

## Written questions to Ms Silvia Meriggi - Animals' Angels

### ANIT hearing of 10/12/2020

No	QUESTIONS TO ANIMALS' ANGELS
<b>Question 1.</b> <b>Mrs Isabel</b> <b>Carvalhais (S&amp;D)</b>	<p>The text of regulation (EC) 1/2005 is considered by many as being too complicated and ambiguous, which hinders its effective enforcement. Given your experience on the ground monitoring animal transport in Europe, what would be the main dispositions of the regulation that should be made simpler and clearer to ensure a more consistent implementation and enforcement of the rules?</p>
<b>Answer n.1</b>	<p>Vague words like “sufficient”, “adequate”, “appropriate”, “if necessary” should be substituted by more precise definitions or measurable concepts, examples:</p> <ul style="list-style-type: none"> <li>) Article 3 (“sufficient floor area and height is provided for the animals, appropriate to their size and the intended journey”: but how much floor area and height? Sufficient is vague for inspectors)</li> <li>) article 27 (“such inspections must be carried out on an adequate proportion of the animals transported”: what is an adequate proportion?)</li> <li>) Annex I, Chapter V, point 1.4(a)(c)(d) (“if necessary fed”: when is it necessary?)</li> <li>) Chapter II, point 1.2 (“Sufficient space shall be provided inside the animals’ compartment and at each of its levels to ensure that there is adequate ventilation above the animals”: how much space? What is adequate ventilation? Inspectors did not consider insufficient space above the animals when lambs were touching the ceiling with their heads)</li> <li>) Chapter VI, point 1.2 (“animals shall be provided with appropriate bedding”: what does appropriate mean, how much, what type?)</li> <li>) Chapter VI, point 1.3 (“the means of transport shall carry a sufficient quantity of appropriate feedingstuff for the feeding requirements...”: how much is a quantity of food sufficient and which food is appropriate? This provision is regularly disregarded because it is not clear when animals need to be fed (see above: “if necessary”)</li> </ul> <p>Unclear, different interpretations, examples:</p>

	<ul style="list-style-type: none"> <li>) Chapter V, point 1.7 (transports by ro-ro: doubts regarding how to calculate journey time – to include road + sea + road segments? Different interpretations lead to different applications of the law)</li> <li>) Chapter VII in general (“densities may vary”, this statement is never used, too vague, it means that density can be increased or decreased of 1 sqm and this is legal)</li> <li>) Chapter VII, letter B (space indication is unclear. Example: heavy calves (200 kg? or from 111 to 200 kg?) need 0.70 to 0.95 sqm (often inspectors think that it means that 0.70 is the minimum and 0.95 is the maximum, instead an allometric equation is more logic)</li> <li>) Chapter VII, letter C (for small lambs, an area of under 0.2 sqm per animal shall be provided: this means also 0, 1 for a lamb of 25 kg!)</li> <li>) Chapter VII, letter D (what about the weight for pigs lighter or heavier than 100 kg? Italy transports pigs of 160 kg for slaughter. “The breed, size and physical condition of the pigs may mean that the minimum required surface area given above has to be increased” this open statement does not help inspectors, exposing them to the appeal of their sanctions)</li> <li>) Chapter V, point 1.4(a) (unweaned, if necessary fed is unclear. Given liquid to unweaned animals sounds like giving milk. Never ending discussion since it is impossible that trucks supply milk with their watering systems)</li> <li>) Chapter VI, point 3.1 (“+/- 5°C tolerance, depending on the outside temperature”, what does this mean, why, when and how to apply it? it sounds as an exception but became a practice to extend temperature limits from 0°C to 35°C)</li> <li>) Article 2 (definition of unbroken equidae does not help inspectors to recognize unbroken horses on board trucks; they are often transported from Spain to Italy, on long distances, despite it is prohibited)</li> <li>) Chapter II, point 1(f) (“vehicles and containers must provide access to the animals to allow them to be inspected and cared for”; not clear if it refers to access doors, to the presence of a stare to climb, to openings to see inside, if this means also that animals cant be crammed to all be visually inspected, if the door must be in each compartment, if the door must be big enough for a person to enter the compartment etc)</li> <li>) Chapter VI, point 2.1 (different interpretations if mobile watering devices as buckets are sufficient or fixed drinkers installed inside the compartments are needed + no clue when a drinker device is “appropriately designed and positioned”)</li> </ul> <p>Contradictions should be eliminated, examples:</p> <ul style="list-style-type: none"> <li>) Article 2(b)(r) vs Chapter V, point 1.5 (many control posts were authorized as assembly center. To avoid the mandatory 24 hours in case of exceeded maximum journey time, transports are authorized to an assembly center as destination. There the animals stay min. 6 hours and are reloaded with a new journey log/national transport document to the final real destination. The same animals continue from A to B and from B to C, without forming new consignments and often on the same truck)</li> <li>) Chapter VII, letter C, transport by road (density varies for shorn and unshorn sheep but not for shorn and unshorn lambs)</li> <li>) Incompatibility between Chapter V (journey times, resting periods for animals) and Reg. EC 561/2006 on driver breaks.</li> </ul>
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<b>Question 2. (ID)</b>	<p><b>Long-distance transport and export of animals</b></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>
<b>Answer n2</b>	<p>The Netherlands issued in May 2020 an export ban for all transports that would require a 24h rest break outside the EU. So, the Dutch export ban does not consider the poor animal welfare situation in the importing country.</p> <p>Different Landers of Germany issued export bans. The situation is quite complicated because the different Lander have different decrees. To our knowledge, the strictest rules are in Bavaria and Hesse where they listed several “high risk countries” such as UZ, KAZ, TM, TR, MA, EG, LB, etc. This means that the direct export from Bavaria or Hesse to these “high risk countries” is not allowed at the moment (export bans since 2019 in place). Other Lander like Lower Saxony, North-Rhine Westphalia etc. issued export bans (most of them in July 2020 after media coverage in Germany) <u>but</u> the decrees are not that strong and e.g. in Lower Saxony the export ban was argued mainly with Covid19 related issues (long waiting times at borders, unsecure situation) and due to temperature issues, thus temporary. Meanwhile there have been court cases with negative outcome for the animals: e.g. Administrative Court Oldenburg (Lower Saxony) → famous breeder association VOST and transporter Rimex vs. vet office Aurich, concerning a transport of 132 pregnant heifers to Russia. The court decided that the transport is possible to be carried out in compliance with Reg 1/2005 and that the export ban/decreed of Lower Saxony is not strong enough to prevail Art. 14 and the single-case decision of an official vet. So, the transport to Russia was agreed and this court decision became an argument for transports to Morocco.</p> <p>We are not aware of any export ban for cruel slaughter methods in importing countries.</p> <p>*****</p> <p>Regarding OIE drawing a list of countries not complying with its standards: In 2018, the working group on cattle exports of the EU Animal Welfare Platform of the EU Commission has requested from the OIE a list of resting points outside the EU (non-EU control posts). So far, such list does not exist.</p> <p>In the Commission report DG(SANTE) 2019-6834 the EU Commission confirms: „Neither the Commission nor the Member States’ authorities have reliable information on the resting points available in those countries and their standards.“</p> <p>*****</p> <p>Regarding appeals before the OIE for lack of enforcement of standards:</p> <p>The OIE adopts several <u>voluntary normative instruments</u> for use by its Members (e.g. Terrestrial Code). The OIE is a supporting body and not an enforcement body. Therefore, the OIE cannot act if an appeal is sent to it because its standards are violated.</p>

<b>Question 3.</b> <b>(Greens)</b>	<b>Infringement procedures</b> 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?
<b>Answer n3</b>	<p>We filed various official complaints, before the EU Commission, examples:</p> <ol style="list-style-type: none"> <li>1) a complaint registered under CHAP(2014)03700 (ROMANIA)          for failure of Romania to enforce Reg. 1/2005 and Reg. 1009/2009. The complaint has been integrated with new evidence of systematic infringements until 2020.          In 2016, the EU Commission recognized the animal welfare problems pointed out by Animals Angels and stated to have received the proposal of a plan by the Romanian authorities, to improve their lacks. For this reason the EU Commission answered with letter Ref. Ares(2016)7135068 - 22/12/2016: <i>“the efforts that the Romanian authorities are making to achieve this objective should not be compromised”</i> and <i>“Commission services do not consider it appropriate at this stage to launch infringement investigations on the basis of your complaint. The information that you have provided will continue to be taken into account in the contacts with the Romanian authorities”</i>.          Since then, despite having requested details of the plan proposed by Romania and deadlines and despite integrating the file with new evidence each year, Animals’ Angels only received sporadic messages stating that the investigations into our complaints are still on-going.</li> <li>2) Complaint registered under CHAP(2016)02093 (POLAND)          For failure by the Polish authorities to ensure compliance with Reg. 1/2005 at animal markets in Poland.          Animals’ Angels keeps receiving the same message from the EU Commission saying <i>“The Commission was not in a position to arrive at a decision to issue a formal notice or to close the case, as your complaint and subsequent correspondence raise issues requiring further examination which is currently in progress”</i> (see letter Ref. Ares (2020)7090926</li> <li>3) Complaint registered under CHAP(2017)00019 (HUNGARY)          For systematic failure by Hungarian authorities to secure compliance with Reg. 1/2005 concerning the animal transports from Hungary to Turkey.          Between 2016 and 2020 Animals’ Angels has sent several new cases to be added to the complaint; last complaints sent on 3 April 2020/ 9 July 2020 (new cases from Sept 2020 will be sent to EU COM asap). Last reply from EU COM: <i>“The Commission services are currently assessing your complaint in line with the Commission Communication “EU law: Better</i></li> </ol>

	<p><i>results through better application". We will inform you once the examination of your complaint is completed and a decision on the follow-up has been taken."</i> (see email 13.07.2020)</p> <p>Despite asking feedback, we are not aware of any alternative action taken and we continue to document systematic infringements of Reg. 1/2005.</p>
<p><b>Question 4.</b> <b>(Greens)</b></p>	<p><b>Sea transport</b></p> <p>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?</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><b>Answer n4</b></p>	<p>Animals' Angels has not experience in this field. The competent NGOs having experience are Animals International and Animal Welfare Foundation.</p>
<p><b>Question 5.</b> <b>(Greens)</b></p>	<p><b>Vehicles temperatures</b></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>

<b>Answer n5</b>	<p>The original wording of Reg. 1/2005 says “Ventilation systems on means of transport by road shall be designed, constructed and maintained in such way that, at any time during the journey, whether the means of transport is stationary or moving, they are capable of maintaining a range of temperatures from 5 °C to 30°C within the means of transport, for all animals, with a +/- 5 °C tolerance, depending on the outside temperature”. The regulation says “to maintain a range of temperatures”. Maintain is not the same as “regulate”, which reminds to air condition system. Most animal trucks are equipped with fans, which are a ventilation system able to move air but not to cool or warm it up. The problem of using trucks with fans starts when outside temperatures exceed the limits because fans cannot keep them within the legal limits.</p> <p>The only explanation of the gap between the existing provision and its lack of enforcement is that competent authorities do not apply the law, do not verify weather conditions along the entire itinerary of long transports and approve them without accurate plausibility checks. On top of this, there’s a lack of risk analysis of the countries where transports are authorized and a lack of audits of their own checks and on the competence of their staff.</p> <p>Some countries started, in the last few years, suspending authorizations of transports during extremely hot seasons in extremely hot countries (ex. Hungary and Slovakia suspended the authorisation of transports to Turkey during some weeks of last summer, 2020). This is not sufficient because the majority of the MS continue to authorize transports of animals on vehicles without air condition to extremely hot or cold countries, respectively in summer or winter (ex. Germany exported cattle to Uzbekistan and Kazakhstan in February, during very cold temperatures and Romania exported lambs to Greece in July and August, during very hot temperatures).</p>
<b>Question 6. (Greens)</b>	<p><b>Animal welfare in transport beyond EU borders</b></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>
<b>Answer n6</b>	<p>It depends on the non-EU importing country how AW requirements are applied outside the EU. Animals´ Angels worked in Turkey, Lebanon, Morocco, Egypt, Albania, Russia, Kazakhstan, Uzbekistan, several Gulf countries. Animal welfare requirements of Reg. 1/2005 and OIE standards are not applied in these countries.</p> <p><u>AW during transport in non-EU part :</u></p> <ul style="list-style-type: none"> <li>➤ e.g. East route / Central Asia: for years the exporters were telling the untruth when indicating non-EU unloading places/control posts in Russia and KAZ in their journey logs/route planning. As we found out in 2019 (and confirmed in</li> </ul>

	<p>2020) and as a delegation of German vets proved for Russia – there have not been suitable unloading facilities for the 24h rest break. Consequently, Reg. 1/2005 has been violated systematically over years without anybody checking thoroughly what was actually happening in RU, KAZ and further on – apparently, without any legal consequence of the involved parties as the same exporters continue to transport animals via e.g. Hungary to non-EU countries.</p> <ul style="list-style-type: none"> <li>➤ e.g. Lebanon: after sea transport: animals were re-loaded on multipurpose trucks in the port of Lebanon. We know the pictures from other NGOs and journalists filming how injured or unfit animals were lifted by only one foot with a crane. Animals Angels also documented that animals were reloaded on multipurpose/construction vehicles and then transported further to their destination with no ramp, no roof top, overcrowded conditions etc. There was no check on any requirements of Reg. 1/2005.</li> <li>➤ e.g. Morocco: in case of Ro-Ro transport to port Tanger-Med: at this port, there is no shade. Trucks have to park in sun and wait for several hours. Due to Covid19, we heard that it takes more time now to do the paperwork. There are also no unloading possibilities in case of an emergency, and AW requirements are not checked as well as not part of the veterinary control at the port.</li> </ul> <p><u>The handling and slaughter methods</u> observed in Morocco and other non EU countries (ex. Turkey and Lebanon) would be classified as animal cruelty according to EU and e.g. German or Italian law. Handling at markets (at least for North Africa, Middle East): often brutal, tail twisting, kicking, hitting into sensitive parts of the bodies, excessive use of electric prods, etc. Sick and injured animals sold, no veterinary treatment, no market checks, lack of infrastructure (no pens, no railings to tie animals, big mess, no shade, no watering facilities.) Slaughter methods: slaughter without prior stunning.</p> <p><u>Local/national transports were observed</u> in non-EU countries (ex. Morocco, Turkey, Lebanon) with inappropriate vehicles used, no loading ramps or only very steep tailgates as ramps, no ventilation on board – often old, multipurpose vehicles or completely closed vans.</p> <p>Further, in many importing countries (Lybia, Egypt, Siria), the <u>political situation is very unstable</u> and uncertain, and often even life-threatening.</p> <p>*****</p> <p>Alternatives and recommendations of Animals´ Angels to ensure AW to EU animals:</p> <ol style="list-style-type: none"> <li>1) Ban live export to non-EU countries</li> <li>2) Suspend live export to non-EU countries + Include AW requirements in trade agreements and prerequisite visits to assess their implementation in the importing countries, starting from customs procedures and facilities at borders, as a condition before starting the trade.</li> </ol>
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No	GENERAL QUESTIONS TO ALL PANELISTS
<b>Question 1</b> <b>Mr Daniel Buda</b> <b>(EPP)</b>	<p>The Commission plans to revise the animal welfare legislation, including the transport of live animal as 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?</p> <p>How can the national authorities ensure that the operators are following the rules and procedures during loading and transport of live animals?</p>
<b>Answer 1</b>	<p>The two most important aspects to revise are:</p> <ul style="list-style-type: none"> <li>➤ Journey time Fixing an absolute limit time will reduce the inherent suffering of animal transports (at least they will suffer for a limited short time).</li> <li>➤ Densities Decreasing densities will reduce the impact of all other factors exacerbating transport conditions. We witnessed some transports of breeding animals where density was astonishingly “low”, compared to usual densities of transported sheep. Therefore, this is possible. When density is high, it’s just a matter of profit, even if it is against the law.</li> </ul> <p>Example: a Hungarian company transported breeding sheep to Turkey; sheep had a lot of space to move around, not any problem to reach the drinkers or to lie all at once and. The space above their heads for ventilation was insufficient (nearly touching the ceiling with their heads), but the horizontal space compensated the lack of vertical space.</p> <p>For rules and procedures being respected during loading and transport it helps:</p> <ol style="list-style-type: none"> <li>1) to carry out accurate plausibility checks before authorizing transports, asking information when details are missing: inspectors must be very well trained by real experts;</li> <li>2) it would be ideal to modify the template of the journey log, indicating how many animals are loaded per compartment and the loading surface of each compartment, number of decks to be loaded, including relevant details of the animals (ex.</li> </ol>

	<p>with long horns, with long fleece, heavy breeds, their age); also the modification of the vehicle approval will help (specifying which animals of which age/"category" are allowed to be transported and on how many decks and the loading surface of each deck, specifying separately the loading surface of the decks in the gooseneck)</p> <ol style="list-style-type: none"> <li>3) that inspectors are present on the spot, when/where animals are loaded</li> <li>4) that inspectors are well trained on Reg. 1/2005 or assisted by real experts in the field</li> <li>5) that not only transporters are held responsible but also the keepers at departure places (ex. for the initial transport conditions that the keepers can check: density, truck conditions, state/functioning of drinkers, presence of bedding) and also the keeper at destination (ex. for density, as they order the number of the animals)</li> <li>6) to carry out live checks by requesting a live online access to the GPS system of the truck in order to check on-time if e.g. the transport complies with the 24h rest breaks, takes the indicated route and if the planning is plausible. Any manipulation of the recordings should be visible.</li> <li>7) to carry out retrospective checks comparing the completed journey log with the GPS and tachograph records. The outcome of the findings must be taken into consideration for future plausibility checks concerning the transport route.</li> <li>8) to carry out road-checks at strategic points (main roads, borders) in strategic periods of the year (peaks of transports of certain species, during extreme temperatures)</li> <li>9) the national veterinary authorities should work closely together with police and vice versa</li> </ol>
<b>Question 2</b> <b>Mrs Maria Noichl</b> <b>(S&amp;D)</b>	<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>
<b>Answer 2</b>	<p>We do not have enough evidence but the question for several countries could be: If the imported 'breeding' animals are kept there for only 1-2 years before being sold at local markets and/or for slaughter (because they are poorly managed, become sick, "not productive anymore"), can they really be considered as 'breeding' animals??</p> <p>I.e. if there is no "breeding plan" behind the import of animals, and different associations or single farmers simply import as many animals as possible without a concept, are these animals really 'breeding' animals or are they only 'farm' animals to be used/exploited as long as possible? Example: in Morocco, in Turkey.</p> <p>In the end, it does not make a difference if imported animals are declared as 'breeding' animals or 'slaughter' animals. If there are no AW rules in the importing country and consequently also no AW checks, the animals (no matter for which purpose they are imported) are not protected at all and are at high risk to suffer from brutal handling and slaughter methods which would be considered within the EU as animal cruelty. Does it make a difference if a 'slaughter' bull from Spain is killed after a few months</p>

	of fattening, or a ‘dairy’ cow from France or Germany after several years (and possibly several re-selling events at local markets, poor body conditions, scarce food etc. for many years?) .
<b>Question 3</b> <b>Mrs Maria Noichl</b> <b>(S&amp;D)</b>	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?
<b>Answer 3</b>	We only know the example of Hungary being often a “permitted” destination country but from there Austrian and German cattle were transported to Turkey or to Slovenian ports to Middle East, possibly also further to Central Asian countries.  In Bavaria the export ban of animals to third countries is quite strict. I.e. after the 2019’s ban of direct export of live animals, the Bavarian minister for environment (and responsible for AW) released a new decree recently which prohibits the transport of animals from Bavaria to other EU member states in case the animals are destined to be further transported to non-EU countries. This was a consequence of the first direct export ban because the organizers then started to transport the animals to Hungary and from there to further non-EU destinations. Now, the new problem is that the animals are transported from Bavaria to other Lander, like Sachsen in Germany, and then from there to Hungary and further on to non-EU. The organizers and exporters decide to which assembly center/to which authority they go in order to carry out the transport.
<b>Question 4</b> <b>(Greens)</b>	<b>Specific species</b>  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?
<b>Answer 4</b>	Animals’ Angels does not have experience on the ground re fish transports. Regarding Reg. 1/2005: <ul style="list-style-type: none"> <li>- fishes as vertebrate animals covered by Reg. 1/2005 but not even mentioned with one word</li> <li>- no technical rules for fishes are set out in annex I</li> <li>- due to the lack of precise requirements, only the basic and general principles are applicable for the transport of fishes, whereby “some (...) are neither appropriate nor necessarily properly implemented because they have been developed on</li> </ul>

	<p>the basis of approaches taken for terrestrial animals” (see: EU Commission (2009a) Regulatory and legal constraints for European Aquaculture. Study report IP/B/PECH/NT/2008_176, p. 32.)</p> <ul style="list-style-type: none"> <li>○ e.g. article 3 lit. g “sufficient floor area and height provided for animals” → discrepancy between what the law demands and what would effectively protect the fishes during transport. I.e. floor area and head space are irrelevant for the fishes since they need to be transported in water, whereas the density of fishes loaded within the water body and good water quality are much more important for them</li> <li>○ e.g. Article 3 lit. h “water, feed ... offered to animals at suitable intervals” → some provisions are even contradictory to their welfare as “feeding fish[es] prior to or during transport quickly leads to poor welfare and death of the transported animals, mainly because of changes in water quality in transport tanks” (COM study report IP/B/PECH/NT/2008_176, no. 424 above, p. 32)</li> </ul> <ul style="list-style-type: none"> <li>- Annex II incl. journey log/route planning → not required for long fish transports</li> <li>- No special training required for drivers</li> <li>- Lack of species-specific rules → would be important as the fish species differ a lot in their needs. E.g. different requirements to water quality, feeding, behaviour etc. → can have severe impact on their welfare</li> </ul> <p>Improvements of Reg.:</p> <ul style="list-style-type: none"> <li>- Newest scientific findings on fish behaviour, welfare must be taken into account</li> <li>- Training for drivers as requirement</li> <li>- Capacity building also among veterinarians → today, still lack of fish experts and lack of official controls</li> <li>- OIE aquatic standards and General recommendations of the fish guidelines of the sub-group of the EU AW Platform should be considered</li> <li>- And especially: Species-specific needs of fishes must be considered</li> </ul> <p>Please the attached document called “<i>Master Thesis</i>” of <i>Helena Bauer</i>, investigator of Animals’ Angels. See Chapter 2, pages 54-78.</p>
<p><b>Question 5</b> <b>(Greens)</b></p>	<p><b>Sanctions</b></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?</p> <p>What in your view are the failings of the current sanction system?</p> <p>Do you have a state-of-play of the different sanctions levels in each Member states?</p>

<p><b>Answer 5</b></p>	<p>What Animals' Angels observed:</p> <ul style="list-style-type: none"> <li>J we observed a general reluctance to levy fines (example: in Greece they issue warnings and, even according to their annual reports, a very few fines).</li> <li>J We observed relevant differences of the amount of monetary fines (in Italy and Romania fines are higher than in France and Spain)</li> <li>J We experienced relevant differences in sanctioning systems, for example in some countries police forces are also empowered and trained to implement Reg. 1/2005 (examples: Germany and Italy), in others only veterinary officers are empowered (examples: Romania, Bulgaria, Greece, most regions of Spain), in some other countries, veterinary inspectors are not empowered to issue sanctions but only regional or central authorities are (examples: Spain, Greece, Bulgaria)</li> </ul> <p>For details, please read the attached document called <b><i>“Article for UAB – Harmonisation of the sanctioning systems of Reg. 1/2005”</i></b></p> <p>The failing of the present system:</p> <p>article 25 entirely delegated to Member States the rules on penalties for infringements of Reg. 1/2005. A common legal frame for penalties will help harmonisation, avoiding market distortion and inequality.</p> <p>Please find the attachment called <b><i>“Article for UAB”</i></b> that I wrote for the legal paper of Barcelona University: it gives details and proposals how to change the actual sanctioning system. Please also find the letter with proposal for a new sanction system of Reg. 1/2005 we sent to the EU Comm called <b><i>“Letter to EU Commission – Revision of Reg. 1/2005 - Sanction regimes”</i></b>.</p> <p>Not of all MS. We compared Romania, Italy and Spain (see above mentioned document) and another NGO compared other states in the document called <b><i>“Weaknesses in the animal-transport monetary sanctions. A comparative study of the effectiveness, proportion and dissuasiveness of the monetary penalties applicable to infringements of Regulation EC 1/2005 among major players of the EU”</i></b>, written by WSPA and Eyes on Animals in 2011</p>
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