

Written questions to Dr Christoph Maisack - Deutsche Juristische Gesellschaft für Tierschutzrecht e. V. - (DJGT)

ANIT hearing of 10/12/2020

No	Questions to DJGT
Question 1. Mrs Isabel Carvalhais (S&D)	<p>Regarding the welfare of animals transported by sea, it seems to be some legal uncertainty about who is legally responsible for the wellbeing of animals during the sea part of the journey. Do you agree with this evaluation and, if so, what should be done to overcome this situation?</p>
Answer n1	<p>On each stage of the journey, the organizer of the animal transport is responsible for the administration of everything for the behavior of the animals. Because with his signature under the section "Planning" of the logbook he signed to ensure the wellbeing of the animals in accordance with Regulation Nr. 1/2005 during the entire journey. "Guaranteeing" means: explaining that it is guaranteed.</p> <p>Furthermore the organizer has to name a person as a supervisor who is in charge while the whole transportation on ship, ensures the wellbeing of the animals, has a certificate of competence and manages the animal-related management on the ship transportation.</p> <p>If, contrary to this fact, the organizer of the animal transport does not have named a supervisor for the ship transport, then the Operator of the transport ship - in his jurisdiction as a ship transport company - must name a person as a supervisor who is in charge while the whole transportation on ship, ensures the wellbeing of the animals, has a certificate of competence and manages the animal-related management on the ship transportation.</p>
Question 2. (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 n2	Questions 2 and 3 are for veterinarians; I would like to please you to ask them.
Question 3. (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 n3	Questions 2 and 3 are for veterinarians; I would like to please you to ask them.
Question 4. (Greens)	<p>Sanctions: 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 n4	<p>An awesome example of the lack of the sanctions system in the member states is Art. 21 of the national German Animal Welfare Transport Regulation:</p> <p>In this German Regulation are a lot of Regulations of Regulation No. 1/2005 designed as administrative offenses and an infringement is threatened with a fine of up to 25,000 euros.</p> <p>In contrast to this, however, violations of the regulation No. 1/2005 that regulate transportability and which want to intend to prevent the transport of animals that are unfit for transport, are not designed as administrative offenses in Germany and are not threatened with fines.</p> <p>A transport company who transports an animal even though it is clearly ill or can no longer walk and is not able to strain the four limbs equally, or although it has large open wounds or severe organ prolapses, cannot be punished or fined in Germany.</p> <p>Before Regulation No. 1/2005 came into force, this fact was exactly what was classified as an administrative offense in Germany and threatened with a fine of up to 25,000 euros.</p> <p>The same prohibitions that were supposed to prevent the transport of animals that were unfit for transport at the time persist today unchanged under Art. 6 Para. 3 with Annex I Chapter I of Regulation No. 1/2005.</p> <p>However, the infringement of this no longer constitutes an administrative offense in Germany, although the new Union law (Regulation No. 1/2005) is much more specific than the old German national German Animal Welfare Transport Regulation.</p> <p>There are other essential do's and don'ts in Regulation No. 1/2005 that are not designed as administrative offenses in the national German Animal Welfare Transport Regulation, so that they can be violated without the transport company having to fear the imposition of a fine.</p>

	<p>This is the case, for example, if an adequate and sufficient supply of fresh air is not guaranteed for the animals being transported or if contrary to the prohibition of Art. 6 Para. V. with Appendix I chap. III No. 1.9 Electric shock devices are used.</p> <p>There are also no fines in Germany if cattle are transported without being given a one-hour break after 14 hours of transport, during which they are watered and, if necessary, fed or if the transport is continued after 29 hours of transport without the animals have arrived at a control point and unloaded, are fed and watered and can rest for 24 hours.</p> <p>Another deficiency in the German sanction system is that no transport company who has to be fined for violating a regulation of Regulation No. 1/2005 needs to fear that his transport vehicle will be confiscated as a result.</p> <p>In the German animal protection law is no legal regulation for that in the case of administrative offences consisting of a breach of important targets of Regulation No 1/2005, the objects used for the breach, such as transport vehicles, may be confiscated.</p>
Question 5. (Greens)	<p>Infringement procedures</p> <p>NGOs repeatedly reported breaches of the Regulation No. 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>
Answer n5	<p>The reports of non-governmental organizations about violations of the regulation must be checked for their credibility using the criteria that apply in court and with authorities in general when assessing the credibility of a person.</p> <p>These criteria are:</p> <ul style="list-style-type: none"> - Is the given report free of contradictions in itself? - Is what is described enriched by details? - Are there any pictorial documents that substantiate what is reported? - Have previous reports of the NGO concerned turned out to be true in retrospect? - Do you confirm the given information from other sources? - Is there more than one NGO report or journalistic report, which confirm each other and thus create a convey a relevant overall picture? <p>The fact that most of the reports on violations of the regulation in third countries are to be considered credible according to these criteria has also been recognized by the EU Commission in the report of 10. 11. 2011 to the Parliament and the Council on the effects of Regulation No. 1/2005.</p> <p>No one from the Commission has given me any reasons why it has not taken the infringements found as an opportunity to use its powers and take action to enforce the Regulation.</p>

	<p>The fact that no action is taken against violations is all the more incomprehensible because the non-governmental organization "Animals Angels" - which can be considered reliable and credible according to the above named criteria - has compiled and presented the numerous violations it has observed in the book "The Myth of Enforcement of Regulation 1/2005".</p> <p>It is also incomprehensible that, contrary to recital No. 11 of Regulation No. 1/2005, the Commission has not yet presented a draft for new, detailed rules in Regulation No. 1/2005, even though the "new scientific evidence" described there, which makes it necessary to amend a large number of the existing rules, has long been published.</p>
Question 6. (Greens)	<p>Sea transport</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? 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>
Answer n6	<p>Of the numerous problems that ship transports cause for the wellbeing of the transported animals, I would like to emphasize the following:</p> <p>) Almost always, the logbook is not continued during the ship transport.</p> <p>According to the ruling of the European Court of Justice of 19 October 2017 (C-383/16), a copy of the logbook must be kept and continued – this means promptly, completely and correctly filled in and carried along - when animals are transported to third countries from the time they leave the territory of the European Union.</p> <p>According to the Animal Welfare Foundation, whose reports in the past have proven to be accurate, such a continuation on ship passages usually does not take place. Often there is no on-site presence of a person appointed by the organizer or ship's transport company who would be responsible for this.</p> <p>The "continuation" is opposed in particular also the regrouping of the animals at the beginning of the ship-passage, as well as the subsequent loading on different trucks in the country of the destination-port. The animal-continuance, that arrives at the destination in this case, is frequently another one because of the regroupings occurred as a result of the ship-passage as that, that was dispatched at the place of departure.</p>

	<p>Therefore - in order to meet the requirement of the European Court of Justice to keep the logbook until arrival at destination - each individual animal would have to be accompanied by an individual logbook, which of course does not take place in practice.</p> <p>) It is not uncommon that the port of landing of the vessel - e.g. Beirut - is indicated in the logbook as the destination, although it is at best a place of transshipment and does not meet the requirements for a destination according to Regulation No. 1/2005.</p> <p>According to Art. 2 lit. s of the Regulation, the place of destination can only be a place where the animals are either slaughtered or where they are accommodated for at least 48 hours before any further transport. In Beirut or any other port of landing, however, neither of these is usually carried out, but the animals are loaded onto trucks from the ship and transported further inland.</p> <p>) Another problem with ship passages is that ships are used which have been approved by EU Member States but which nevertheless do not meet the requirements of Regulation No. 1/2005 (Annex I Chapter IV Sections 1 and 2). Nevertheless, the dispatching authorities rely on these authorisations and do not carry out further checks of their own - with the consequence that the transport is illegal because of non-compliance with Article 6 (3) and Sections 1 and 2 of Chapter IV of Annex I to Regulation No 1/2005.</p> <p>) If a ship passage is used as an intermediary in a transport operation, it is also highly probable - as the EU Commission points out in its report "Welfare of Animals Transported by Sea" 2020 - that the maximum transport times permitted under Regulation No. 1/2005 will be violated. There are usually no control points in the ports for the necessary unloading and resting.</p> <p>This means that there is practically no transport with a corresponding ship passage on which there is no foreseeable and serious violation of Regulation No. 1/2005 and which for this reason alone should not be approved.</p>
<p>Question 7. (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>

Answer n7	<p>If, according to weather forecasts, it is to be expected that outside temperatures of below 5°C or above 30°C will occur during transport, the transport must not be approved.</p> <p>The reason is, that the ventilation systems are not able to keep the interior temperatures below the outside temperatures, at least when the vehicle is stationary.</p> <p>The tolerance of + or - 5°C was introduced in Regulation No. 1/2005 solely because of possible measurement inaccuracies, so it must not be included from the outset.</p> <p>The only remedy is not to approve the transport if, according to the current weather forecasts, it is to be expected that the outside temperature of +30°C will be exceeded (or even fall below +5°C) at a border checkpoint or at any other point on the planned transport route.</p> <p>In practice, this is particularly often violated:</p> <p>In July/August 2018, 58 cattle transports to Turkey were approved by authorities in Germany. Of these, 38 were inspected and 37 were found to have had outside temperatures of more than 30° C for several hours when the transports arrived at the Kapikule border crossing. This should have been known even before these transports were approved by means of prospective weather forecasts, so the transports should not have been approved.</p>
Question 8. (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 n8	<p>One of the main problems is that the EU's animal welfare requirements, as laid down in the EU Slaughter Regulation No. 1099/2009, are grossly and persistently - and by no means only in individual cases - violated during slaughtering in some third countries. For example, the animal welfare organization Eyes on Animals visited 16 slaughterhouses in Turkey between 2014 and 2019. In 14 of these, slaughtering is carried out with the help of the so-called trip-floor box: On the Internet you can see in videos what happens there.</p> <p>In the countries Egypt, Lebanon, Morocco, Jordan the following cruelty to animals has been observed:</p> <ul style="list-style-type: none"> Cut the tendons on the front and hind legs before the throat-cut, Prick in the eyes, Hook in the nose area, Violent beating with sticks, Hanging by slinging a hind extremity and thus pulling the animal up and poking it upside down.

	<p>The slaughter itself is almost always carried out by throat cuts applied several times and often also by sawing cuts. The Administrative Court of Cologne writes in a decision v. 18. 11. 2020 with reference to Morocco: "These are by no means only individual cases, but typical behavior. "</p> <p>According to current legislation, animal transports to these countries - if there is a considerable probability that the animals will sooner or later be slaughtered there, causing severe pain and suffering - may not be approved. According to the prohibition of the abuse of rights recognized by the European Court of Justice in constant jurisdiction nobody can refer to a legal claim (here: to approve an animal transport into one of the 18 animal protection high risk states), if he pursues a goal with this right exercise, which contradicts the sense and purpose of a legal regulation of the union right - which stands thus in incompatible contradiction to a regulation of the union right.</p> <p>One such legal provision is Art. 12 Sentence 2 of the EU Slaughter Regulation No. 1099/2009, which requires that when meat is imported from a third country, a certificate must be presented as an accompanying document to show that the slaughter was carried out in accordance with requirements at least equivalent to those of the EU Slaughter Regulation. According to Article 3 of the Regulation No. 1099/2009, "during killing and related operations, animals must be spared any avoidable pain, stress and suffering". It follows that one of the EU's objectives is not to support, either directly or indirectly, the slaughter of animals in third countries that cause avoidable pain and suffering, even by subsequently importing meat produced by such slaughter into the EU. If it is thus a Union objective not to support cruel slaughter in third countries indirectly by subsequently importing the meat produced in this way into Union territory, it is even more a Union objective not to allow such cruel slaughter by transporting animals reared in the Union to a third country for the purpose of such slaughter.</p>
--	--

No	GENERAL QUESTIONS TO ALL PANELISTS
<p>Question 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>

<p>Answer n1</p>	<p>1. Deletion of Art. 2 lit. r ii.</p> <p>According to this, transport companies - if they have loaded cattle into the vehicle in southern Germany, for example - can drive hundreds of kilometers with the animals to an assembly center in northern Germany because they know from their colleagues that the local authorities there handle animal transports without hesitation, even if this violates Regulation No. 1/2005. The problem is that a assembly center can also be chosen as the point of approve from which the animal transport is officially approved, which is hundreds of kilometers away from the farms where the animals were first loaded. This legal situation has led to the following situation in Germany:</p> <p>From the 16 German Lands of the Federal Republic about 12 explained to want to approve animal transportation into the 18 animal protection high risk states no longer, among other things because there are no sufficient control points for the supply of the animals on the planned route of transport.</p> <p>In a few federal states, however, there are authorities that handle animal transports without hesitation, even if no sufficiently suitable control points exist or have been proven, or if it is foreseeable that it will become too hot.</p> <p>The transport companies know exactly in which districts the authorities are located, which handle almost every transport without hesitation, and which assembly centres are in the area of responsibility of these authorities. They drive to these assembly centers in order to gain access to one of these authorities. So if someone in southern Germany collects animals and wants to transport them to Egypt, and he knows that there is an authority at the nearest assembly center that will critically examine this transport - and probably not approve it because there are no supply stations or the outside temperatures are too high - then he drives hundreds of kilometers to an assembly center in northern Germany with the animals, because he knows from his colleagues that the local authority will handle the transport even if no sufficient supply stations can be proven or if it gets too hot.</p>
	<p>This is completely contrary to the rule of law - that the transport operator can choose for himself which authority should be responsible for handling his transport.</p> <p>Such a thing must not exist in a constitutional state. Art. 2 lit. r. ii must therefore be deleted as soon as possible.</p> <p>2. It would make sense to clarify in Annex I, Chapter V, No. 1.5 which requirements the control posts named in the transport planning must demonstrably meet:</p> <ul style="list-style-type: none"> • approval by the competent authority of the respective state, • that they meet the requirements according to Art. 2 lit. h and Art. 36 of Regulation No. 1/2005 i. V. with Regulation No. 1255/97 apply, meet or are at least equivalent to these requirements, • the declaration of consent of the owner of the control body that the facility (control-post) may be checked ("audited") at any time by officials or experts of the EU or the member states for compliance with the requirements of Regulation No. 1255/97 and the commitment to the officials or experts to grant access (because: It is probably unrealistic to expect that the authorities of non-EU countries will check compliance with the requirements of Regulation No. 1255/97). • In addition, the transport company must prove by means of a reservation confirmation that it is ensured that he can use the control point at the time specified in the transport planning with the intended number of animals for at least 24 hours. <p>3. Every authority that approves an animal transport to a third country should also be obliged to enter the control points that the transport company has specified in its transport planning into a central database so that other authorities can check whether this control point is the Requirements met and – if so – can also approve transports with the use of this transport planning.</p>

	<p>4. Clarification to Art. 6 Para. 9, navigation system (to rule out with certainty that the control points specified in the transport planning remain unused during the transport or that these control points are approached, but the animals are not unloaded there and can rest for 24 hours):</p> <p>Establishment of an express obligation of every transport company to provide the approving authority with a numerical code or a password, which the authority can use to access the server on which the recordings of the navigation system are saved during the transport (so that the authority can already during the transport can use the recordings of the navigation system to check whether the transport vehicle with the animals arrived at the specified control point at the time specified in the transport planning, whether the loading flaps were opened there and the animals were unloaded, whether they were then able to rest for 24 hours and whether they were invited back afterwards).</p> <p>No transport approval according to Art. 14 Para. 1 lit. a ii of Regulation No. 1/2005 without this numerical code or this password.</p> <p>5. Establishment of an express obligation of the authority responsible for the transport approval to inspect the records of the navigation system and to evaluate them, so that at the latest when the same transport company requests the new handling of an animal transport, it is clear whether the previously handled and carried out animal transport Transport the requirements for the use of the control point have actually been complied with - only then can it be assumed with an overwhelming probability that this will also happen on the animal transport to be processed again.</p> <p>6. Clarification in Annex I Chapter VI No. 2.2 – there it is ordered that watering devices in a vehicle for long journeys must be designed and positioned so that they are accessible to all categories of animals to be watered on board the vehicle.</p> <p>Up to now, this has mainly been understood to mean that long journeys of calves that have not been weaned may only be carried out if there are technical devices on board the vehicle that enable the calves to be watered with heated milk or milk replacer on board. Because there are no such transport vehicles, or at least hardly any, long-term transports of unseaned calves have largely been avoided in the past.</p> <p>Since December last year there has been a grotesque wrong decision by the Sigmaringen Administrative Court in an urgent procedure that this requirement only relates to water supply and not to milk replacer supply – after all, Chapter VI number 2 says: "Water supply".</p> <p>Thereafter, many long-term transports of unseaned calves to Spain took place from Baden-Württemberg/Germany, although there are still no vehicles with systems that make it possible to supply the calves with milk replacer on board the vehicle.</p> <p>Clarification needs to be made here, e.g. by replacing the term "water supply" in number 2 with "liquid supply" so that the supply of milk replacer is clearly assigned to number 2.2.</p> <p>In any case, it must be made clear: long journeys of calves that have not been weaned may only be carried out in vehicles that are equipped with supply systems that enable the calves to be supplied with milk replacer on board the vehicle; The liquid feed must be able to be absorbed by sucking on rubber nipples.</p>
<p>Question 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 fact that the claim that the animals - especially cattle - are exported to these countries as breeding animals is a labeling fraud speaks for itself</p> <ul style="list-style-type: none">) the lack of food base in these countries,) the lack of agricultural structures that make it possible to keep German high-performance cattle,) the missing know-how,) the climatic conditions, which are very unfavorable for German high-performance cattle, for example,) that although these exports with the declaration "breeding cattle" have been taking place for many years, it is not possible to build of larger cattle populations originating from Europe,) to Turkey, large quantities of alleged breeding cattle have been transported for many years without the existence of correspondingly large cattle populations can be determined,) the partly very high meat prices, which offer a massive incentive to slaughter cows directly after the first calving,) the desire of many local consumers for self-produced and "halal" slaughtered meat. <p>As far as the cruelty to animals of the slaughtering in these countries is concerned, one must also consider the fact that the animals are slaughtered in a way that is unacceptable:</p> <ul style="list-style-type: none">) The slaughtering is carried out without anaesthesia. This is particularly problematic in adult cattle, because at the back of the neck in the spine so-called vertebral arteries the blood supply to the brain for some time after the incision has been made at the front of the neck maintained. As a result, the animals remain conscious for some time even after the trachea and esophagus have been cut. Indications are: <ul style="list-style-type: none"> - minutes of attempted walking movements after the manhole cuts, - screams, - attempts to stand up. - That is with unimaginable pain and suffering. It should also be noted that the requirements that apply in the EU countries when slaughter is permitted on religious grounds are not applicable and respected in these countries, such as <ul style="list-style-type: none">) Use of fixing devices that allow slaughter in standing position,) cutting with a single cut, without multiple or even sawing cuts,) complete removal of all blood from the floor of the slaughterhouse before the next animal is brought in <p>In contrast, the following events take place in these countries:</p> <ul style="list-style-type: none">) several, sawing throat-cuts,) slaughter in rooms in which whole blood lakes of the preceding animals are,) pulling up before the manhole cut, often only on a single limb,) before the cut: cut the tendons, grasp the eyes, cut out the eyes, twist the tail, prostrate on the ground,) Punches with sticks, kicks against the head, pulling and tugging at highly sensitive body parts. <p>The solution must be</p> <ul style="list-style-type: none">) reject the handling of animal transports to these high risk countries already under current law, because the assertion of the claim to transport clearance is an abuse of rights in the light of the second sentence of Article 12 of Regulation No 1099/2009, and explicit clarification, maybe in Art. 12 Sentence 3 or elsewhere: No approval of a transport of animals, if due to concrete clues with considerable probability that the animals will be slaughtered and will be given to them in significant pain or suffering is inflicted in connection with the slaughter.
-------------------------	--

Question 3. Mrs Maria Noichl (S&D)	<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>
Answer n3	<p>The decree of the Bavarian Minister for Environment and Consumer Protection states that a transporter who wants to transport animals to an Eastern European EU member state must sign a contract in advance that the animals will not be transported to a third country after arrival at their destination - neither by himself nor by another company, and neither immediately nor after quarantine or before calving.</p> <p>As far as I know, this is primarily about animal transports with an - alleged - destination in Hungary.</p> <p>Such onward transport obviously violates Art. 2 lit. s Regulation No. 1/2005 if the specified destination is not the destination within the meaning of Art. 2 lit. s,</p> <ul style="list-style-type: none"> - because the animals are neither slaughtered there, - nor be housed for at least 48 hours before being transported long distance. <p>This is a situation that we have had up to now, especially with regard to animal transports to Turkey. There, according to reports from non-governmental organizations, the animals are reloaded onto other trucks immediately after crossing the border at the destination specified in the transport plan and are transported further inland - with the consequence that the specified destination was wrong from the start and the transport should not have been cleared for this reason alone.</p> <p>But even if the 48 hours are adhered to, a further transport to a third country planned from the outset violates the prohibition of the abusive exercise of rights. For it is an abuse of rights to pretend that you only want to take the animals to an Eastern European Member State so that they remain there or are slaughtered, but in reality you are planning their transport to a more distant third country.</p> <p>In order to circumvent the licensing requirements that would have to be met for transport to this third country, the actual destination is disguised and instead a false EU-based location is given as the destination. This gives this transport an advantage that it should not have according to its actual objective - transport to a third country.</p> <p>In cases in which the animals are to be transported to a high-risk animal protection country and slaughtered there, the abuse of rights can also be justified on the basis of Art. 12 sentence 2 of the EU Slaughter Regulation No. 1099/2009, because it follows from this provision that it contradicts the objectives of the Union legislator if cruelty to animals is made possible in third countries by transporting animals raised in the EU for the purpose of such slaughter.</p> <p>In the light of the second sentence of Article 12 of the EU Slaughter Regulation, it constitutes an abuse of rights if an application is made for the clearance of a transport of animals to a third country even though, on the basis of concrete evidence, there is a considerable probability that the animals will be slaughtered after their arrival there, causing considerable pain and suffering.</p> <p>This can already be deduced from Art. 12 sentence 2 of the EU Slaughter Regulation.</p> <p>Nevertheless, a corresponding clarification in Union law - be it in a third sentence of Article 12 of the EU Slaughter Regulation or through a Union law provision in Regulation No 1/2005 - would be urgently necessary and desirable.</p>
Question 4. (Greens)	Specific species

	<p>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.</p> <p>What is the situation of fish welfare during transport today? How should the regulation be improved, in order to rectify the situation?</p>
Answer n4	<p>In its report of 10. 11. 2011 on the impact of the Regulation, the Commission has stated that it intends to launch a study on the animal welfare of fish during transport in order to determine whether it is necessary to amend the Regulation to provide a legal framework for the transport of fish for aquaculture operators.</p> <p>Regardless of the results of this study, the events you describe show the following manners of handling fish during transport:</p> <ul style="list-style-type: none"> - routine transport of carp, eels and tilapias without water by land - overfilling of transport containers, - poor water quality in transport containers: <p>There are obviously practices here that are associated with severe suffering for the animals.</p> <p>Thus Art. 13 Treaty on the Functioning of the European Union (TFEU) – fishes are sentient beings whose welfare the Union wishes to take fully into account under this article – already establishes an obligation to at least enact regulations which prohibit such practices and introduce controls that allow their detection and effective prevention.</p>