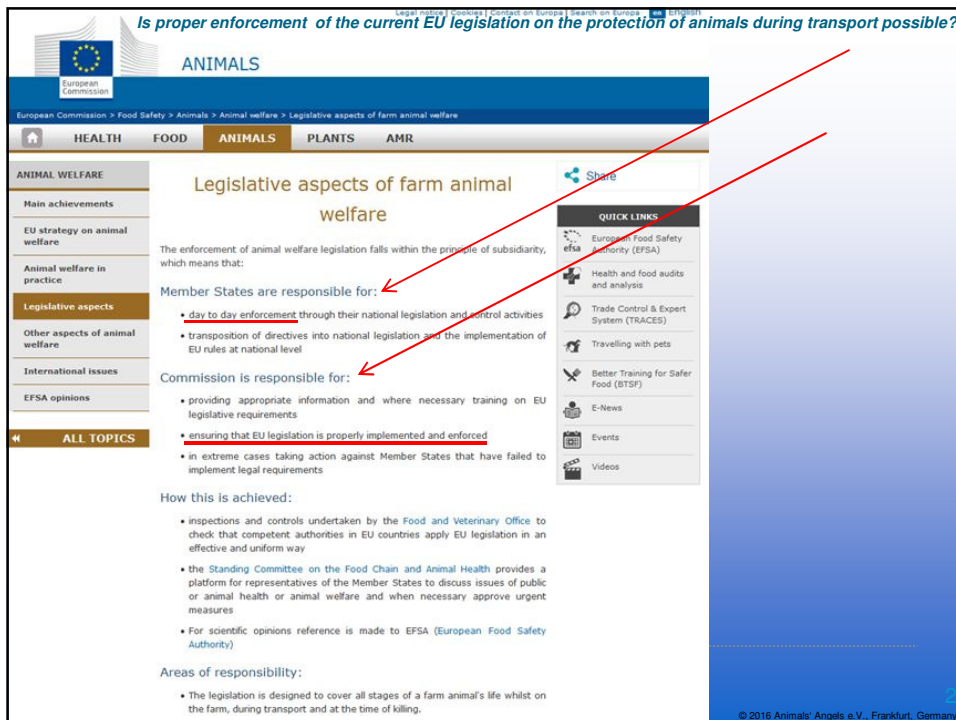




Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

Alexander Rabltsch

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European Commission > Food Safety > Animals > Animal welfare > Legislative aspects of farm animal welfare

ANIMALS

Legislative aspects of farm animal welfare

The enforcement of animal welfare legislation falls within the principle of subsidiarity, which means that:

Member States are responsible for:

- day to day 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 action against Member States that have failed to implement legal requirements

How this is achieved:

- inspections and controls undertaken by the Food 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 or animal health or animal welfare and when necessary approve urgent measures
- For scientific opinions reference is made to EFSA (European Food Safety Authority)

Areas of responsibility:


- The legislation is designed to cover all stages of a farm animal's life whilst on the farm, during transport and at the time of killing.

QUICK LINKS

- European Food Safety Authority (EFSA)
- Health and food audits and analysis
- Trade Control & Expert System (TRACES)
- Travelling with pets
- Better Training for Safer Food (BTSF)
- E-News
- Events
- Videos

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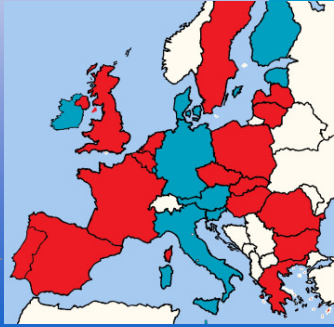
Is proper enforcement of the current EU legislation on the protection of animals during transport possible?

 ANIMALS' ANGELS

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)2011-6212 (Greece)
 DG(SANCO)2011-6053 (Slovakia)
 DG(SANCO)2012-6374 (Romania)
 DG(SANCO)2012-6446 (France)
 DG(SANCO)2012-6454 (Bulgaria)



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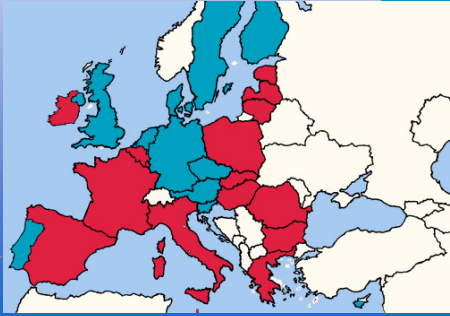
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Is proper enforcement of the current EU legislation on the protection of animals during transport possible?




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)




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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
 → unfit animals
 → bad transport practices



→ weak sanctioning systems


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



no / weak enforcement

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Unenforceable

- Long Distance Transport of Unweaned


“formable nipples + electrolytes or milk replacer” (SANCO D5 DS/dj D(2009) 450351)

“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/EFSA/AHAW/2008/02)

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



no / weak enforcement

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sufficient

- Sufficient bedding
- Sufficient space
- Sufficient floor area
- Sufficient height
- Sufficient staff
- Sufficient bio-security
- Sufficient lighting
- Sufficient ventilation
- Sufficient receptacles
- Sufficient feed
- Sufficient water
- Sufficient rest period

Unenforceable


- LDT of unweaned
- no space requirements (rabbits, ...)
- legal uncertainty – imprecise rules

appropriate

<ul style="list-style-type: none"> Appropriate bedding Appropriate comfort Appropriate quantity Appropriate staff Appropriate welfare conditions Appropriate equipment Appropriate operational procedures Appropriate checks Appropriate care Appropriate documentation Appropriate sanitary breaks 	<ul style="list-style-type: none"> Appropriate forced ventilation Appropriate air pressure Appropriate range of air quality Appropriate facilities Appropriate lighting Appropriate feed Appropriate water Appropriately designed watering devices Appropriate rest Appropriate Navigation System
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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

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

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






520.099 cattle exported after judgement V-XII2015

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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



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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:
→ non-approvable route
→ fault of exporting MS's

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

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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 adaption of Reg(EC)1/2005** to technological and scientific progress.


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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!**



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