



2018/2110(INI)

23.10.2018

OPINION

of the Committee on Petitions

for the Committee on Agriculture and Rural Development

on the implementation report as regards Regulation 1/2005 on the protection of animals during transport within and outside the EU
(2018/2110(INI))

Rapporteur for opinion: *Ángela Vallina*

PA_NonLeg

SUGGESTIONS

The Committee on Petitions calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Highlights the fact that the Committee on Petitions receives a very large number of petitions on animal welfare during transport, which frequently denounce systematic, continuous and serious violations of Council Regulation (EC) No 1/2005¹ by both Member States and transporters;
2. Deplores the woeful lack of rigour displayed by the Commission in pursuing serious and systematic infringements of Regulation (EC) No 1/2005 directly brought to its attention in almost 200 specific and detailed NGO reports forwarded to it since 2007;
3. Draws attention to the multitude of parliamentary questions and letters of complaint submitted by Members of the European Parliament and addressed to the Commission, highlighting the systematic infringements of Regulation (EC) No 1/2005 which result in severe suffering and hardship for animals during transport; strongly criticises the statistics provided by the Commission on compliance with Regulation (EC) No 1/2005 as regards the transport of live animals to third countries, which have been drawn up without any systematic checks on animal transport vehicles;
4. Condemns this situation and considers it unacceptable that, 13 years after the entry into force of the regulation, many testimonies continue to emerge of animals transported, in violation of the provisions of Regulation 1/2005, in poor conditions in inadequate and overcrowded means of transport, which causes undue animal suffering and poses serious risks to both animal and human health;
5. Points out that the most frequent infringements of Regulation (EC) No 1/2005 concern overcrowding and the insufficient space given to animals in transport vehicles, which forces them to stand in unnatural positions for long periods of time, the failure to respect drinking and feeding intervals, journey times and resting periods for animals, the inadequacy of ventilation and watering devices, transport in extreme temperatures, transport of unsuitable animals and insufficiency of bedding and feed;
6. Notes with great concern that during long journeys animals are watered with contaminated water that is unfit for consumption and often have no access to water because of malfunctioning or badly located watering devices, or insufficient water that is not commensurate with the species and size of the animals being transported;
7. Notes that the reported infringements of Regulation (EC) No 1/2005 concerning inadequate ventilation systems in animal transport vehicles for long journeys attest the presence of extreme temperatures inside vehicles, far exceeding legal limits, causing terrible suffering to animals; points out that, in some cases, sensors monitoring temperatures inside animal transport vehicles have been found to have been tampered with;

¹ OJ L 3, 5.1.2005, p. 1.

8. Notes that the Commission, while aware of the fact that certain Member States are failing to report cases where the internal temperatures of vehicles used for animal transport exceed 35 °C, has officially stated that it does not perform systematic checks on internal vehicle temperatures, making it impossible obtain an accurate picture of animal transport conditions;
9. Calls on all Member States to ensure that journeys are planned and executed, from departure to destination, in line with EU animal welfare requirements, taking into account the different means of transport and the range of geographical conditions across the EU and third countries;
10. Calls on all Member States to prohibit all long-distance animal transport during extreme weather conditions, especially when temperatures in the places of departure or destination, or along the route, are forecast to exceed 30 °C; stresses that other aspects come into play in the welfare of animals aside from the duration of the journey, such as proper loading and unloading, proper nutrition, the design and equipment of vehicles and the number of animals loaded in container units;
11. Stresses that, at the time of loading, the competent authorities, including official veterinarians at EU exit points, should check that the requirements of Regulation (EC) No 1/2005 concerning the health conditions of animals and the space and height of the compartment have been complied with, that ventilation and water systems work properly and are appropriate for the size and species of animals transported, and that sufficient feed and bedding are transported; takes the view that, in those cases in which Regulation (EC) No 1/2005 requires that animals be unloaded at a control post or for a 24-hour rest period in a third country, the competent authorities should only approve journey logs after verifying and receiving confirmation that the organiser has made a reservation at a control post or found a resting place that provides facilities equivalent to those of a control post and that is, in any case, able to respect the welfare of animals in full;
12. Deeply regrets that the loading of animals onto ships frequently involves great cruelty such as the use of electric sticks and prods, as well as loading facilities that fail to provide full guarantees regarding animal welfare;
13. Expresses its concern at non-compliance with Regulation (EC) No 1/2005 regarding the transport of unweaned animals; considers it necessary to adopt more detailed and incisive measures to ensure that all specific needs regarding this type of transport are met;
14. Expresses concern at the number of reports of inappropriate vehicles being used to transport live animals both on land and at sea, and calls for the monitoring of such practices to be stepped up; calls on the Commission to undertake research into how new and existing technology can be applied in livestock vehicles to regulate, monitor and register temperature and humidity, which are essential elements for controlling and protecting the welfare of specific categories of animals during transport, in line with European Food Safety Authority (EFSA) recommendations;
15. Deplores the fact that, despite clear recommendations from EFSA, parts of the regulation are not in line with current scientific knowledge, and calls for updated rules

on: sufficient ventilation and cooling in all vehicles; appropriate drinking systems suitable for different species and ages, particularly for unweaned animals; specific minimum requirements for headroom;

16. Calls for fewer animals to be transported over long distances and for the duration and frequency of animal transport to be kept to a minimum; takes the view that many of the severe problems related to the lengthy transport of live animals, in particular from the EU to third countries, would be solved by a shift to the transport of meat or carcasses, instead of live animals;
17. Calls for a ban on journeys that exceed eight hours;
18. Calls for the mobilisation of resources for local processing where possible and the creation of shorter supply chains;
19. Strongly deplors the uneven and poor enforcement of the regulation in many Member States, which are failing to effectively and uniformly monitor and sanction persistent violations of EU law, thereby allowing some transporters to operate illegally; is greatly concerned at the failure of many Member States to make proper and effective use of the powers conferred on them under Article 26 of Regulation (EC) No 1/2005, including the power to call on the transporter in question to introduce arrangements to avoid any recurrence of irregularities detected, to carry out additional inspections and, in particular, to require the presence of a veterinarian when animals are being loaded and to suspend or revoke transporters' permits or type-approval certification for the form of transport used; calls on the Commission, in view of the lack of harmonisation of controls and sanctions across the Member States, to consider revising the current provisions, as laid out under Regulation (EC) No 1/2005, particularly Recital 11 and Article 30 (1) thereof, in order to ensure that effective and dissuasive sanctioning mechanisms are uniformly introduced and imposed across the EU;
20. Calls on the Member States to increase controls across the entire production chain and, in particular, to carry out efficient and systematic inspections of animal consignments before loading, in order to halt practices that infringe on Regulation (EC) No 1/2005 and worsen conditions for the transport of animals by land or sea, such as allowing overstocked means of transport or unfit animals to continue their long journeys, or permitting the continued use of control posts with inadequate facilities for resting, feeding and watering animals in transport;
21. Calls on the Member States to improve enforcement of existing rules by ensuring the effective use of navigation systems that are used when animals must be transported for more than eight hours, thus allowing the competent authorities to control more accurately the journey and resting times of such transports;
22. Calls on Member States, when they detect infringements of the provisions of Regulation (EC) No 1/2005, to provide the notifications laid down in Article 26 in a detailed and systematic manner; calls on the Member States receiving such notifications to act effectively and in a consistent and timely manner to prevent the repetition of such infringements; takes the view that, where feasible, the competent authorities of the Member States should attach to the notifications photos of the relevant infringements;

23. Stresses that ineffective coordination between authorities at border inspection posts, coupled with the inadequacy of operational structures and procedures has led to unjustified waiting times for animal transport vehicles which, given the extreme internal temperatures and lack of ventilation, have had a devastating impact on animal welfare, in clear violation of the provisions of Regulation (EC) No 1/2005;
24. Considers it of the utmost importance that national authorities adhere consistently and in full to Article 19 of Regulation (EC) No 1/2005 concerning the issuance of approval certificates for animal transport vessels and that they refuse to approve travel logs if they indicate the use of ports that do not have necessary facilities for the systematic inspection of animals;
25. Believes that the presence of qualified and independent veterinarians should be mandatory during the transport of animals by ship, that the deaths of any animals en route should be reported and registered and that specific and detailed action plans should be drawn up to deal with any emergencies that adversely affect animal wellbeing;
26. Calls on the Commission to take measures to increase cooperation and communication between the competent authorities in all Member States in order to improve awareness and share best practices with regard to animal welfare aspects among different stakeholders involved in transport of live animals;
27. Deplores the fact that compliance with the regulation in the case of transport outside the EU is still, in the vast majority of the cases, completely absent, despite the Court of Justice's rulings requiring transporters to abide by its provisions for the entire duration of journeys with destinations in third countries; calls for the harmonisation of animal population registers for transport to third countries;
28. Calls for consistent and full compliance with the case law established by the EU Court of Justice, including Case C-424/13 of 23 April 2015¹, in which the Court ruled that, for the transport of animals involving a long journey commencing in EU territory and continuing outside it to be authorised at the place of departure, the transporter must be required to submit a true and accurate travel log for the purpose of verifying compliance with Regulation (EC) No 1/2005 in the territory of the EU and of the third countries in question; notes that if this is not the case, the authorities responsible must be empowered to require modification of the transport arrangements to ensure compliance with the regulation for the duration of the journey;
29. Calls for better enforcement within the Member States as well as by operators who transport animals outside the territory of the EU, where the situation of animal welfare is usually much worse than inside the EU;
30. Deplores the fact that the standards reached by the EU's external partners are not as high as the standards within the Union; calls on the Commission to strengthen the requirements with the Union's trading partners, namely the international economic partners, especially regarding the importation of animals from third countries; believes

¹ Judgement of the Court (fifth chamber) of 23 April 2015, *Zuchtvieh-Export v Stadt Kempten*, C-424/13, ECLI:EU:C:2015:259.

that there should be an economic impact when external partners with lower standards export to the EU market;

31. Highlights Council decision 2004/544/EC¹ to sign the European Convention for the protection of animals during international transport, where transport can be any one of the following: between two Member States passing through the territory of a non-Member State; between a Member State and a non-Member State; or between two Member States directly;
32. Regrets the decision taken by the Conference of Presidents, without a plenary vote in Parliament, not to set up a parliamentary committee of inquiry on the wellbeing of animals during transport inside and outside the EU, despite the support of a large number of MEPs from different political groups; recommends therefore that Parliament establish a committee of inquiry on animal transport inside and outside the EU as from the beginning of the upcoming parliamentary term in order to properly investigate and monitor cruelty in animal transport;
33. Urgently calls on the Commission, in the light of these systematic enforcement issues, to establish effective monitoring of the compliance with the regulation at all levels in all Member States, to immediately launch the necessary investigations into possible breaches of the regulation, and to open infringement procedures against the Member States responsible.

¹ OJ L 241, 13.7.2004, p. 21.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	8.10.2018
Result of final vote	+: 24 -: 0 0: 0
Members present for the final vote	Margrete Auken, Beatriz Becerra Basterrechea, Pál Csáky, Miriam Dalli, Rosa Estaràs Ferragut, Eleonora Evi, Peter Jahr, Rikke-Louise Karlsson, Jude Kirton-Darling, Svetoslav Hristov Malinov, Notis Marias, Ana Miranda, Miroslavs Mitrofanovs, Marlene Mizzi, Virginie Rozière
Substitutes present for the final vote	Urszula Krupa, Sven Schulze, László Tóké, Ángela Vallina, Rainer Wieland
Substitutes under Rule 200(2) present for the final vote	Javier Couso Permuy, Rosa D'Amato, Anja Hazekamp, Barbara Kudrycka

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

24	+
ALDE	Beatriz Becerra Basterrechea
ECR	Urszula Krupa, Notis Marias
EFDD	Rosa D'Amato, Eleonora Evi
GUE/NGL	Javier Couso Permuy, Anja Hazekamp, Ángela Vallina
NI	Rikke-Louise Karlsson
PPE	Pál Csáky, Rosa Estaràs Ferragut, Peter Jahr, Barbara Kudrycka, Svetoslav Hristov Malinov, Sven Schulze, László Tőkés, Rainer Wieland
S&D	Miriam Dalli, Jude Kirton-Darling, Marlene Mizzi, Virginie Rozière
VERTS/ALE	Margrete Auken, Ana Miranda, Miroslavs Mitrofanovs

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0	0

Key to symbols:

+ : in favour

- : against

0 : abstention