

Written questions to Dr Trine Vig Tamstorf - Danish Agriculture and Food Council

*ANIT hearing of
10/12/2020*

No	Questions to Danish Agriculture and Food Council
1. (ID)	<p>Zoonoses</p> <p>Are the veterinarians heard aware of zoonoses, i.e. diseases transmitted from animals to humans, which have been transmitted as a result of the international transport of animals, by land or by sea?</p> <p>Can the experts interviewed inform us about possible quarantine measures and the care given to the animals in the event of a disease found in a transport operation?</p>
Answer n1	The questions in not within the scope of regulation of Reg 01/2005 and therefore not relevant for the topic of this hearing.
2. (ID)	<p>Vaccinations</p> <p>In the case of international transport of animals, can the veterinarians interviewed tell us whether the animals are vaccinated and how veterinary checks can verify these vaccinations?</p>
Answer n2	The questions in not within the scope of regulation of Reg 01/2005 and therefore not relevant for the topic of this hearing.

<p>3. (Greens)</p>	<p>Sanctions</p> <p>The lack of effective, proportionate and dissuasive sanctions has kept the Regulation from being properly implemented. It resulted in recurring violations and a disempowerment of all the actors involved in the transport of animals.</p> <p>What did your organization observe when it comes to sanctions in different member states? What in your view are the failings of the current sanction system? Do you have a state-of-play of the different sanctions levels in each Member states?</p>
<p>Answer n3</p>	<p>In Denmark we are aware of the very different implementation of the regulation across MS. However, we are in a different situation in Denmark, where the authorities have a very strict and rather unproportionally implementation of the regulation to a point, where we actually have a situation where the drivers are leaving the industry because of the very hard sanctions that are put on the drivers. In Denmark non-compliances with the regulation leads to a situation, where the driver and transport company are turned into the police, followed by a court case, and fines are issued ranging from 2.000 euro to 13.000 euros even in cases and, where issues have been found with fitness of transport for 1 animal out of a lorry loaded with 200 to 700 animals. We have also cases where drivers are charged with conditional imprisonment because of cases with 1 animal of out a whole load. On average a driver is transporting more than 80.000 pigs a year under a sanction regime leaving no room for any mistakes and unforeseen situations. Because of the large fines issued the driver and transport company have no economic incentives for taking on animals that are not fit for transport, and we need the regulation to take this into account.</p> <p>We see that Danish drivers are leaving the industry. Since the early 1990s all those involved in the handling of animals during transport was required to attend a training course. This course was replaced by a formal training requirement under EU regulation 1/2005. In Denmark drivers must complete a 5 days training course in handling of animals in order to be allowed to transport animals. Which is far more education compared to other countries.</p> <p>We see an urgent need for a more differentiated approach for the responsibility of transporting animals. Today the farmer, the driver and the transport company equally share the responsibility for cases related to the fitness of animal for transport. However, DAFC find that there are clear differences in the responsibility the farmer, the driver and the transport company carry. The farmer knows the history of the animals, and potential cases of injury or disease and should carry the main responsibility for the fitness of animals for transport. The driver carries the responsibility of the design and the maintenance of the vehicle, complying with stocking density, provision of food/water, resting periods etc. and the animal welfare during the journey. And the transport company carries the responsibility for approval of the vehicle, administrative work, education and training of the driver etc. DAFC find it important that these differences in responsibility should be reflected in the legislation as it would assist in applying penalties in a more proportionate manner in the cases like in Denmark. We find that according to article 3, 1, point 2 it is relevant and in accordance with the regulation to distribute the responsibility without compromising the overall objective of the regulation to protect animals during transport.</p> <p>We also struggle with getting an overview of the different sanction levels in each Member states, and we encourage the Committee of Inquiry on the Protection of Animals during Transport to initiate such an exercise.</p> <p>We also see a great need for the regulation to take into account whether cases with fitness of animals for transport is due to simple or gross negligence from the driver. Accidents will take place and can not be avoided completely. In Denmark drivers are sanctioned even in cases with simple negligence. The regulations should take into account whether the driver can be blamed at all for the accident.</p>

	<p>Finally, from a Danish perspective we find there is a need for a solution on the zero -tolerance approach on single animals, that we see today in Denmark. As explained above a driver can transport more than 80.000 pigs a year and with the current sanction regime is leaves no room for any mistakes and unforeseen situations. We see the need for a kind of flexibility that takes in account that accidents and unforeseen things can happen even, no matter how careful the driver is without risking prison and extremely large fines.</p> <p>In the regulation it is assumed that the driver and the transport company have an economic incentive to transport animals not fit for transport, and that is definitely not the case in Denmark.</p>
<p>4. (Greens)</p>	<p>Vehicles temperatures</p> <p>If we focus on temperature in vehicles, the EU regulation requires capacity to regulate air between 5-30 degrees, but we know that most of vehicles do not have air cooling, and so they technically cannot regulate their temperature. Moreover, the “authorities do not include any restriction regarding temperature in the approval certificate for vehicles” (DG Health overview report on Welfare of Animals exported by road). This ventilation system requirement should be mandatory but does not feature on the vehicle approvals as a prerequisite.</p> <p>How do you explain this gap between what should be and what actually is? What, if any, remedies are currently in place for this?</p>
<p>Answer n4</p>	<p>In Denmark the authorities are very strict regarding temperature on both short and long journeys and they take into account whether the vehicles have systems in place for regulating the temperature. The journey log for exports can’t be approved unless the vehicle can regulate the temperature, and journey logs are not approved if the inside temperature goes beyond the threshold of 5-30 degrees for the planned journey. For long journeys the vehicle must be equipped with a frost-proof water supply system with a visible water level meter, a mechanical ventilation system and temperature recording, and journey logs are only approved if these things are in place. From an industry perspective we find the administration so strict, leaving no room for flexibility within the +/- 5 degrees tolerance the legislation allows for leading to an uneven playfield compared to other countries.</p>
<p>5. (Greens)</p>	<p>Animal welfare in transport beyond EU borders</p> <p>Animal welfare outside EU borders is hardly implemented, as stated the 2019 Commission report on animal exports. The absence of agreements with EU neighboring countries, together with poor retrospective checks and the inability of competent authorities to assess the conditions of transport for the non-EU part of the journey contribute to that concern.</p> <p>Regarding the reality you observed in the field (or in your legal perspective) how are animal welfare requirements applied outside EU? Which alternatives or recommendations are you considering, regarding the difficulties of ensuring animal welfare outside our borders?</p>

Answer n5	<p>In Denmark transport to third countries mainly takes place for breeding animals. We have no export of animals for slaughter to third countries. As the value of the breeding animals in third countries are extremely high to our customers, we see that customers take great care of the animals upon arrival. It is only in the interest of the customers that the animals arrive in a healthy and good condition. Upon the pre-approval of the journey logs the Danish authorities requires documentation for vehicles used in 3rd countries upon arrival with airplanes. For transport to third countries by vehicles the Danish vehicles follow the animals upon final destination.</p> <p>We support a revision of the current regulation and encourage the Committee to look into options for a differentiation of the rules for transport of 1) animals for slaughter, 2) animals for further keeping like piglets or calves and for 3) animals intended for further breeding. Animals have different needs according to the purpose of the journey. Animals intended for slaughter are often more vulnerable and have a greater risk for welfare problems because they are older animals. This is especially true for older animals, who have reached the end of their productive life which can justify a shorter transport distance for this group of animals. Research also shows that the quality of transport is a much more important factor for animal welfare during long distance transport and not necessarily the length of the journey. DAFC suggest improvements of the requirements are introduced for long distance travel for especially breeding animals.</p>
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No	General questions to all panelists
1. Mr Daniel Buda (EPP)	<p>The Commission plans to revise the animal welfare legislation, including the transport of live animal a part of the Farm 2 Fork strategy in order to ensure the higher level of animal welfare.</p> <p>The Regulation 1/2005 applies to the transport of live animals within the EU and specific checks to those animals imported or exported to and from the EU.</p> <p>Article 1.3 of this regulation allows the Member States to impose additional rules aimed to attain high welfare of animals during transport. In this regard, the Romanian Parliament issued the Law 150/2020 on protection of live animals exported to the third countries, which implies stricter controls and procedures, among them, the presence of a veterinary authority during the entire process of transport on vessels until the destination.</p> <p>What are the most important issues of the current regulation to be revised in order to ensure the welfare of animals during transport and how can the Member States contribute to improve the existing rules? How can the national authorities ensure that the operators are following the rules and procedures during loading and transport of live animals?</p>

<p>Answer n1</p>	<p>According to Article 1.3 the Member States are allowed to impose additional rules aimed to attain high welfare of animals during transport. However, according to preamble 10 it is also stated <i>“In the light of experience gained under Directive 91/628/EEC in harmonising Community legislation on the transport of animals, and the difficulties encountered due to the differences in transposition of that Directive at national level, it is more appropriate to set out Community rules in this field in a regulation. Pending the adoption of detailed provisions for certain species having particular needs and representing a very limited part of the Community livestock, it is appropriate to allow Member States to establish or maintain additional national rules applying to transport of animals of such species.”</i></p> <p>Hence, the overall aim of the regulation is to overcome the previous uneven implementation of the directive.</p> <p>In the report “COM(2011) 700 final REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the impact of Council Regulation (EC) No 1/2005 on the protection of animals during transport” it is stated in issue 2.6 that “Diverging interpretations of rules may result in market distortions which, combined with reduced profit margins and different administrative costs, could put a transport business operator in a difficult situation. Furthermore, lack of vigour in enforcement, may put compliant transporters at disadvantage. It is thus important to ensure a level playing field for the operators.”</p> <p>DAFC find that the current situation has put Danish transport business operators in a very difficult situation because of the very strict implementation of the regulation in Denmark. It is very important that rules are applied and enforced on an EU level to ensure a harmonized market and a level playing field in the EU. Leaving it to the Member States to apply stricter rules will only lead to technical trade barriers and situations where animals are re-loaded in other countries, which is not improving animal welfare.</p> <p>We support a revision of the current regulation and encourage the Committee to look into options for a differentiation of the rules for transport of 1) animals for slaughter, 2) animals for further keeping like piglets or calves and for 3) animals intended for further breeding. The use of different technologies for export to third countries like cameras or real time access to fleet control systems could be a tool to ensure that the operators are following the rules and procedures during loading and transport of live animals.</p>
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<p>2. Mrs Maria Noichl (S&D)</p>	<p>Animals that are declared as breeding animals, and then exported, often end up as animals for slaughter and there is no establishing of a new herd in the destination country, unlike what is stated in advance for exports on the documents. How do you, as experts, assess this situation, where animals are falsely declared and exported under the guise of breeding purposes?</p>
<p>Answer n2</p>	<p>The question is not reflecting the situation in Denmark to our knowledge, and since the rules for transport are the same, we find it difficult to understand what the incentive are behind claiming animals to be breeding animals. All animals are checked by the official Veterinarian prior to export, and it will be spotted if a different category was used for the animals.</p>
<p>3. Mrs Maria Noichl (S&D)</p>	<p>Bavaria for example no longer permits live animal transports to certain risk areas. This results in circumvention situations where animals are first exported to a "permitted" destination country and from there on to countries for which no permit would be given at the animal's place of origin. Could you give us your expertise regarding this situation?</p>
<p>Answer n3</p>	<p>The situation with Bavaria highlights the importance of rules being applied on an EU level and not on member state level to ensure a harmonized market and a level playing field in the EU. Leaving it to the Member States to apply stricter rules will only lead to technical trade barriers and situations where animals are re-loaded in other countries, which is not improving animal welfare. DAFC do not see a ban on transport of live animals as a solution. However, we support the need for a revision of the existing rules and a differentiation of the rules according to different categories of animals.</p>
<p>4. (Greens)</p>	<p>Specific species Some species welfare is not covered, or very poorly covered, by 1/2005 Regulation. If we look at fish welfare, the number of farmed fish tremendously outnumbers any other animal farmed for food. Some species, such as carp, tilapia and eel, are even routinely transported by land without water, provoking huge amount of stress and suffering. We also observe bad conditions during transport, such as overcrowding and inadequate water quality, regularly causing irreparable damage to the fish and even death sometimes. What is the situation of fish welfare during transport today? How should the regulation be improved, in order to rectify the situation?</p>
<p>Answer n4</p>	<p>It is a description of the situation with transport of fish that we can't recognize from a Danish perspective. The regulation is implemented and complied with in Denmark for fish transport, and all drivers have completed the required training course.</p>

<p>5. (Greens)</p>	<p>Question on Infringement procedures NGOs repeatedly reported breaches of the Regulation 1/2005 in many Member states. However, the Commission did not launch any infringement procedure. In its 2015 audit, Commission however noted the inadequacy of measures taken in the event of non-compliance with European regulations, the only measure taken being the sending of a letter to the transporter, driver, breeder or veterinarian. What reasons has the Commission given to you (if any) for not properly using its enforcement powers when breaches have been repeatedly observed and reported? What is your assessment of their alternative action taken?</p>
<p>Answer n5</p>	<p>As mentioned earlier the regulation is implemented in Denmark in a very strict manner. However, we recognize the issue with the Commission sending letters to countries not complying without it having any effect. We support that the Commission are using a stronger enforcement power by for example by asking member states for an action plan, with concrete initiative and a time-line for implementing rules and follow up on these through audits.</p> <p>We also encourage the Committee to initiate a benchmark study on implementation of the regulation and sanctions regimes on member state level. The benchmark should be followed up by field trips to see if produces are being followed up by concrete action.</p>
<p>6. (Greens)</p>	<p>Sea transport Sea transport has until recently largely escaped attention of European authorities. The report of DG Health on sea transport clearly states that the checks on the safety and suitability of the vessels are not carried out properly, and that authorizations are given even when deficiencies are noticed. This report shows a global lack of determination at different levels (Commission, Member States, transporters) to properly implement a legislation which is already weak and vague. The checks are not carried out correctly, authorisations are given to substandard vessels which aren't fit for purpose, and the legally responsible person for animal welfare during sea transport is not clearly defined.</p> <p>Would you agree with this assessment, in your experience, or would you have different/further comments? Could you make a state of play of what your organisation has observed in sea transports, considering the main infringements and the reality for animals transported by sea? Is animal welfare being controlled before departure of the vessels? Is animal welfare controlled during the transport itself? Then finally at destination, at the unloading? If, in any of these cases, consistent controls are not occurring - why</p>
<p>Answer n6</p>	<p>Sea transport is used on a very limited basis in Denmark and as such not an issue from a Danish perspective.</p>