



PUBLIC HEARING

on

Enforcement of Regulation 01/2005, by the Member States and the Commission

Thursday 10 December 2020

Panel II „Infringements observed on the ground”

--- Animals´ Angels speech ---

Introduction

Scarce enforcement of Reg. 1/2005 is due to:

- A. difficulty to interpret and apply the regulation for unclear or contradictory provisions
- B. scarce control and detection of infringements

Content

Here we talk about main infringements observed on the ground by Animals´ Angels, quite systematically, and reported to the competent authorities, at EU and national level:

1) Deficient journey logs

Our experience:

- information left blank **vs** plausibility checks
- Incorrect information **vs** plausibility checks + cross-checks

Examples:

- *weight and loading surface not indicated – how can density be checked?
(ex. route of cattle from FR to IT, of lambs from RO to GR)*
- *blank planning – how can stops and rests be calculated in journey time?
(ex. route of lambs and cattle from RO to GR or from BG to AL)*
- *Wrong loading surface indicated*
- *Wrong/too general destinations (ex. TR)*
- *Non existing staging points outside EU (ex. EU to Central Asia)*

2) Journey time/ rest

Our experience:

- Exceeded journey time
(ex. from EU to TR, from HU to IT, due to unscheduled/unreported delays and waiting times – at ports, at borders)
- Mandatory 24 h rest violated
(ex. from EU to TR, from PL to IT, from EU to Central Asia)
- Assembly center hopping **vs** 24 h rest
(ex. widespread malpractice: from ES to central IT, real destination south IT, from AT to IT - real destination ES, from LV to LT - real destination ES, from DE to Kapikule TR - real destination Anatolia TR)
- Incompatibility of Reg. EC 1/2005 with Reg. EC 561/2006
(either one or the other is violated on LDT, ex. from EU to TR, from EU to Central Asia)
- Controversial time calculation during Ro-Ro transports
- Manipulation of tachographs (*tip of whistle-blowers*)

3) Space (controversial)

Our experience:

- Routinely kept to the minimum
(for RO lambs to IT, BG and GR, for FR cattle to IT)
- Minimum space allowances violated
(ex. in horse transports >48 hours from PL to IT)
- Second part of legal provision not taken into consideration
(they may vary depending on...)
- Controversial calculation (*average vs per compartment*), interpretation (*min and max for cattle*) and application (*minimum allowances often equal to overcrowding, official inspectors fear legal recourses imposing lower densities or issuing fines*)
- Space above the animals for ventilation routinely not considered (ex. lambs loaded on 4 decks and touching the ceiling with their heads, Holstein heifers loaded in 2 decks and touching the ceiling with their backs and heads despite clarifications and guidelines)

4) Vehicles

Our experience:

- Routine use of vehicles without air condition during temperatures >30°C or below 0°C
(ex. from ES to IT, from EU to GR in summer with temp. even >35°C, from EU to Central Asia)
- Lack of bedding where animals + truck get filthy/slippery
(ex. from EU to AL, from RO to GR + short transports)
- Dangerous partitions (*with gaps*)
- Lack of access doors for emergency

5) Watering / feeding

Our experience:

- Routine insufficient watering due to many reasons
(inadequate drinkers: lack of standard construction criteria; overcrowding; broken devices; lack of pressure at higher decks; unfamiliarity)
- *Unrealistic feeding of un-weaned animals (inappropriate drinking devices for milk supply)*

6) Controls

Our experience:

- Insufficient number *(of road checks and retrospective checks)* and scarce quality *(plausibility checks, checks at loading, retrospective checks)*
(ex. from annual reports, IT: 2% of SDT, 10% of LDT, 5% at control posts; repeated infringements despite complaints, ex. in RO)
- Insufficient action - shortage of staff? Lack of priority? -
(ex. in FR, RO, BG, GR inspectors don't come out for emergency road checks)
- Impossible controls outside EU borders
- Scarce risk-based planning

7) Sanction systems (basic issue: not harmonised)

Our experience:

- Scarce application of penalties *(ex. in GR)*
- Ineffective, not proportioned and not dissuasive sanctions in some MS *(ex. in ES, FR)*
- Scarce monitoring of repeated offenders

8) Training

Our experience:

- Lack of basic knowledge/detection of infringements *(in RO, IT, GR, BG)*

9) Unfit animals

Our experience:

- Lack of emergency measures/inexistent care *(ex. lambs RO-IT/GR)*