to case C-424/13 of 23. 4. 2015
... is totally ignored

EU-TR exports: unpredictable delays in TR → NON-REALISTIC journey logs
no control posts in TR → NON-REALISTIC journey logs

→ non-approvable route
→ fault of exporting MS’s

Member States are responsible for:
- due due enforcement through their national legislation and control activities
- transposition of directives into national legislation and the implementation of EU rules at national level

Commission is responsible for:
- providing appropriate information and where necessary training on EU legislative requirements
- ensuring that EU legislation is properly implemented and enforced
- in extreme cases taking actions against Member States that have failed to implement legal requirements
Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

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.

Due to Recital (11) the COM must timely update the provisions of Reg(EC)1/2005, if they appear no longer to ensure compliance with the principle that animals must not be transported in a way likely to cause injury or undue suffering to them.

Due to Art. 30 the COM must make a proposal for adaptation of Reg(EC)1/2005 to technological and scientific progress.

Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

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.

The EU Commission and its Member States should stop believing in and defending the Myth of Enforcement and start working on a new Regulation!