THE TRANSPORT OF LIVE ANIMALS
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DIRECTORATE-GENERAL FOR RESEARCH
L-2929 LUXEMBOURG

Author: Franco PIODI
INTERNAL MARKET DIVISION
TEL.: (00352) 4300-4457
FAX: (00352) 434071

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SUMMARY

Introduction

The transport of live animals is an area governed by legislation which is currently the subject of much debate, essentially in response to pressure from animal welfare associations; it also involves economic interests in the meat-processing sector.

This working paper, which is part of the 1995 research programme of the European Parliament's Directorate-General for Research, aims to provide an overview of the issues, of international, Community and national legislation and of the positions of the various parties involved. In particular it uses the instruments provided by public policy analysis to classify the transport of live animals in terms of public policy, by identifying the interests involved and how these are translated into social pressures which are likely to determine or guide public policy, and finally it looks at possible ways of striking a balance between these interests. The study thus examines the issue from the veterinary, economic and legal angles and sets out the different positions.

The initial assumption is that it will be necessary to devise a package of measures which will be acceptable to all the parties concerned.

I. The transport of live animals: interests and public policy.

In this chapter an effort is made to map out the conflicting interests and the underlying social pressures so as to determine under which policy the public action called for in relation to the transport of live animals will have to be dealt with and how it is to be integrated with other public actions and hence with other policies.

The groups with an interest in the transport of live animals are the farmers, the slaughterhouses, the distribution trade, the final consumer, the transporters and animal welfare organizations. Their interests are economic (i.e. values that are quantifiable and exchangeable, in respect of which there is always a point at which a balance can be struck between them and opposing interests) and moral (i.e. absolute values that are unquantifiable and not exchangeable). Economic interests take on a political significance as soon as they have reached sufficient proportions at the relevant level of government to allocate resources and formulate policy relevant to them, whereas for moral interests to assume political importance they must involve values which a sufficient number of the general public regard as high enough up on the scale of political priorities to persuade the relevant level of government to consider it preferable to respond to public pressure rather than ignore it. The degree of consensus and the degree of priority are therefore the two elements which determine the political importance attached to moral interests. Their success will depend on the existence of other competing or conflicting interests, usually economic. The moral interest of animal welfare, during transport, exists alongside competing and conflicting economic interests.

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PE 165.395
Animal welfare, a cause primarily advanced by voluntary groups, differs from nature conservation in that the latter aims to maintain a natural balance, regarded in the final analysis as an economic benefit, whereas animal welfare expresses a vague feeling (value) of 'solidarity', which goes beyond the human race and extends to all living beings.

Animal welfare conflicts with the economic interests of livestock producers who do not slaughter their own animals, while the economic interests of slaughterhouses in producing regions will compete with those of slaughterhouses in the regions of destination. At Community level, sectoral economic interests will therefore become national interests. It is in the interests of hauliers to have the longest possible journey times since this will expand the market for the transport of live animals. Furthermore, it is in the interests of road haulage operators that maximum journey times should coincide with the restrictions on driving hours. The conflict of interests involved can be summarized as follows: should the 'meat' product be transported mainly before or after slaughter?

This means that the transport of live animals is basically a matter of agricultural policy, which in turn occupies a central position in a grid showing the interdependence of government policies. In particular, the interrelationships between the following policies will become significant, the environment, hygiene and public health, consumer protection. The transport of live animals will have to be regulated in a manner which is consistent with the objectives and principles of those policies.

Since the crux of the issue is how the value added by slaughterhouses is distributed between meat importing and meat exporting countries, it is possible to suggest the following packages of measures which would be acceptable to all the parties involved:

- the first package concerns the transport of live animals as such and would involve limiting journey times and regulating the technical specifications for vehicles, and thus striking a balance between the moral interests involved and those of slaughterhouses in the importing countries;

- the second package would involve minimizing restrictions on livestock farming in the importing countries to make them more self-sufficient in order to offset the reduction in slaughtering.

Other solutions lying somewhere between these two approaches would also be feasible.

II. Health and economic aspects

The conditions in which live animals are transported determine the output of slaughtering in terms of quality and quantity and veterinary science is therefore seeking the best ways of reducing, if not eliminating, transport syndrome, which lasts from the time the animals are loaded until several days after they arrive at their destination. The syndrome means that any animal transported is potentially a sick animal, since, even in the absence of any clinically detectable disorder, its organism will have undergone changes which
are not evident but are liable to have significant negative effects at the
slaughtering or end use stage.

Physical stress may involve, inter alia, trauma, consumption of energy, cardio-
respiratory stress. Such physical stress may cause death during and after
transport or cause changes in the muscular mass which are likely to make the
meat unsuitable for use as a foodstuff.

Apart from traumatic lesions, the muscular system may present functional
disorders in the form of tremors and fibrillation in the limbs and sometimes in
the facial muscles and masseter. These are the result of prolonged muscular
tension and possible biochemical enzymatic and electrolytic stress caused by
fatigue.

Disorders of the cardiovascular system may arise from the climatic conditions
and ventilation during transport. These conditions may distort thermoregulation
causing hypothermia, although the balance tends to be restored fairly quickly,
pulse and respiration rise significantly during transport, even reaching
pathological limits. Transport conditions during the summer months are the
worst.

Veterinary science does provide a number of guidelines to remedy this situation:
improving environmental conditions during transport, reducing organic disorders,
adjusting feeding and allowing greater movement. Lorries should be designed to
make loading easy (ramps should not be on an incline of more than 30°), prevent
slipping and ensure proper ventilation during the journey. Caution should be
exercised in the administration of psychotropic drugs.

A field study carried out by the European Commission in 1989 showed that rail
transport offers the best conditions for animals but is not the most widely
used, while road transport conditions are the worst despite the fact that
vehicles are of good quality. The most significant problems on all modes of
transport relate to loading and ventilation.

The quantitative and economic data provided by the study show that although the
transport of live animals makes less effective use of available capacity than
the transport of carcasses, it is continuing, which means that there must be
particular market conditions which make it competitive: export subsidies, most
slaughterhouses in the regions of consumption in the meat wholesale trade,
national preferences for certain types of meat, for which suitable slaughtering
practices, which have now become traditional, exist only or mainly in the
country of consumption. It is nonetheless worth pointing out that firms geared
to the quality meat market restrict their operations to livestock reared within
a 300 km radius. Finally measures to internalize infrastructure costs, one of
the objectives of the common transport policy, may help to shift the transport
of live animals from road to rail, which has been shown to provide better
conditions.
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III. The international and Community legal framework

Legally speaking, animals are classified as material property, which enjoys legal protection only insofar as it has a potential economic use. However, economic use does not mean that the property must be at the absolute disposal of the owner; it may be subject to restrictions in the general interest, which has come to encompass the protection of animals, on the basis of the contemporary awareness of the relationship between society and nature and the environment. This concept underpins animal protection legislation at both international and Community level.

At international level there is the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the IATA recommendations on the transport of live animals covering air transport and the International Office of Epizootics (OIE) recommendations.

At European level, the 1968 Council of Europe Convention on the International Transport of Animals covers the transport of most species of animals between the signatory states. The convention lays down, for all categories of animals to which it applies, practices which are outlawed, intervention by the public authorities, provisions on the treatment of animals and technical standards.

Under the EC Treaty, animals are goods and as such are covered by the provisions on the free movement of goods and completion of the internal market but, since they are commodities produced as the result of livestock farming, they also come under the Common Agricultural Policy. Legislation on the transport of live animals is therefore based on Article 43 of the Treaty.

Community legislation in this area was enacted by Directive 77/489/EEC, which implemented the Council of Europe Convention and took over its provisions in detail. Directives were subsequently adopted on veterinary checks and although these do not govern the transport of live animals, specifically they do have an impact upon it.

Directive 91/628/EEC, which replaces the 1977 directive, is directly related to the transport of live animals and governs exchanges within the Community. The 1991 directive is more stringent than its predecessor and is based on the principle that no suffering must be caused to animals during transport and that no animal may be transported unless it is fit for the journey and rules are established for derogations for injured or ill animals. The legal position is that since 1991 intra-Community transport has been governed by this directive whereas transport between the Community and third countries is covered by the Council of Europe Convention, which no longer applies within the Community.

IV. New arrangements for the transport of live animals

In compliance with one of the provisions of Directive 91/628/EEC, in July 1993 the Commission submitted a report on the transport of live animals, which broadly confirmed the findings of the 1989 report and at the same time tabled a proposal to amend the 1991 directive by clarifying a number of provisions and laying down maximum feeding and watering intervals and loading densities.
This proposal gave rise to a heated debate. The Eurogroup for Animal Welfare, which represents the animal welfare movement at European level, called for more stringent checks to enforce existing regulations and for the scope of legislation to be extended to some species now excluded and for the introduction of time limits for journeys and the abolition of livestock export subsidies, which are seen as the main cause of the increase in the transport of live animals.

On the opposite front, the European Meat Association, which is composed of the national trade associations representing the slaughter industry, does not speak with a single voice since, as was seen in section I, the position of slaughterhouses differs depending on the situation on the meat market in the relevant country. The Italian meat trade association, Assocarni, adopts a position which is diametrically opposed to that of animal welfare groups and is based on technical-veterinary and economic arguments: since the greatest stress occurs during loading and unloading operations, limiting journey times would increase such operations and thus be harmful rather than of benefit to the animals; in economic terms, limiting journey times would stop the supply of live animals to the countries of southern Europe, thus distorting conditions of competition to the advantage of the countries of Central Europe.

In its opinion on the Commission's proposal, the European Parliament tabled amendments seeking to introduce a maximum journey time of eight hours, a maximum feeding and watering interval for sheep, extending the transport regulations to cover animals imported from third countries and requiring exporters to give an undertaking with regard to the treatment of animals being transported to non-member countries.

The amendments finally adopted by the Council lay down more stringent requirements for transport and the vehicles used and include regulations on feeding, watering and rest periods, which differ for each species. These regulations have failed to satisfy either the animal welfare organizations or the meat trade associations in importing countries, for opposite reasons.

Conclusions

The study, which has attempted to identify measures which reconcile the conflicting interests, outlines various options: regional policy measures in favour of the importing regions, a meat policy which gives priority to quality rather than quantity and accurate charging of infrastructure costs, which would encourage a shift in the transport of animals from road to rail. On the specific problem of enforcement, giving any citizen (in practice all animal welfare associations) the right to bring legal proceedings to protect animal welfare would be a way of making up for inefficiency or negligence on the part of the national authorities responsible for carrying out checks.
INTRODUCTION

1. Background

This working paper is part of the 1995 research programme of the European Parliament's Directorate-General for Research, which was approved by the EP's Bureau after consulting the parliamentary committees. The topic was included in the programme at the request of the Committee on Transport and Tourism, which had applied to the Bureau for authorization to draw up an own-initiative report on the transport of live horses in response to a petition sent to the EP by three and a half million Europeans.

Although, under the terms of the research programme, this document looks at the transport of live animals in general and not only the transport of horses, it is designed to be of use to the Committee on Transport and Tourism in its report, since for horses, as for other species, the problems of welfare during transport relate to animals sent to slaughter rather than animals carried for sporting purposes.

2. Substance

The transport of live animals is governed by legislation and is currently the subject of much debate, essentially in response to pressure from animal welfare associations. It also involves economic interests in the meat-processing sector. The fact that a significant volume of traffic occurs between certain Member States has raised the debate to international and Community level, encouraging protectionist attitudes since associations in various European countries have banded together thereby strengthening those associations with less influence at national level. The aim of this working document is to provide an overview of the issues of international, Community and national legislation and of the positions of the various parties involved.

Our first task is to classify the transport of live animals in terms of public policy, by identifying the interests involved and how these are translated into social pressures which are likely to determine or guide public policy and finally to consider possible ways of striking a balance between these interests. The approach is based on the methods of public policy analysis and in particular is concerned with social pressures and the interest groups behind them. This is not an academic exercise since by identifying correctly which of the various public policies should cover the transport of live animals it will be possible to reveal the underlying issues and draw up a grid showing the interests, problems and techniques involved and the links between them. The analysis is thus very broad in scope.

Once the transport of live animals has been classified in terms of public policy it will be necessary to examine the underlying issues from a technical point of view, i.e. the veterinary and economic aspects; only at this point will it be possible to consider the legal aspects of the problem (i.e. how the transport of animals is currently regulated at international, Community and national level), and to discuss the various positions on the matter.
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3. Initial assumptions

Although it will not be possible to suggest any realistic and feasible solutions until the end of this study, it is possible even at this stage to say that any workable solution will have to strike a balance between the various moral, economic and national or regional interests involved. A package of measures will therefore have to be devised which will be acceptable to all the parties concerned and using legislative and possibly economic instruments.

Legislative measures may entail limiting transport (essentially journey times), imposing technical standards for the various modes of transport or technical specifications for the vehicles used.

Economic instruments might be incentives for bringing vehicles up to the technical standards or complementary measures for countries and regions which might suffer economic hardship as a result of legislation restricting the transport of live animals: this might be the case for meat-importing countries which, if obliged to import carcasses, would lose part of the added value from slaughtering.
CHAPTER I

THE TRANSPORT OF LIVE ANIMALS: INTERESTS AND PUBLIC POLICY

1. Methodology

In this chapter we shall explore the transport of live animals as a public action, in the context of public policy, identifying the moral and economic interests involved. The approach adopted is a reworking of the 'transactional' model developed in the context of the NIE1 (or rather a transposition of this model into the study of public policy), an approach which the author is applying elsewhere to the settlement of conflicts.

The method consists in mapping out the conflicting interests, the substance of their demands and the interrelationships between them. The resulting map, and in particular the substance of what is being called for, will make it possible to subsume the desired public action in one of the conventional policy areas, within which it will have to be integrated with other public actions, which pursue different specific goals2 within the framework of the general objective of the public policy concerned. The public action will of course interact with other public policies, in which different interests will be predominant, thus creating a network of interactions in which each public action has effects which disrupt other public actions, above all those which come under different public policies. Since this will cause a reaction, policy as a whole is characterized by its instability. This concept is substantially in line with Wildavsky's observation3 that problems are never completely solved but substituted: the role of analysis is therefore to place the problems in a context in which solutions can be found.

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1 New Institutional Economics, economic theory developed in the 1970s which has had a major impact on the science of organization and administration: an organization is regarded as a set of contracts ('transactions'); since this approach overcomes the distinctions between relations within and outside a given organization it is very useful in the study of interrelations between interest groups in analysing public policy.

2 The relationship between the objective of a public action and that of a public policy can be illustrated as follows: transport policy pursues the objective of regulating and developing mobility; the public action 'transport safety' pursues the objective of minimizing the risks to passengers and goods transported, but the safety measures adopted must not be prejudicial to mobility.

A number of concepts used in the course of this chapter are clarified below. Political pressure means the services\(^4\) which society wants the government to provide to satisfy a particular need, which may be of a general nature, i.e. of interest to all (or most of) society, or particular, i.e. of interest to a more or less wide group; the need may also be economic or moral, where satisfying that need serves not to increase or conserve the property or income of those concerned but to realize one of their ideals. Different needs may converge in a call for the same services or conflict in calling for services which are incompatible. In a situation of scarce resources or a conflict of interests, government, or more accurately the political class which controls government bodies, will have to satisfy those interests for which there is the greatest consensus.

It is essential to identify the groups generating political pressure and the interests involved if one is to understand the nature and strength of such pressure.

2. **Groups and interests involved in the transport of animals**

The groups involved directly in the transport of live animals or benefiting from it or involved because they feel its effects, including psychological effects, are principally:

- livestock producers, who make use of transport and feel the effects of legislation in terms of the geographical area of their market: the shorter the maximum permitted journey times for the transport of live animals, the more restricted their market will be\(^5\); livestock producers in areas to which animals are sent for fattening have been assimilated (from the point of view of the interests involved) to slaughterhouses in the importing countries;

- slaughterhouses, which, if they are close to livestock holdings, will benefit from shorter journey times for the transport of live animals but will be penalized if the reverse is the case: generally speaking, slaughterhouses in exporting countries will benefit, whereas those in importing countries will be penalized; the interests of slaughterhouses can be divided on the basis of those who derive their income or part thereof from slaughterhouses: employees, partners, etc.;

- the distributive trades, which will feel the effects of legislation on the transport of live animals on the price of meat: the positive or negative impact on prices will vary depending on the market situation and the size of the firms concerned;

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\(^4\) Service means public intervention in terms of legislation, administration, financial or operational (public services) measures, which when coordinated with other services constitutes a public action.

\(^5\) This group covers 'pure' livestock farmers, i.e. those who do not slaughter their own animals.
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- the final consumers, who will be affected by the impact on prices and quality; quality may be of an organoleptic nature (quality of meat from animals slaughtered after a long journey) or of a cultural nature (slaughter practices in the place of origin may differ from those in the place of consumption);

- carriers, who have to comply with legislation which may affect their market size: the shorter the permitted journey the smaller the market and the higher the technical specifications for vehicles, the greater the investment required;

- animal welfare groups, whose interests are of a moral nature, i.e. the welfare of the animals.

Consequently, two distinct categories of interests are involved: economic interests and moral interests. The first are relative values, i.e. values that are quantifiable and exchangeable in respect of which there is always a point at which a balance can be struck between them and opposing interests. The second category are absolute values, i.e. they are unquantifiable and not exchangeable. For such values there is no point at which a balance can be struck and the degree to which they are satisfied depends solely on the powers of persuasion of those who support them.

Economic interests take on a political significance as soon as they have reached sufficient proportions at the relevant level of government to allocate resources and formulate policy relevant to them, whereas for moral interests to assume political importance they must involve values which a sufficient number of the general public regard as high enough up on the scale of political priorities to persuade the relevant level of government to consider it preferable to respond to public pressure rather than ignore it. These two elements, namely the strength of public opinion (degree of consensus) and priority depend on the power of persuasion of the lobby group concerned, the value system (culture) of society and whether political pressures of an existential nature or seen as having higher priority have been satisfied, at least to a sufficient degree. As to the point beyond which these two politically significant elements of the moral interest are such as to ensure that they are taken into account in defining public policy, this will depend on whether or not there are other economic interests which compete or conflict with the moral interests.

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6 For example, the economic interests of one category of economic operators with regard to government regulation of their activities will be equal to the additional costs which regulation imposes and the lesser benefit deriving from it; the balance struck will be equal to the system of aids, essentially fiscal or other non-market benefits, including prices set, to safeguard their incomes. The fact that a balance can be struck does not, of course, mean that it will always be achieved: wherever this does not happen the group concerned will not be satisfied.

7 A moral interest may be satisfied even without the emergence of political pressure supported by public opinion, when the political class at the relevant level of government is aware of a moral interest, but only where there are no conflicting interests will it be possible to disregard the
Animal welfare, during transport, exists alongside competing and conflicting economic interests.

3. Animal welfare

Animal welfare organizations are the most active groups involved in this issue, as one might expect of groups calling for change on moral grounds. It may therefore be useful to examine their characteristics, above all in relation to similar lobby groups i.e. groups working on nature conservation.

The latter pursue the objective of conserving resources: their concerns relate to the conservation of nature; in relation to wildlife, their political calls for public action include the regulation of hunting and shooting and a ban on the hunting of endangered species, such as the green turtle, with the aim of maintaining a natural balance, regarded in the final analysis as an economic benefit.

Animal welfare differs from nature conservation in that it expresses a vague feeling (value) of 'solidarity', which goes beyond the human race and extends to all living beings. It is a value shared by more or less large sections of the general public and has nowadays achieved such a high political profile that it has been taken into account as a public policy, at least in those countries where lower level pressures have already been satisfied: the regulation of vivisection and of the transport of live animals are the public actions called for by animal welfare groups.

4. Economic interests

The moral interests described above conflict with the economic interests of livestock producers who do not slaughter their own animals and have no shares in slaughtering undertakings ('pure livestock producers'), and compete or conflict, depending on the circumstances, with the economic interests of the slaughterhouses and of livestock producers in regions where livestock are sent for fattening. At Community level, sectoral economic interests will become national interests which will compete with animal welfare in the case of exporting countries and conflict with it in the case of importing countries: the reasons for this distinction lie in the added value and jobs in slaughterhouses.

It is in the interests of hauliers to have the longest possible journey times since this will expand the market for the transport of live animals which, for equal weight, will require a greater volume than transporting carcasses and

general consensus of public opinion. Generally speaking, the lobby groups supporting a moral interest will conduct two types of campaign: one directed at the general public, the other at politicians.

8 Term preferred to that of 'animal rights'.

9 Cf. paragraph 2, which gives a fuller summary of the interests involved than merely those of producers and slaughterhouses. However since the others can be assimilated to these two categories of economic operators, the argument can be simplified in this paragraph.
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hence more journeys and higher incomes for the carriers. Furthermore, it is in the interests of road haulage operators that maximum journey times should coincide with the restrictions on driving hours imposed by Regulation 3820/85 on the harmonization of certain social legislation relating to road transport. Lastly, the imposition of technical specifications for vehicles (for example air conditioning) may require carriers in this sector to make additional investments.

It seems clear from these considerations that public action on the 'transport of live animals' essentially has to do with economic interests (national and business interests from the Community point of view) in the agriculture sector and can therefore be integrated into agriculture policy. The moral interests of animal welfare are used as a basis for some of the economic interests involved but this is not to say that they are used merely as a means to an end, since, if they are shared by a significant section of the general public, they may influence the framing of legislation on the transport of live animals.

Since the transport of live animals generally occurs between the rearing phase and the primary processing phase (slaughter) of meat production or fattening, the basic choice involved in public action on the transport of live animals can be summarized as follows: should the 'meat' product be transported mainly before or after slaughter?

This question is the crux of the problem and the difficulty in answering it lies in the coexistence of both economic and moral interests; if only moral interests were involved the answer would be simple and would coincide with the welfare of the animals; if only economic interests were at stake, a solution could be found fairly easily and would depend solely on the cost of striking a balance between the different interests.

5. Public policy on agriculture

Once public action on the transport of live animals has been placed within the context of agricultural policy, it is necessary to identify its inter-relationships with other policies in order to clarify what social pressures it competes with or makes it more difficult to satisfy, since the overall effectiveness of policies and their ability to integrate new objectives, such as public action on animal welfare, depends on their reciprocal compatibility.

Public policy on agriculture occupies a central position in our imaginary grid showing the interdependence of government policies; if we restrict our analysis to the more specific sector of processing and the food industry, the following policies will become significant, the environment, hygiene and public health,

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10 No account has been taken of factors (such as subsidies, distribution structures and market requirements), which may make it more competitive to transport live animals rather than carcasses, despite transport costs (cf chapter II, paragraph 6).

11 Producers of animals for fattening can be assimilated to slaughterhouses and can therefore be disregarded for the purposes of simplification.
consumer protection. The transport of live animals will have to be regulated in a manner which is consistent with the objectives and principles of those policies.

More specifically, in the meat sector, the European Community\(^\text{12}\) has a policy of intervention and protection based on the setting of a guaranteed minimum price (intervention price, withdrawal price, etc.). However, to prevent market prices within the Community falling below the floor level, intervention agencies - public or private sector bodies - buy in surplus production during periods of over-supply and store them until marketing opportunities improve. As Community minimum prices are generally higher than those on the world market - since they are designed to support small farms - external protection measures are also necessary to protect the Community market from fluctuations on the world market and from imports at exceptionally low prices. Such measures include:

- in relation to imports: safeguard clauses, customs duties, regulatory levies and compensatory amounts;
- in relation to exports: export refunds.

The environment is seen as a priority and environmental objectives must be taken into consideration in all other policies: this is in response to strong social pressure and, at Community level, has been formally recognized in case law and in the Treaties. In the livestock sector, organic waste is a serious source of pollution, as is slaughterhouse waste in the production of meat. Although the transport of live animals does not have a direct impact on livestock waste, it is important to see whether the reduction in the transport of live animals which would result from stricter rules on journey times, might not lead to a greater concentration of slaughtering (downstream phase of production) and hence make it more difficult to dispose of waste.

Hygiene and public health constitute another policy priority, established prior to environmental policy, but which overlaps with it to some extent today (essentially with regard to the various forms of urban pollution). In the processing and food industry sectors, the aims of hygiene and public health policy basically concern the cleanliness of the production process and of the product marketed. Apart from its effects on the organoleptic characteristics of meat, the transport of live animals does not affect these aspects of food hygiene although it could have an impact on air quality when live animals are not transported under optimum conditions.

Consumer protection covers a whole series of public actions with differing objectives (protection of economic and contractual rights, product quality, misleading advertising, etc.), but all of these come under the general objective of protecting the weakest party in commercial transactions. Consumer protection policy is of crucial importance for processing and the food industry and, together with public health policy, has a significant impact on food legislation. With regard to the links between consumer protection and the transport of live animals, there would appear to be two key points: the impact

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\(^{12}\) For discussion of Community policy in the meat sector, see Fact sheet (No 4.7.3 of 5.2.1993), published by the EP’s DG IV.
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of transport on the final price of meat, which would be lower if carcasses are transported, and the organoleptic quality of meat, since the stress caused by transporting animals live results in muscle contraction which, if it persists at the time of slaughter, spoils the taste of the meat.

6. Conclusions

On the basis of these considerations, it can be said that the transport of live animals comes under the heading of agricultural policy although it has an impact on certain interests in the transport sector to a greater or lesser extent depending on whether legislation is confined to limiting journey times, thus influencing market size, or requires more investment by imposing technical specifications for the vehicles involved.

The economic interests affected by government decisions in this area are significant and basically involve a redistribution of the value added by slaughterhouses between those in the exporting countries (or marketing in the Community for livestock from third countries) and those in the importing countries. Such decisions similarly influence the value added by livestock producers in the case of stock for fattening.

The moral interests involved have been set out above, namely animal welfare which competes and conflicts with various economic interests.

Striking a balance between the various interests would involve devising a package of measures acceptable to all the parties concerned:

- the first package concerns the transport of live animals as such and would involve limiting journey times and technical specifications for vehicles, and thus striking a balance between the moral interests involved and those of slaughterhouses in the importing countries;

- the second package would involve minimizing restrictions on livestock farming in the importing countries to make them more self-sufficient in order to offset the reduction in slaughtering.

The consequences of these two approaches, which are just two of many, can easily be projected on the basis of the considerations set out earlier.
CHAPTER II

HEALTH AND ECONOMIC ASPECTS

1. Effects of transport on animal health and mortality rates

The conditions in which live animals are transported determine the output of slaughtering in terms of quality and quantity and veterinary science has therefore examined the health aspects of the transport of live animals, i.e. the preslaughter phase of meat production.

The basic question is how to reduce, if not eliminate, the negative effects of transport syndrome, a pathological state which is not confined to when the animals are being transported but lasts from the time they are loaded until several days after they arrive at their destination, depending on the psychological stress caused. The syndrome may be exacerbated by viral and bacteriological complications which may occur even several days after the end of the journey.

The syndrome means that any animal transported is potentially a sick animal, since even in the absence of any clinically detectable disorder its organism will have undergone changes which are not evident but are liable to have significant negative effects at the slaughtering or end use stage.

Physical stress may involve:

- trauma with after-effects in the soft tissue or bone, haemorrhages, tissue necrosis and circulation of toxic substances; such trauma is generally the result of shocks, caused during loading and by the movement of the vehicle;

- consumption of energy and accumulation of catabolites caused by the prolonged muscular effort of standing;

- significant cardio-respiratory stress due to the high temperature created in the vehicle as a result of panic, poor ventilation and foul air because of the restricted environment; such stress is aggravated by hunger and thirst because the animals are fed differently and at different times from their normal routine.

Such physical stress, through the pathology discussed in greater detail below, may cause death during transport or cause changes in the muscular mass which are likely to make the meat unsuitable for use as a foodstuff.

The causes of death during transport are thermoregulatory function insufficiency, hormonal dysfunction and deterioration in cell metabolism with associated severe hypothermia.

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13 The first four paragraphs of this chapter are taken from B. ROMBOLI, G. MANTOVANTI Ispervione e controllo delle derrate di origine animale, Torino (Inspection and control of foodstuffs of animal origin) Turin (1985), p.23-27.
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Changes in muscle condition have been classified in two types PSE (Pale, Soft and Exudative), caused by rapid acidification of overheated muscle and DFD (Dark, Firma and Dry) caused by fatigue. Veterinary science has compiled studies and carried out clinical experiments on the various effects of stress, but differences in research conditions, the types of animals, journey times, climatic conditions and the discomfort of transport conditions are such variable parameters that the findings are often contradictory.

2. Specific problems of the muscular system during transport

Apart from traumatic lesions, the muscular system may present functional disorders in the form of tremors and fibrillation in the limbs and sometimes in the facial muscles and masseter. These are the result of prolonged muscular tension and possible biochemical enzymatic and electrolytic stress caused by fatigue.

Pathologies of the muscular system frequently observed are transit tetany which is common in cows in calf but also found in veal calves sent for fattening, muscular dystrophy with cloudy - granular degeneration, granular necrosis and Zenker's necrosis. Such deterioration can be found in bovines which are subjected to tiring journeys after spending a long time at rest and having been fed large quantities of carbohydrates: the muscles affected are those of the shoulder, trunk and rump. Cattle present a more or less abnormal gait (stiffness, staggering, lameness, abnormal behaviour, divarication of the hind limbs, abduction, protrusion of the shoulder blade). In the most serious cases there is decubitus and even complete immobility. The muscle mass is tumefied, flaccid, painful and hot; there may be sialorrea, atony of the rumen, meteorism and diarrhoea.

3. Specific problems of the cardiovascular system

As has already been seen, disorders of the cardiovascular system may arise from the climatic conditions and ventilation during transport. These conditions may distort thermoregulation causing hypothermia, although the balance tends to be restored fairly quickly, pulse and respiration rise significantly during transport, even reaching pathological limits.

When animals are transported during the summer months, particularly during certain types of weather conditions such as high temperatures, low pressure, no wind or hot and humid winds or high atmospheric humidity, cases of heat stroke are not infrequent as a result of the difficulty of thermolysis and thermodispersion. Apart from environmental and meteorological factors, there are other individual factors such as fatigue, cardiac insufficiency, pulmonary emphysema, renal insufficiency and obesity. The clinical picture develops from a state of initial excitement to growing listlessness culminating in a coma: in the course of this the animal may present myoclonia and a staggering gait, tachycardia and arrhythmia, obviously congested or cyanotic mucus membranes, dyspnoea and oliguria.
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Because of unfavourable physical characteristics peculiar to the species\textsuperscript{14} pigs are very seriously affected by the stress caused by transport, above all because of temperature, with regard to temperature control, blood circulation and water metabolism. Many of these conditions, which vary depending on factors such as journey time, external temperature, etc., also affect the supply of oxygen to various organs and the muscular system resulting in hypoxia. Ischaemia of the liver is shown by the release of glucose and potassium, while an inadequate supply of oxygen to the adrenal glands slows down the production of catecolamines and adrenalin\textsuperscript{15}.

From such experiments it can be inferred how, in the case of pigs, even a small physical movement can easily become an effort and how animals not used to movement can easily get into a state of physical exhaustion, particularly as pigs do not have large reserves of carbohydrates.

4. Precautions

To remedy this situation, improve the welfare of animals and limit losses during transport, veterinary science does provide a number of guidelines: improving the environmental conditions during transport, reducing the primary organic disorders caused by it (states of agitation and anxiety, lack of water), adjusting feeding and allowing greater movement.

Loading operations must allow for the fact that cattle and pigs in particular naturally tend to move slowly, cautiously and always more slowly than man. Goading them to move more quickly causes stress. To make loading operations easier and avoid trauma, lorries should be properly designed, the loading ramps should not be on an incline of more than 30\textdegree{} and should have mobile railings to guide the animals into the vehicle.

During the journey it is important to prevent the animals from sliding and it is therefore advisable to have mixed bedding of sawdust and straw or modern metal flooring with grooves and a non-slip surface. Proper ventilation which can be regulated according to the season and atmospheric conditions is also required - animals crowded together in vehicles release a considerable amount of heat in addition to that caused by solar radiation\textsuperscript{16}. This bears out the need to allow each animal transported sufficient space, which should not be less

\begin{itemize}
\item[14] Fat pigs typify the effects of transport on the physical condition of animals since even in optimum conditions their characteristics are unfavourable: a low ratio of cardiac capacity to body mass, insufficient total haemoglobin content (8.5 or 6 grams per kilo of live weight of pigs up to 70 kgs or those over 100 kgs).
\item[15] In the case of hypothermia, a large proportion of the pig's blood is diverted to the skin reducing irrigation of the muscles.
\item[16] Experiments show that 48 pigs each weighing approximately 110 kg can increase the temperature in a railway wagon from 26\textdegree{} to 48\textdegree{} in a period of one hour and that the heat produced by 100 pigs is enough to heat a five-roomed apartment (K. DRAWER in 'Schweitz Arch. Tieräl' 1972 No 114, p.276).
\end{itemize}
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than 1.5/2 sq.m. per animal of 500/600 kg and 0.5 sq.m. for pigs for slaughter. It is also crucial to have barriers safeguarding animals by age, size and species and where animals are to be tied up halters should be used rather than collars and restraints attached to horns. The speed and suspension of vehicles should be properly controlled to prevent the animals from being shaken or jolted.

With regard to feeding, it is a serious mistake to overfeed the animals before loading, particularly in the case of pigs. They may suffer from acute indigestion leading to a collapse of the cardiovascular system. It is therefore recommended that animals should not be fed in the twelve hours prior to loading but should be sufficiently watered.

Caution should be exercised in the administration of psychotropic drugs before or after the journey. Although they undoubtedly have a beneficial effect on behavioural reactions, it is not yet clear whether they influence the hormonal system of the adrenal cortex thereby increasing the animals ability to adjust to transport conditions, but even excluding this effect the tranquilizers keep the animals calm and reduce stress. Psychotropic drugs adversely affect temperature control and the excretion of metabolites, which is reduced. This makes the animals more susceptible to overheating in summer and becoming cool in winter. The reduction in weight loss is the result of delayed excretion and therefore adversely affects animals which are to be slaughtered very soon and is hence undesirable. Finally psychotropic drugs may form residues in muscular tissue and mask symptoms of disease or disorders of the central nervous system, making slaughter advisable on health grounds.

Two conclusions can be drawn from the considerations set out above:

- the moral interest in the welfare of the animals largely coincides with the general interest in the quality of the final product and the economic interest of reducing weight loss. These interests, which have been identified in theory, may conflict with the practical interests of specific producers, countries or regions which import live animals and which will have to weigh the interest of maintaining an economic activity against the losses in terms of quality and weight;

- veterinary science has identified measures which may significantly reduce the loss of weight and quality during or following transport, although these are more a response to economic interests than to animal welfare: this means that it is valid to approach the problem of the transport of animals with a mixed package of measures, as already suggested in the theoretical assumptions set out in the introduction.

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17 According to research done some time ago by Völker, Hölzer and Grätzer (published in 'Monatlich für Veterinärische Medizin' (Veterinary Medical Monthly) No 29 of 1974 tranquilizers do not affect (adrenocortical) reactivity and therefore do not influence the effects of stressful conditions.
5. Field surveys

It is useful to examine what happens in practice and reference can be made here to a field study carried out for the European Commission by two officials of the Netherlands Ministry of Agriculture on implementation of the first two Community directives on the transport of live animals, which have since been superseded.

Most live animals are transported by road and it is in this sector that the conditions are generally worse, although the vehicles used are usually of a high standard. Loading of the animals is usually carried out according to best practice, in some cases tranquillisers are administered and electric goads are used on the animals. However feeding and watering are neglected and particular problems arise with cows in calf where stress during the journey may lead to calving during transport.

Transport by rail is generally over long distances and more suitable for ensuring the welfare of the animals since wagons are designed with good systems for tethering and separating the animals, ventilation and facilities for feeding and watering and space per head. However, transport by rail is only suitable for long journeys on grounds of cost and because on short journeys its advantages would not offset the stress arising from two trans-shipments. Because of this, rail transport is used less frequently and export points are normally on roads: this means that they rarely have the equipment required for animals to be trans-shipped directly from lorries onto the railways and (at least up until a few years ago) only one export point was equipped to switch off the current of the catenary so that the wagons could be hosed down in hot weather.

Transport by inland waterway essentially concerns cattle and horses. Transport conditions in this sector have improved and animals are now accompanied by a veterinary officer. Since marshalling areas (which normally have good conditions) are located within the ports the animals do not need to be transported in livestock trailers, in some cases shipments are programmed so that animals can be loaded onto the vessels as soon as they arrive in the port. Conditions on board are good both in terms of ventilation (air changes 30 times an hour on the most modern vessels), and lighting, but loading ramps are generally too smooth and too steep, which causes problems, although loading conditions are generally better than in road transport.

Transport by sea is normally on ferries carrying livestock trailers, the use of which poses more problems than if the animals are loaded directly onto the

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18 P. VAN HOUWELINGEN P. VINGERLINGEN Etude sur le terrain du transport international d’animaux et étude sur le terrain de l’étourdissement des animaux de boucherie (Field study of the international transport of animals and stress among animals for slaughter 1989 Luxembourg (Commission OPOCE).

vessel. The livestock trailers used on ferries are of a high standard, ensuring good ventilation (always an important point for the transport of animals) but for most of the journey they are stowed. This is extremely undesirable since the animals are often exposed to inhalation of exhaust gases from other vehicles during loading and unloading. In fact the basic problem is that ferries are not equipped to transport live animals.

Other problems with transport by sea arise from conditions such as wind speed and high seas, when the wind speed gets above seven knots problems may arise depending on the tonnage of the vessel and the position of the lorry inside it. The type of other cargo can also affect transport conditions, for example if there are refrigerated lorries in the same hold the oxygen supply will be reduced.

On the other hand, facilities are good at export points, normally located within 30 km of sea ports but loading facilities are inadequate and there is much over-crowding.

Transport by air essentially applies to domestic animals for breeding purposes or pets; animals may be carried on cargo planes (full load), passenger planes or passenger/cargo planes. In cargo planes animals are transported almost exclusively on the main deck, with ventilation which is not always adequate, loose, separated by partitions or on pallets. On other aircraft the animals are loaded onto the main deck, which is usually ventilated, or carried in the hold, which is not always ventilated. When transporting animals by air, the crucial issue is once again that of ventilation; there are no particular problems with loading and the conditions in which animals are held at airports are variable.

From the situation described in this section it is clear that there are two crucial aspects of the transport of animals, namely loading operations and, during the journey, ventilation. These two aspects need to be regulated, firstly in terms of the practical arrangements and secondly the technical requirements for facilities in marshalling areas and the means of transport used.

6. Numbers involved

The tables and maps in the annex provide a full picture updated to 1992 of the trade in live animals between Member States and between the Community and non-member countries.

The figures show that the transport of live animals is of considerable importance for the Community; more than 20 million head of the main species involved, of which only a small proportion go for slaughter. More significant are the transport flows shown by the maps: generally speaking, there is heavy traffic on north-south routes within the Community, and this is true for all species, except for pigs sent for fattening where the major traffic (34%) is between the Netherlands and Germany. Of the countries in southern Europe, the main destination is Italy, which for certain species (adult calves) takes most

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20 Provided by the European Commission's DG VI.
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of the trade and accounts for a high proportion of imports from eastern Europe. Greece is not really involved in the intra-Community transport of live animals, whereas Spain and Portugal are mid-way between the two extremes although the transport of goats between Spain and Portugal is significant.

7. The meat trade in brief

The meat trade accounts for an added value of ECU 13,500 million in the Community (1992), of which 83% is produced by France, the United Kingdom, Germany, Spain and Italy, the trend being downwards in France and Spain and upwards in the United Kingdom and Greece (which has doubled its added value since 1991). 1992 saw a 4.9% rate of growth in production (at current prices) as against a 5.3% rise in consumption. Per capita consumption in 1991 was around 81 kg with a marked difference between 67 kg in the United Kingdom and 100 kg in Denmark. There is a shift from the consumption of red meat to white meat.

Intra-Community trade accounts for 20% of the total and imports from third countries, particularly Argentina, New Zealand, Brazil and eastern Europe, account for another 20%.

There are 8,000 firms in the sector and the estimated value of production is ECU 79 million. There are a large number of public slaughterhouses in Italy, Germany and France, although there is a gradual increase in production in the private sector, which is highly fragmented with a number of very powerful firms, leading to an oligopoly situation in some countries and for some types of meat. The regional breakdown of production is also significant and has undergone a radical change since German unification:

- 85% of beef and veal production is concentrated in France (Normandy and Brittany), the United Kingdom (Cornwall), the Netherlands, the Po Valley and the eastern states of Germany;

- 80% of the production of pigmeat is concentrated in Denmark, the Netherlands, the Po Valley, France (Normandy and Brittany) and the eastern states of Germany;

- 90% of the production of poultry is concentrated in Germany, Spain, France, Italy (Emilia-Romagna and Veneto), the Netherlands or imported from eastern Europe;

- 85% of the production of sheepmeat and goatmeat is concentrated in Ireland, the United Kingdom, southern Italy, France, Spain and the eastern states of Germany.

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21 This paragraph is taken from the article Viande NACE 412 in 'Panorama de l'Industrie Européenne 1994', p. 13/17-24.

22 There is an oligopoly in Denmark and Holland for pigmeat, for beef and veal in France and Italy but these situations apply only at national level since the firms operate only on the domestic market.
8. Economic considerations on the transport of live animals

The transport of live animals for food purposes makes less effective use of available capacity than the transport of carcasses, particularly when refrigerated vehicles allowing long distance transport are available. Since lower use of capacity means higher transport costs per unit of weight, it is more expensive to transport live animals.

Consequently, the fact that the transport of live animals is continuing means that there must be particular market conditions which make it competitive despite the cost. These are:

- subsidies for the export of live animals under the CAP;
- the fact that the wholesale trade is mainly conducted through firms which slaughter animals in the importing country and who do not want to lose the added value of this stage of processing and, as has been seen in the previous paragraph, operate only in one country;
- national preferences for certain types of meat, for which suitable slaughtering practices, which have now become traditional, exist only or mainly in the country of consumption.

A detailed discussion of these factors, which arise from situations which have nothing to do with the transport of animals but satisfy more general interests, lies outside the scope of this document. It is, however, important to highlight these factors to demonstrate the links with the transport of live animals and to show how certain situations may arise for reasons unrelated to the specific technical problems of the transport of live animals.

It is nonetheless worth pointing out that slaughter firms geared to the quality market restrict their operations to livestock reared within a 300 km radius to guarantee a particular organoleptic quality. This production policy is probably not widespread and only concerns large firms which are able to offer a range of products for different niche markets or small firms at the top end of the market. However, it does point to an approach which could be adopted by a Community policy geared to meat quality, as a means of reducing the transport of live animals.

If the issue is confined to one of transport policy, one of the Community’s objectives repeatedly called for by the European Parliament might be to do more to promote animal welfare during transport (not only for animals intended for foodstuffs) through internalizing infrastructure costs. It has been seen in Section 5 that the transport of animals by road is worse from the point of view of animal welfare, whereas rail transport is better but less economic. If infrastructure costs were correctly allocated to the various modes of transport

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23 This data is taken from an interview with the veterinary officer of the largest Italian slaughterhouse, broadcast in a programme about farming in the Po Valley in the TV series Linea Verde (RAIUNO).
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...it would lead to freight, including animals, being switched to railways with an attendant improvement in animal welfare.
CHAPTER III

THE INTERNATIONAL AND COMMUNITY LEGAL FRAMEWORK

1. Animals and the law

Legally speaking, animals are classified in the law of the Member States, and on the basis of a long tradition, as material property. During the political debate it has sometimes been regretted that this classification detracts from the fact that animals are living beings, subject to physical and mental sensations, and therefore having a right to the protection of their welfare. Although this regret is not normally backed up by practical proposals, it nonetheless reflects widespread and strong emotions about animal welfare and it is therefore worth examining whether it is possible to identify a different legal concept which lies somewhere between the conventional notions of a legal person entitled to hold and exercise rights and property.

On the assumption, which is more an intellectual exercise than a working hypothesis, that the concept of a legal person can be extended to living beings, it is necessary to establish whether the protection of animal welfare is based on protecting the owner's property or is a matter of general interest like nature conservation which is regarded as a non material asset belonging to the community. The law establishes a link between a legal person and legal capacity, which in turn is linked to the capacity or at least the potential capacity to act. In the absence of such capacities, which necessarily refer only to human beings, the law applies the concept of property (i.e. anything which may form the object of rights) the existence and integrity of which enjoys legal protection only insofar as it has a potential economic use. However, economic use does not mean that the property must be at the absolute disposal of the owner; it may be subject to restrictions in the general interest referred to above, which has come to encompass the protection of animals on the basis of the contemporary awareness of the relationship between society and nature and the environment.

The development of this concept, which restricts the use of property and which is fully integrated into the generally recognized system of law, in fact means that there is no practical point in trying to find a third category between 'legal person' and 'property' based more on the attribution of legal personality, the welfare of which enjoys legal protection. In the author's view, recognizing a body of law which is distinct from the concept of a legal person does not afford any greater protection than protection based on the general interest and it is therefore more appropriate to allow anyone, i.e. animal welfare associations, the right to be a party to legal proceedings to enforce animal welfare provisions.

This is the approach adopted in the most recent legislation which does not revise the classification of animals as property but brings animal welfare within the general interest of nature conservation rather than within that of

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24 The concept underlying international conventions on the protection of fauna and species in danger of extinction.
the economic protection of the owner. This is indeed the approach adopted by international regulations on the transport of live animals.

2. Council of Europe Convention

The 1968 Council of Europe Convention on the International Transport of Animals\(^{25}\) applies only to international transport and consequently does not regulate transport within a particular country. The Convention does not refer explicitly to the interests protected but it is clear from the enacting terms that it is concerned with the protection of nature through animal welfare. It is significant that none of its provisions allow exemptions on the grounds of an economic interest but solely (and in very few cases) on the grounds of technical difficulty.

Five categories of animals are covered by the Convention and there are separate provisions for each of them. These categories are:

(a) domestic solipeds (e.g., hoofed e.g., horses) and domestic animals of the bovine, ovine, caprine and porcine species;

(b) domestic birds and domestic rabbits;

(c) domestic dogs and domestic cats;

(d) other mammals and birds;

(e) cold-blooded animals.

The provisions governing animals in group (a) can be distinguished from the others in a number of ways: prohibitions and interventions by the public authorities, treatment of the animals during the journey, technical standard of means of transport. The provisions involving prohibitions or intervention by the public authorities are:

1. a ban on the transport of animals likely to give birth during carriage or having given birth during the preceding 48 hours;

2. before animals are loaded for transport they must be inspected by an authorized veterinary officer who is required to issue a certificate identifying the animals and approve the arrangements for loading; however, in certain cases determined by agreement between the contracting parties, these provisions need not apply;

3. the authorized veterinary officer of the exporting country, country of transit or importing country may prescribe a period of rest at a place determined by him during which the animals are to receive the necessary care;

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\(^{25}\) The text of the Convention is published in the Council of Europe series under reference STX 65. An additional protocol authorizing, inter alia, the accession to the Convention by the Community was concluded in 1979. All the Member States of the Community have ratified the Convention.
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Treatment of the animals is regulated as follows:

4. although no maximum transport times are stipulated, animals are to be transported to their destination as soon as possible and border formalities for live animals are to be given priority;

5. treatment of the animals is covered by both general and specific provisions: the general provisions include segregation according to species, sex, age, adequate space, and unless special conditions require to the contrary, room to lie down, feeding and watering which must be at suitable intervals: there are no maximum limits for watering but animals must be fed at intervals of not more than 24 hours; veterinary care and where necessary slaughter;

6. specific provisions concerning treatment during transport relate to all cases in which animals are tied, where any ropes or attachments must be strong enough not to break during transport and long enough to allow the animals to lie down and to eat and drink (bovines must not be tied by the horns), solipedes must wear halters during transport and, unless in individual stalls, must have their hind feet unshod. Bulls over 8 months are to be fitted with a nose-ring;

7. specific obligations relating to the general care and welfare of animals during transport ensuring that their treatment complies with provisions referred to in the previous paragraph, are laid down for attendance: one of the duties is to ensure that cows are milked at intervals of not more 12 hours;

Means of transport and containers must comply with the following requirements:

8. be clean and easy to clean, provide protection against inclement weather conditions, have ventilation and air space adapted to the conditions of transport and be appropriate for the species of animals carried; special rules apply to transport by rail, road, sea and air, as described below;

9. road vehicles must be constructed so as to ensure the easy evacuation of the animals in the event of an accident, while for transport by water animals must not be transported on open decks unless approved by the competent authority; all vessels and aircraft must carry instruments for killing animals if necessary;

10. containers must be marked with a symbol showing that they contain living animals, indicating the upright position in which the container must always be kept; containers must allow the animals to be inspected and tended to;

11. bridges, ramps or gangways used for loading and unloading animals must have non-slip flooring and lateral protection if necessary; the floor of vehicles or containers must be constructed to prevent slipping and covered with an adequate amount of litter to absorb excrements unless these can be dealt with in a different way.

26 Containers basically means crates
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These regulations incorporate to a large extent the best practice set out in Chapter II and at the same time allow transport operators some freedom of choice as to the technical arrangements.

The provisions relating to the transport of animals in the other categories set out in the Council of Europe Convention are based on the provisions described above with a number of special rules:

(b) in the case of domestic birds and domestic rabbits, animals that are ill or injured must not be transported;

(c) domestic dogs and domestic cats must be watered at intervals of not more than 12 hours;

(d) vehicles or containers transporting other mammals and birds must be marked as containing 'wild animals which are nervously timid or dangerous'; antlered animals must not be transported while in velvet unless special precautions are taken.

Other international regulations governing the transport of live animals are:

- the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), signed in Washington on 3 March 1973, which bans the trade in (and implicitly the transport of) a number of species of animals;

- the IATA recommendations on the transport of live animals covering air transport and the International Office of Epizootics (OIE) recommendations which are primarily of a technical nature.

3. Transport of live animals in the EC Treaty

Animals are goods and as such are covered by the Treaty provisions on the free movement of goods and completion of the internal market. Since they are commodities produced as the result of livestock farming they also come under the Common Agricultural Policy. Entry into force of the Treaty on European Union has given the Community powers in the area of transport safety (Article 75 of the EC Treaty) and provisions in this area therefore apply to animals.

It could also be argued that Article 130r of the Treaty on the environment and, more specifically its first indent, could be taken as a legal basis for the protection of animals although no legislation on animals has so far had recourse to it. This obviously presupposes interpreting the concept of the environment as equivalent to nature of which animals are an essential part, an interpretation which is open to challenge.

The legal basis normally adopted for Community provisions on the transport of animals is Article 43, which relates to the Common Agricultural Policy and, more specifically to the organization of markets. Although the reference to the Treaty as a whole and only 'in particular' to specific articles provides full

27 'Preserving, protecting and improving the quality of the environment'
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legal cover for the provisions, the choice of Article 43 as the 'particular' legal basis is somewhat surprising since the aim of provisions on the transport of animals is not the production or marketing of goods but an intermediate activity, namely transport.

If one looks at the reasoning behind the basic directive now in force\(^\text{28}\) it is stated that in the veterinary field, frontiers are currently being used to carry out checks aimed at safeguarding public health and animal health \ldots\ldots\ldots whereas the ultimate aim is to ensure that veterinary checks are carried out at the place of dispatch only; whereas the attainment of this directive implies the harmonization of the basic requirements relating to the safeguarding of animal health. In the author's opinion, Article 100a would have been more appropriate in that it specifically governs establishment of the internal market, particularly since the third paragraph of the article establishes the principle of a high level of protection in terms of health, safety, environmental protection and consumer protection. Both Article 43 and Article 100a require a qualified majority for Council decisions and the use of Article 43 probably reflects the Community agricultural authorities' traditional approach more than any priorities established.

Article 75 of the Treaty, as most recently revised, refers explicitly to transport safety\(^\text{29}\) and could provide an alternative legal basis which would link the protection of animals during transport to the common transport policy. It would undoubtedly be the most appropriate legal basis for vehicle requirements but would not cover the core veterinary provisions which include limits on journey times on health grounds. Article 100a would therefore seem to be more appropriate than Article 75 since, through its references to specific policies, it covers all the regulations governing the transport of live animals.


\(^{29}\) When the basic directive was adopted Article 75 would not have been a valid legal basis in that it did not cover safety.
4. **Community legislation on the transport of live animals**

The European Community has been concerned with the transport of live animals since 1977 when it adopted a Community Directive implementing the Council of Europe Convention discussed in paragraph 2 above. A few years later came measures required to implement Directive 77/489/EEC ....31. The 1977 directive and its implementing measures, which are no longer in force, applied to international transport, leaving regulations on domestic transport to the national authorities. The impending entry into force of the internal market brought with it a need for regulation by the Community of all transport of live animals and led to the adoption of a series of directives.

Two of these are the basic directives currently governing this sector: the first is Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market32, which essentially covers veterinary inspections and its major concern is therefore to safeguard public health; the second directive, which is more directly aimed at protecting animal welfare, is Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC33.

In 1982 the Community implemented34 the CITES Convention of 3 March 1973, which although it does not govern transport regulations does restrict international trade in protected species.

5. **Community regulations on veterinary inspections**

The Directive has been amended a number of times and the modifications relevant to the transport of live animals are set out below:

- Directive 91/174/EEC of 25 March 199135 laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives


35 Cf paragraph 2 of this chapter.

36 OJ L 85/37, 5.4.91.
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77/504/EEC and 90/425/EEC, which extends the scope of the directives to
buffalo;

the organization of veterinary checks on animals entering the Community from
third countries and amending Directives 89/662/EEC, 90/425/EEC and
90/675/EEC, which basically supplements Directive 90/425/EEC by regulating
veterinary checks on live animals imported from third countries;

- Directive 92/60/EEC of 30 June 1992\(^{38}\) which makes a number of amendments to
Directive 90/425/EEC;

governing trade in and imports into the Community of animals, semen, ova and
embryos not subject to animal health requirements laid down in specific
Community rules referred to in Annex A(II)\(^{40}\), to Directive 90/425/EEC, which
essentially extends the scope of the 1990 directive to species not covered.

It is therefore useful to examine the scope of these directives. They apply to
live animals transported within the Community and imported from third countries
but do not apply to exports since in international trade the health regulations
applied are always those in the country of destination (a principle which it will
be seen in some cases also applies to intra-Community trade in animals).

Having defined the general scope of veterinary checks at Community level, there
are two distinct basic regulations: Directive 90/425/EEC and Directive
92/65/EEC. The second of these is complementary to the first in that it applies
to all the species of animals not covered by the first.

Following numerous modifications, Directive 90/425/EEC currently applies to all
species of animals covered by the directives listed in Section I of Annex A of
the directive: cattle, pigs, horses, poultry, aquaculture animals, sheep, goats,
live bivalve molluscs.

Other animals are covered by Directive 92/65/EEC, but here too there are
exceptions: it does not apply to pets except with regard to the abolition of
veterinary checks at frontiers and the provisions of the CITES Convention.

Directive 90/425/EEC seeks to complete the internal market by abolishing
veterinary checks at frontiers and regulating checks at the point of departure.
A detailed study of the legislation goes beyond the limits of this working
document, suffice it to say that checks are principally a matter for the country
of origin (or the country of importation where the animals come from a third


\(^{40}\) List of veterinary legislation to which the checks set out in Directive
90/425/EEC apply.
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country), and other checks, both mandatory and discretionary, are a matter for the country of destination or the country of transit. The checks are of a veterinary or zootechnical nature depending on whether they are intended to protect public or animal health or to improve breeds.

Although these checks do not relate to the welfare of the animals during transport but are of a preliminary nature, some of the provisions impact on transport arrangements and are relevant here:

- the means of transport must satisfy hygiene rules;
- where the transport operation involves several places of destination, animals must be grouped together by destination;
- countries of destination and transit may carry out checks if there are grounds for suspecting infringements of the regulations.

Directive 92/65/EEC refers to the checks required in the Member State of consignment by Directive 90/425/EEC to make sure that the requirements are met by the following species of animals: apes, ungulates i.e. hooved animals (excluding cattle, horses, sheep and goats), birds (excluding poultry), bees, lagomorphs (e.g. rabbits), ferrets, mink, foxes, dogs and cats.


As part of completion of the internal market, Directive 91/628/EEC repealed and replaced the earlier Directive 77/489/EEC which transposed into Community law the Council of Europe Convention and was therefore confined to regulation of the international transport of live animals.

The 1991 directive governs the transport of animals within the Community, between Member States of the Community and third countries and in transit within the Community. The species covered are those listed in the Council of Europe Convention and the technical regulations are broadly identical and the aim is obviously to avoid disputes with non-member countries which are parties to the Convention.

The Directive does not apply to travellers transporting pet animals or, if there are no relevant national provisions, to the transport of animals up to a maximum distance of 50 km or by stock farmers or fatteners using agricultural vehicles or their own means of transport for seasonal migrations to pastures.

The principle behind the regulations is that no suffering must be caused to animals during transport and that no animal may be transported unless it is fit

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41 Special rules apply to consignments of dogs and cats to the United Kingdom and Ireland.

42 References are made to the regulations specific to the five categories of animals, which are the subject of an annex to the directive.
for the journey and rules are established for derogations for injured or ill animals.

Animals must be accompanied by documentation establishing their origin and ownership, their place of departure and place of destination and the date and time of departure. Natural or legal persons transporting animals for profit must be registered under the relevant national legislation, must use means of transport complying with the technical specifications and must not transport any animal in a way which may cause injury or unnecessary suffering.

Under the directive, it is the transporter who is responsible for the animals' welfare and who must comply with the relevant requirements. The first requirement is that the transport undertaking must employ staff who possess the necessary knowledge to administer any appropriate care to the animals transported. Other requirements relate to the transport arrangements and focus on journey times but there is a further requirement which points to the transporter's wider responsibilities: where animals are travelling unaccompanied the transporter must ensure that the consigner has presented them for transport in accordance with the provisions of the directive and that the consignee is prepared to receive them. This involves responsibility for the actions of third parties, which could become a serious burden for the carrier and which in fact transfers to a private individual checks which, in the author's view, should be matters for the public authorities.

A significant proportion of the carrier's obligations concern the journey time. Although the directive does not lay down a maximum journey time, it does say that delays must be avoided and when journeys exceed 24 hours specific requirements must be met:

- the itinerary must allow for the animals to be rested, fed and watered and, if necessary, unloaded and given accommodation;
- the animals' needs for food and water must be met during the journey even where the route plan is changed or the journey is interrupted for reasons beyond the carrier's control.

The Member States are responsible for ensuring that the requirements are met, under the Directive 90/425/EEC procedure, but are also required to ensure that the necessary measures are taken to prevent or reduce to a minimum any delay during transport or suffering by the animals when strikes or other unforeseeable circumstances impede the application of the directive. If it is found that the provisions of the directive have not been complied with, the competent authority may require the person in charge of the means of transport to take any action

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43 Article 5(2)(g).

44 In accordance with Article 13, the Commission has submitted a proposal to amend the directive by fixing maximum journey times.

45 Article 7. The dreadful state of animals confined to vehicles at the Italian/Austrian frontier at the Brenner Pass during the strike by Italian customs officers and the unrest among carriers will be remembered.
necessary to safeguard the welfare of the animals. Such action may include arranging for the animals to be returned to their place of departure, arranging for the animals to be held in suitable accommodation until the problem is resolved, or slaughter. In the event of failure to comply, the authorities must carry out the measures immediately and recover the costs from the carrier. It is also made clear that these provisions apply not only in the case of infringements but also where the carrier or third parties cannot be held responsible.

Article 16 of the directive allows for exemptions to the provisions on animal welfare during transport to take account of the natural constraints specific to certain regions. Pursuant to this provision, transport between the Greek Islands is not subject to regulations, for example, on the technical specifications of vehicles and journeys exceeding 24 hours.46

The directive has been transposed and implemented by 11 Member States of the Community of Twelve. For the twelfth state, France, no data is available and the Netherlands has taken the view that its own legislation, which predated the directive, complies with the relevant requirements.47

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47 Based on the CELEX data bank consulted on 7.7.1995.
CHAPTER IV

NEW ARRANGEMENTS FOR THE TRANSPORT OF LIVE ANIMALS

1. The Commission's 1993 proposal and Parliament's report

Article 13 of Directive 91/628/EEC required the Commission to submit, by 1 July 1992, a report drawn up on the basis of an opinion from the Scientific Veterinary Committee, possibly accompanied by proposals on maximum journey times, feeding and watering intervals, rest periods, standards to be met by means of transport and loading density standards. These were controversial issues on which there was and still is a very heated debate and for this very reason the 1991 legislature referred the proposal back to the Commission. It was not until July 1993 that the Commission came up with a proposal for farm animals only, in the form of a communication to the Council and a proposal to amend the 1991 directive.\(^{48}\)

The communication basically confirms the findings of the 1989 study\(^{49}\) as regards conditions in the various modes of transport: good for transport by sea and air (air transport being used only for animals of a high commercial value which receive excellent care during the journey); good or adequate in the case of transport by rail, although this is becoming rare, whereas conditions on road transport are variable but generally worse:

- transport conditions are good on long journeys for animals which are not intended for food purposes and which are generally of a considerable value (prime animals for breeding purposes and for competitions);
- bad transport conditions, although these make up a small part of the total, for animals for fattening and slaughter: almost all complaints about infringements of animal welfare regulations refer to such transport, where mortality rates are high.

The communication explains that the earlier Commission proposal set a maximum journey time based on the maximum feeding and watering intervals and that the Council had refused to accept any limit. It therefore focuses on the technical requirements relating to loading density leaving aside the question of journey times for the time being. However, the maximum feeding and watering interval of 24 hours, agreed under the Council of Europe Convention, is to vary depending on the species and, according to current scientific knowledge, standards can only be set for cattle, horses, pigs and poultry.

The proposal to amend the 1991 directive, in line with the communication, which amounts to a kind of explanatory statement, clarifies a number of misconceptions.

\(^{48}\) Both documents are published in COM(93) 330 final of 13.7.1993.

\(^{49}\) Cf Chapter II, paragraph 5.
and lays down maximum feeding and watering intervals, resting periods and space allowances for the species referred to above.

2. Views of animal welfare groups

The Commission proposal must be seen against the heated debate between animal welfare groups\(^{50}\) and economic operators in this sector.

Animal welfare groups in all Member States of the Community have taken various initiatives to highlight the issue of animal welfare during transport: publicity material, often highly emotive, demonstrations and petitions to the Community institutions, some of which have been signed by millions of European citizens have illustrated public concern.

In this document we shall look at the position of the Eurogroup for Animal Welfare which represents the animal welfare movement at European level and lobbies the Community institutions on this issue.

On the specific question of animal welfare during transport, the group's main demands are for more stringent checks, currently inadequate, to enforce existing regulations and, in terms of legislation, extending the scope of the regulations to include some animals currently excluded such as rams, time limits for journeys and the abolition of livestock export subsidies under the CAP, which are seen as the main cause of the increase in the transport of live animals.

With regard to the existing regulations, the Eurogroup quotes the findings of two member associations which followed two convoys of live animals and found that in one the feeding and watering rules were not respected although the journey lasted more than 30 hours, in the other the animals were not fed or watered on a journey exceeding 59 hours. The Eurogroup has stressed that even the European Commission is convinced that these are not exceptional cases\(^{51}\).

The limitation of journey times is the issue about which the general public feel most strongly and on which most attention has been focused within official bodies. The call for such limits is based on the need to ensure that the animals are regularly fed and watered and to allow them to rest from their journey so as to prevent or reduce the transport syndrome described in Chapter II.

The demand for the abolition of live animal export subsidies refers specifically to animals sent for slaughter which investigations have shown to be more badly treated. There is no doubt that subsidies encourage the transport of live

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\(^{50}\) This term is preferred to that of animal rights groups which suggests those extremist groups which have resorted to violence in support of animal welfare.

animals rather than the transport of carcases, which is cheaper as it allows more rational use of vehicle capacity.

3. **Position of economic operators in the meat sector**

There are national trade associations representing the slaughter industry, which have formed the [European Meat Association](#) at European level.

Operators do not speak with one voice at European level on the transport of live animals and each national association has its own position which reflects the domestic situation and normally coincides with that of the relevant Member State within the Council of Ministers.

The national positions of greatest concern are those which are opposed to the views of animal welfare organizations on the central issue of journey time. The main source of opposition to limits on journey times comes from the Italian Meat Association, Assocarni, and is based on technical-veterinary and economic arguments.

The technical-veterinary arguments rely on the assumption that the greatest stress occurs during loading and unloading operations and that to repeat such operations would be harmful rather than of benefit to the animals: the first loading operation is supervised by the farmer and therefore occurs in optimum conditions owing to the relationship of trust already established between the farmer and his livestock; subsequent loading and unloading operations are not carried out under such optimum conditions. Correlatively hierarchies are established between the animals during the journey and these alleviate stress: repeated rest periods break these links and have only moderate effects on stress.

The economic arguments are closely linked to the situation in Italy and can be summarized as follows:

... **the only effects** (of limiting journey time, Ed.) will be to stop the supply of live animals to the countries of southern Europe, to distort conditions of competition to the obvious advantage to the countries of central Europe which will thus be able to monopolize the trade in live animals and not to improve the actual welfare of animals transported\textsuperscript{52}.

4. **European Parliament's position**

The European Parliament delivered its opinion on the Commission proposal on 15 December 1993\textsuperscript{53}, adopting the following amendments:

- introduction of a maximum journey time of 8 hours for animals for slaughter;

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\textsuperscript{52} *Fissata la durata massima del trasporto animale* (limiting journey time for the transport of animals in 'Assocarni Notizie' (Italian Meat Association's notes), No. 25-1995, p.7.

\textsuperscript{53} OJ C 20, 24.1.1994, p. 63.
The transport of live animals

- establishing a maximum feeding and watering interval for sheep;
- extending the transport regulations to cover animals imported for slaughter;
- requiring exporters of animals to third countries to give a written undertaking that the provisions of the directive will be observed throughout the journey.

The rapporteur 54 condemned in his explanatory statement the worst conditions for the transport of live animals and in particular blamed the transport of pigs from the Netherlands to Italy and Spain for the spread of swine vesicular disease to those countries, and feared the spread of diseases such as foot and mouth and African swine fever. Apart from setting out the reasoning behind the amendments, the rapporteur criticized the proposal's failure to include criteria for approved staging posts.


On 22 June 1995 the Council of Ministers reached a compromise on the proposal to amend the 1991 directive; according to press reports, Austria and Finland voted against because they wanted more stringent measures while Italy voted against for the opposite reasons.

The most significant changes are as follows 55:

- Community regulations are extended to journeys of less than 50 km and for seasonal transhumance;
- the staff employed by the transporter must not only have the 'necessary knowledge' but also specific training or equivalent practical experience qualifying them to handle and transport vertebrate animals;
- the requirements of the route plan are defined in greater detail and a specimen form is provided, it must be stamped by the veterinarian at the place of departure and input to a computer system; a route plan is now required for journeys exceeding 8 hours, as against 24 hours at present and becomes a real accompanying document which will allow the competent authority to carry out checks throughout the journey to ensure that the regulations have been complied with;
- loading densities are established for species and mode of transport;
- feeding, watering and rest periods are required after 8 hours; provided certain requirements are met 56, longer journey times of between 9 and 24 hours are allowed before the compulsory rest period.

54 David Morris; Doc. A3-404/93.
56 These requirements are: sufficient bedding, appropriate feed for the animal species transported and for the journey time, direct access to the animals, adequate ventilation which can be adjusted, movable panels for creating separate compartments, water supply.
The transport of live animals

The following three tables\textsuperscript{57} summarize the provisions on journey times and rest periods.

**Transport by road**

<table>
<thead>
<tr>
<th>Animals transported</th>
<th>Normal vehicles</th>
<th>Well-equipped vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unweaned calves, piglets, lambs, kids, foals</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 9 hours + rest period of one hour + journey time of 9 hours after which animals must be unloaded, fed and watered and rested for 24 hours\textsuperscript{1}</td>
</tr>
<tr>
<td>Adult cattle, sheep and goats</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 14 hours + rest period of one hour + journey time of 14 hours after which animals must be unloaded, fed and watered and rested for 24 hours\textsuperscript{1}</td>
</tr>
<tr>
<td>Adult pigs</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 24 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours\textsuperscript{1}</td>
</tr>
<tr>
<td>Solidpeds (horses, donkeys, mules, hinnies)</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 24 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours\textsuperscript{1}. During the journey they must be fed and watered every 8 hours.</td>
</tr>
</tbody>
</table>

\textsuperscript{1} In the interests of the animals, journey times may be extended by up to two hours to reach the place of destination.

\textsuperscript{57} Cf. Assocarni Notizie, op cit.
### The transport of live animals

**Transport by rail**

<table>
<thead>
<tr>
<th>Animals transported</th>
<th>Standard carriages</th>
<th>Well-equipped carriages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unweaned calves, piglets, lambs, kids, foals</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 18 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
</tr>
<tr>
<td>Adult cattle, sheep and goats</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 28 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
</tr>
<tr>
<td>Adult pigs</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 24 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
</tr>
<tr>
<td>Solipeds (horses, donkeys, mules, hinnies)</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>journey time of 24 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours. During the journey they must be fed and watered every 8 hours</td>
</tr>
</tbody>
</table>

**Transport by sea**

<table>
<thead>
<tr>
<th>Animals transported</th>
<th>Standard ships</th>
<th>Well-equipped vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>journey time of 8 hours after which animals must be unloaded, fed and watered and rested for at least 24 hours</td>
<td>No limit to journey time. At the end of the voyage, after unloading, animals must be rested for 24 hours and fed and watered.</td>
</tr>
</tbody>
</table>
The transport of live animals

The Commission is invited to submit proposals for the fixing of standards for means of transport by 31 December 1995. The Council is to establish criteria for staging posts by 30 June 1996 and the Commission is to report on implementation of the directive by 1999.

6. Reactions

Eurogroup for Animal Welfare is not satisfied by the Council decision although it does recognize that some improvements have been made in the situation of animals transported. In particular it regrets the failure to impose a maximum eight hour journey time for animals sent to slaughter, which is one of its fundamental demands, on which it has announced further action.

When it comes to the transport standards introduced by the new directive, such as loading densities, the reaction has been one of surprise owing to the lack of resources required to carry out checks. Animal welfare associations have announced that they will continue to monitor the transport of live animals.

Associations representing the meat trade, primarily the Italian association whose views are discussed in paragraph 2 above, are equally dissatisfied but for reasons which are diametrically opposed. According to Assocarni, the new regulations will double journey times, thereby increasing transport costs, exacerbated by the reduced use of capacity as a result of lower loading densities. Criticism has also been levelled at the vague requirements for means of transport and the putting off until 30 June 1996 of a decision on the criteria to be met by staging posts.

Assocarni has also raised an important legal point relating to application of the directive: the calculation, for the purposes of journey times, of travel through third countries: on the basis of the general principle of the territoriality of the law, it contends that journey times, and consequently the rules on rest periods, should be calculated from entry to Community territory.

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CONCLUSIONS

1. Summary of the main arguments

A number of observations and proposals have been set out in the previous chapters of this document. In this section we shall summarize the arguments before going on to make proposals.

On the basis of research carried out in the field in 1989 and confirmed by the 1993 Commission communication, the issue of animal welfare during transport can be confined to that of the road transport of animals intended for food purposes. Other modes of transport are generally good and even on the roads animals of a high commercial value are given the requisite care. However, it is also true that modes of transport other than road, above all the railways, are less frequently used on grounds of cost.

From the same studies and other sources it emerges that the critical stages of transport are the loading and unloading operations, feeding and watering. With regard to application of the 1991 directive, checks do not appear to be satisfactory.

Chapter I has endeavoured to show how, on the basis of the interests involved, public action on the transport of live animals falls primarily within the framework of the common agricultural policy and how it is through that policy that the interests sacrificed can be compensated.

It has also been seen that the meat trade is structured on national lines, with high concentrations in a number of regions and that the organoleptic quality of meat produced can best be safeguarded by slaughtering animals from farms located within a reasonable radius of the slaughterhouse.

2. Legislation proposed

The crux of any public policy - and what distinguishes it from merely technical solutions which generally fail to address all aspects of an issue with repercussions, sometimes serious, on other policy areas - is striking a balance between the interests involved. In the introduction and in Chapter I two possible approaches were outlined: regulations governing the transport of live animals based solely on considerations of animal welfare and economic incentives to ensure animal welfare and compensate for losses in income sustained by regional importers of live animals.

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60 Cf. Chapter II, para. 5.
61 Cf. Chapter IV, para. 1.
62 Cf. Chapter II, paras. 6,7,8.
The transport of live animals

These are obviously two extremes, between which there are a whole series of measures which could be taken under the common agricultural policy, subject to being consistent with that policy. The following measures could be envisaged:

- regional policy measures, which would, however, have to be compatible with one of the objectives of the Structural Funds;

- measures giving priority to meat quality rather than quantity; in view of the deficit in this sector, such measures would have to be seen in terms of the objectives of the common agricultural policy enshrined in Article 39 of the Treaty.

The important thing to stress is that unless a fair balance is struck between the interests involved, there will be a tendency to evade Community legislation in a situation where, as will be seen in the following paragraph, checks are not particularly effective, above all in those Member States which have no incentive to carry them out. One form of evasion might be the importing of live animals from overseas third countries, thereby avoiding checks in Member States of transit, which are normally more stringent than those in the country of destination.

Another proposal that has been put forward relates directly to transport policy: accurate charging of infrastructure costs as a means of encouraging rail transport of live animals rather than transport by road. As has been seen, rail transport affords better guarantees of animal welfare.

3. Proposals relating to checks

As has been seen, the enforcement of Directive 91/628/EEC is inadequate and animal welfare associations have played a major role in exposing the extent of violations by following convoys of animals.

Checks on the application of Community directives is the weak point of their implementation in all sectors, since the Community normally asks the Member States to carry out checks and it is not always in their interests to do so. This is undoubtedly the case for checks on the regulations on live animals in the importing countries and one way of evading the regulations has been mentioned in the previous paragraph.

The proposal to give anyone, which in practice means animal welfare associations, the right to bring legal proceedings to enforce the provisions on animal welfare has been mentioned earlier. This would make up for inefficiency or negligence on the part of the national authorities carrying out checks. It is not clear whether such a provision could be introduced into Community law since it would touch on procedural matters which do not fall within the Community's competence, but a European Parliament resolution could call on the Member States to recognize such a right for which there are legal and case law precedents in an area of great public concern.

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63 Cf. Chapter II, para. 8.

64 Cf. Chapter III, para. 1.
The transport of live animals

ANNEXES
The transport of live animals

CATTLE

1992/EUR-12

A. SLAUGHTERINGS:
   - Adult cattle: 24,555,000 head = 7.5 Mio Tonnes
   - Calves: 6,325,000 head = 0.85 Mio Tonnes

B. TRADE:

<table>
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<tr>
<th></th>
<th>INTRA-</th>
<th>IMPORTS</th>
<th>EXPORTS</th>
<th>TOTAL</th>
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<td>1</td>
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<tr>
<td>BREEDING CATTLE</td>
<td>59,444</td>
<td>83,808</td>
<td>115,791</td>
<td>259,043</td>
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<tr>
<td>CALVES</td>
<td>1,549,702</td>
<td>247,545</td>
<td>3,244</td>
<td>1,800,491</td>
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<td>ADULT CATTLE</td>
<td>1,566,253</td>
<td>384,657</td>
<td>207,472</td>
<td>2,158,382</td>
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<tr>
<td>TOTAL</td>
<td>3,175,399</td>
<td>716,010</td>
<td>326,507</td>
<td>4,217,916</td>
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</table>

- 43 -
**PIGS**

1992/EUR-12

A. SLAUGHTERING:

170,821,000 head = 14,4 Mio Tonnes

B. TRADE:

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<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
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<tr>
<td>BREEDING PIGS</td>
<td>45,744</td>
<td>332</td>
<td>54,731</td>
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<tr>
<td>PIGLETS</td>
<td>4,092,613</td>
<td>96,748</td>
<td>4,184,668</td>
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<td>FATTENING PIGS</td>
<td>4,497,413</td>
<td>8,695</td>
<td>4,425,147</td>
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<td>SOWS</td>
<td>190,909</td>
<td>79</td>
<td>191,010</td>
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<td>TOTAL</td>
<td>8,796,551</td>
<td>99,854</td>
<td>8,855,406</td>
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</table>
The transport of live animals

SHEEP

1992/EUR-12

A. SLAUGHTERING: 75,000,000 head

B. TRADE:

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<th></th>
<th>INTRA-COMUNIT.</th>
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<td></td>
<td>1 2</td>
<td>3</td>
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<tr>
<td>BREEDING SHEEP</td>
<td>22,671</td>
<td>10,684</td>
<td>643</td>
<td>33,998</td>
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<tr>
<td>OTHER</td>
<td>4,669,577</td>
<td>2,329,787</td>
<td>52,224</td>
<td>7,051,945</td>
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<tr>
<td>TOTAL</td>
<td>4,692,248</td>
<td>2,340,471</td>
<td>53,224</td>
<td>7,085,943</td>
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</tbody>
</table>
The transport of live animals

HORSES

1992/EUR-12

A. SLAUGHTERING: 402,000 head = 92,000 Tonnes

B. TRADE:

<table>
<thead>
<tr>
<th>HEAD</th>
<th>1</th>
<th>2</th>
<th>3</th>
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</thead>
<tbody>
<tr>
<td>BREEDING HORSES</td>
<td>8.238</td>
<td>9.984</td>
<td>4.624</td>
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<td>22.846</td>
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<tr>
<td>HORSES FOR SLAUGHTER</td>
<td>9.946</td>
<td>158.045</td>
<td>19</td>
<td></td>
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<td>168.010</td>
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<tr>
<td>OTHER</td>
<td>33.213</td>
<td>32.705</td>
<td>6.246</td>
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<td>72.164</td>
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<td>TOTAL</td>
<td>51.395</td>
<td>200.734</td>
<td>10.891</td>
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The transport of live animals

### EXPORTS

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<tr>
<td>BREEDING CATTLE</td>
<td>50.347</td>
<td>52.790</td>
<td>49.843</td>
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<tr>
<td>ADULT CATTLE</td>
<td>70.437</td>
<td>56.864</td>
<td>73.744</td>
<td>157.395</td>
<td>207.472</td>
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<tr>
<td>TOTAL</td>
<td>124.802</td>
<td>114.816</td>
<td>126.803</td>
<td>327.218</td>
<td>326.507</td>
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### IMPORTS

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<tbody>
<tr>
<td>BREEDING CATTLE</td>
<td>37.007</td>
<td>60.383</td>
<td>46.504</td>
<td>44.164</td>
<td>83.808</td>
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<tr>
<td>CALVES</td>
<td>184.187</td>
<td>473.918</td>
<td>853.367</td>
<td>339.345</td>
<td>247.545</td>
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<tr>
<td>ADULT CATTLE</td>
<td>348.948</td>
<td>372.480</td>
<td>343.518</td>
<td>376.510</td>
<td>384.657</td>
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<tr>
<td>TOTAL</td>
<td>570.210</td>
<td>906.781</td>
<td>1,243.389</td>
<td>760.019</td>
<td>716.010</td>
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### INTRA-COMMUNITY TRADE

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<tbody>
<tr>
<td>FATTENING PIGS</td>
<td>3.772.610</td>
<td>3.399.879</td>
<td>3.175.945</td>
<td>3.598.618</td>
<td>4.407.413</td>
</tr>
</tbody>
</table>
ADULT CATTLE

Trading patterns:
- intra Community
  1,566,000 head
- Imports:
  384,000 head
- Exports:
  207,000 head

EUR 12  1992

The transport of live animals

EUROPEAN COMMISSION
GIS-VI & VI.D.3
The transport of live animals

CALVES

Trading patterns:
- intra Community
  1.549,702 head
- Imports:
  247,545 head
- Exports:
  not significant

EUR 12  1992
The transport of live animals

FATTENED PIGS

Trading patterns:
- intra Community
  4,407,413 head
- Imports:
  not significant
- Exports:
  not significant

EUR 12 1992

EUROPEAN COMMISSION
GIS-VI & V.I.D.3
The transport of live animals

PIGLETS

Trading patterns:
- intra Community

4.092.615 head

- Imports:
90.748 head

- Exports:
not significant

EUR 12 1992

EUROPEAN COMMISSION
GIS-VI & VI D 3
The transport of live animals

SHEEP

Trading patterns:
- intra Community
  4.669.577 head
- Imports:
  2.329.787 head
- Exports:
  52.224 head

EUR 12 1992

EUROPEAN COMMISSION
GIS-VI & VI.D.3
The transport of live animals

GOATS

Trading patterns:
- intra Community
  58,461 head
- Imports:
  not significant
- Exports:
  not significant

EUR 12 1992

EUROPEAN COMMISSION
GIS-VI & VI.D.3
The transport of live animals

HORSES FOR SLAUGHTER
Trading patterns:
- intra Community
  9,946 head
- Imports:
  158,045 head
- Exports:
  not significant

EUR 12  1992

EUROPEAN COMMISSION
GIS-VI & VI.D.3