

Written questions to Ms Olga Kikou - Compassion in World Farming

*ANIT hearing of
10/12/2020*

No	Questions to Compassion in World Farming
1. (ID)	<p>Long-distance transport and export of animals</p> <p>German Landers now ban the export of animals to 18 identified countries because of their slaughter methods. Are you aware of other Member States that would be preparing a similar ban?</p> <p>Transport and slaughter conditions in these identified third countries are contrary to the minimum standards of the OIE (World Organisation for Animal Health). Are you aware of any appeals before this international organisation?</p> <p>Do the experts interviewed believe that the OIE can draw up a list of countries that do not comply with its standards, with the aim of facilitating the suspension of exports to these countries?</p>
Answer n1	<p>We are not aware of other Member States preparing a similar ban.</p> <p>The OIE does not take responsibility for enforcement, or dealing with breaches, of its standards; accordingly, there is no formal complaints process. When we have information of breaches, we sometimes write to the OIE but they generally do not take effective action. The OIE standards on welfare on slaughter are widely ignored throughout the Middle East, North Africa and Turkey. The OIE standards have not led to any improvements in welfare at slaughter in this region. Conditions today in slaughterhouses in this region are the largely the same as they were 15 years ago.</p> <p>The OIE is unlikely to draw up such a list. However, we are clear from visits to slaughterhouses as well as from reports and films that none of the countries in the Middle East, North Africa and Turkey comply with the OIE standards on welfare at slaughter.</p>

<p>2. (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 n2</p>	<p>Even though Regulation 1/2005 technically covers fish, it does not secure their welfare. The reason being that the Regulation is written with land animals in mind and many of the paragraphs don't properly adhere to fish or even don't make sense in the context of fish transport. The solution would be to update the Regulation by adding a fish-specific section which would precisely refer to aspects of transport that are relevant for fish or aquatic animals in general: for example, water quality (oxygenation, ammonia, temp. etc.), type of tanks, handling of fish (time out of the water, methods of handling, i.e. pumping, brailing etc.), length of transport (very different aspects compared to land animals), and other fish-specific aspects. Species-specific rules on fish would also be needed, with a reference to main species, providing additional rules because transport of one species, i.e. carp, may be different to transport of another species, i.e. sea bass.</p>
<p>3. (Greens)</p>	<p>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 n3</p>	<p>When we make Formal Complaints to the Commission about a Member State's failure to enforce Regulation 1/2005, the Commission always rejects the Complaint on the ground that it does not reveal a systemic failure to enforce the Regulation – even when we show that we have made repeated Complaints against the Member State in question. The Commission does not appear to take any alternative action which is why we and other organisations continue to see regular breaches of Regulation 1/2005.</p>

<p>4. (Greens)</p>	<p>Sea transport</p> <p>Sea transport has until recently largely escaped attention of European authorities. The report of DG SANTE 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?</p> <p>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 not? How and with which reasoning/justification are mandatory breaks and maximal transport times disregarded?</p>
<p>Answer n4</p>	<p>The description in the first paragraph is an accurate account of the Commission's recent report on the welfare of animals during sea transport. In addition, we must refer to the <u>Poor quality rating of many EU approved livestock vessels</u></p> <p>The below data were produced by an analysis carried out in 2020. Three factors are important in assessing the quality of a ship.</p> <ul style="list-style-type: none"> <p>) Most (55%) livestock vessels approved in the EU are licensed in countries black-listed for poor performance under the Paris Memorandum of Understanding (MOU) i.e. they are considered a high risk in relation to maritime safety. Only 30% of the vessels are flagged under the "White List".</p> <p>) All vessels are required to have a designated company which is responsible for implementing the requirements of the International Safety Management code. 52% of the companies responsible for EU approved livestock vessels are listed as having low or very low performance level by the European Maritime Safety Agency.</p> <p>) A Recognized Organization (RO) is a body which develops and applies technical standards for the design and construction of ships and which carries out surveys and inspections on board ships. Each vessel is required to have a RO. Only 26% of the livestock vessels authorised in the EU have a RO ranked as high performing under the Paris MOU.</p> <p>Continued on next page</p>

<p>Answer n4 (continued)</p>	<p>The conditions during the sea journeys are very poor. During 2019, Plataforma Anti Transporte de Animais Vivos (PATAV) was able to get film footage from inside two livestock vessels on five different journeys from Portugal to Israel. The footage that you can see here https://patav.weebly.com/comunicado-de-imprensa.html shows systematic breaches of Regulation 1/2005, namely:</p> <ol style="list-style-type: none"> 1- A bovine that fell into the sea during loading indicating poor safety measures. We can provide additional footage of at least four similar incidents in Portuguese harbours 2- Overcrowding causing the animals to be unable to turn around, get up, lie down, feed or drink at all times 3- Injured animals that are not given any treatment 4- Diseased animals that are left lying on the ground and not given any treatment 5- Animals' bodies covered in faeces which is an indicator of poor welfare as it means that animals are unable to lie down on a clean and dry surface 6- Animals with their heads stuck in the railings that enclose the pens showing that the structures are dangerous for the animals 7- Sheep roaming in the vessel's passageways 8- High ammonia concentrations which cause eye irritation and which can cause blindness in some cases 9- Food and water devices that were empty or had fallen onto the ground. <p>Loading and unloading of non-ambulatory animals</p> <p>A particularly inhumane method of loading and unloading injured animals that cannot move is sometimes used. EU bovines that cannot walk are sometimes winched onto a livestock vessel in an EU port.ⁱ A rope is attached to a front leg and the animal is then winched by crane, dangling by one leg, onto the ship.</p> <p>A similar procedure is used when the vessel arrives in the Middle East. A rope is attached to a front leg of bovines who cannot walk and they are lifted up by a crane and then lowered to a truck. Throughout this procedure they are dangling by one leg. This method of unloading animals that cannot walk was first seen in Beirut in the 1990s. Animals that cannot move should undergo emergency slaughter where they lie.</p> <p>Why do Member States fail to enforce Regulation 1/2005 during long sea journeys?</p> <p>The Court of Justice made it clear in the <i>Zuchtvieh</i> case that Regulation 1/2005 applies all the way through to the destination in the third country. However, Member States make no attempt to enforce the Regulation during the sea journeys. Once animals leave the EU they enter into a legal void where no or little attempt is made to comply with the law on welfare during transport or to safeguard the animals' well-being. Nor is there anyone on board the ship who has clear legal responsibility for the animals' well-being. The Commission's report shows that <i>neither the exporters nor the MS authorities are giving any proper consideration to the animals' welfare during the sea journeys</i>. The report states "neither the Member States nor the Commission have information or statistics on the health and welfare state of the animals during sea journeys".</p> <p>Shockingly, the report reveals that it is <i>unclear who is legally responsible for, and can be held to account for, the well-being of the animals during the sea part of the journey</i>. It adds "There is currently no routine feedback from third countries, transporters or ships' Masters on the condition of animals during the sea journey nor on the conditions in which they arrive at destination."</p> <p>The maximum journey times do not apply to long sea journeys on walk-on walk-off ships – see Point 7 of Chapter V of Annex I to Regulation 1/2005.</p>
---	---

<p>5. (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 n5</p>	<p>The Commission does press the Member States to take the requirement on temperature seriously. Part of the problem is that the Regulation requires temperatures to be kept between 5-30 degrees but also provides a tolerance of +/- 5 degrees. The industry often interprets this as meaning that animals can be transported in temperatures of 0-35 degrees, while in our view the tolerance cannot be used regularly but only where temperatures encountered during a journey are unexpectedly lower or higher than those that had been forecast. Competent authorities should not approve journey logs where the temperature at any point of the journey is forecast to be above 30 degrees or below 5 degrees.</p>

No	General questions to all panelists
<p>1. Mr Daniel Buda (EPP)</p>	<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>

Answer n1	<p>A maximum limit of 8 hours should be placed on the transport of animals for slaughter or fattening. Exports to third countries should be prohibited. This would be in line with the position of the Federation of Veterinarians of Europe which states "Animals should be reared as close as possible to the premises on which they are born and slaughtered as close as possible to the point of production."</p> <p>It is good practice for competent authorities (CAs) to inspect a proportion of consignments at loading. Indeed, the Commission has recently said that it is good practice for CAs to inspect all consignments destined for non-EU countries at loading.ⁱⁱ</p> <p>It is at loading that many of the common problems can be detected and remedied before the start of the journey. At loading the authorities could check that the Regulation's requirements on floor space and headroom are being observed, that the ventilation and water systems are operating properly and that the drinking devices are appropriate for the species being carried, that no unfit animals are loaded, and that sufficient feed and bedding are being carried. Checking consignments at loading would be a very time- and cost-efficient way of achieving improved enforcement.</p>
2. Mrs Maria Noichl (S&D)	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?
Answer n2	<p>CAs should not accept animals as being exported for breeding:</p> <ul style="list-style-type: none">) without evidence that they are indeed high value breeding animals) where the evidence is that the breeding herd in the country of destination has not increased in size despite many years of breeding exports from the EU.
3. Mrs Maria Noichl (S&D)	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?
Answer n3	It seems that this is a well-known trick. This is exactly why the EU as a whole should ban live exports.
4. (Greens)	<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 neighbouring 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 n4	<p>There is no enforcement of the OIE standards on welfare during transport or slaughter in any of the countries to which the EU exports live animals. Nor do EU Member States or exporters make any serious attempt to comply with the Court of Justice ruling in the <i>Zuchtvieh</i> case that Regulation 1/2005 must be complied with all the way to the third country destination. A 2020 Commission overview report on live exports by road states that <i>most transporters do not meet EU rules on the protection of animals during transport after leaving the EU.</i></p> <p>Animal welfare requirements are not applied at all in the countries to which the EU exports animals.</p> <p>In light of this, the EU should ban the export of live animals to non-EU countries.</p>
5. (Greens)	<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>
Answer n5	<p>While it is up to Member States to determine the level of sanctions, the Commission should ensure that the sanctions are consistent with the requirement for sanctions to be effective and dissuasive.</p>

ⁱ German television ZDF <https://www.zdf.de/politik/frontal-21/qualvolle-tiertransporte-100.html>

ⁱⁱ Final report of an audit carried out in Germany from 26 June 2017 to 30 June 2017 in order to evaluate animal welfare during transport to non-EU countries; DG(SANTE) 2017-6107