

Written questions to Pierre SULTANA
- Four Paws -

ANIT Public Hearing on Long distance transports of live animals within the European Union

Hearing 3	QUESTIONS FROM EPP
<p>Daniel BUDA (EPP)</p>	<p>EFSA’s scientific opinion on welfare to animals during transport has submitted a number of recommendations concerning the means of transport, traveling time, navigation system, feeding and watering, space allowance and temperature monitoring during the transport of live animals. The European Commission audit reports of 2017 concluded that animal welfare during live transport failed in the majority of Member States scrutinised. The EC committed to stronger measures of enforcement covered by the legal basis.</p> <p>How can the EC ensure that enforced regulation shall apply to all Member States to minimise the level of non-compliance?</p>
<p>ANSWERS</p>	<p>There is an urgent need to improve compliance with existing legislation, using the enforcement mechanisms at the Commission's disposal. This means that infringement proceedings against Member States who violate legislation must be urgently initiated. Only when sanctions are placed, will Member States who violate the regulation be forced to comply with existing regulations. Infringement proceedings should be initiated, especially when Member States repeatedly violate existing legislation.</p> <p>The guidelines that have been published so far have not led to sufficient success. Violations that have been observed, against existing transport regulation include e.g.: animals are transported during extreme temperatures, transport time limits are exceeded, headroom is insufficient, maximum loading densities are not respected. The animals suffer from thirst, hunger, heat, cold, stress and fear. They are forced to stay in cramped conditions on vehicles for several days, lying in their excrements. Numerous animals die of dehydration or heat stroke (e.g. pigs, poultry, unweaned animals), or freeze to death (e.g. poultry). In many areas the 1/2005 has a regulatory character leaving a lot of room for interpretation. To improve enforcement the Commission must provide explicit clarity on aspects including bedding, partitions on transporters and headroom, as “sufficient” space between the heads or backs of the animals and the ceiling of the vehicles – such guidance is very often not given. Further the forwarding of information must be improved – answers on compliance from the Commission to Member State A on a certain issue seem not to be forwarded to Member State B, which leads to varying interpretations of legislation and poor compliance.</p> <p>But even if the regulations are adhered to, the animals still suffer, because existing EU transport regulation 1/2005 does not protect animals during transport sufficiently. Poultry, for example, are not fed about 10 hours before loading. Then, according to 1/2005, they may be</p>

	<p>transported for 12 hours. Once they arrive at the slaughterhouse, they can remain in the truck for up to 12 hours. Water supply is not possible on the trucks. The animals spend up to 34 hours without feed and 24 hours without water, suffering from hunger and thirst.</p> <p>The EU transport regulation 1/2005 must be changed for the better. Strict controls must be carried out, the frequency of controls must be increased, and more sanctions taken.</p>
Marlene MORTLER (EPP)	<p>1) What is your experience of cooperation with the police and veterinary authorities of the Member States?</p> <p>2) Are those involved well trained? In which areas should training be improved or expanded?</p> <p>3) Is Regulation 1/2005 well verifiable for the relevant authorities or are the regulations unclear?</p> <p>4) Under which conditions are long-distance transports compliant with animal welfare in your view?</p>
ANSWERS	<p>1) The police are often not well informed about the requirements of 1/2005. An example is the completion of section 5 of the driver's journey log, where irregularities that occur during transport must be recorded. This information must be forwarded immediately to the competent authority. There is no general training for police and comprehensive education is missing; but there is a high willingness to attend trainings that are very often organised by third parties. It is important to offer trainings on the road to allow for proper training. In general, a harmonization of trainings across Europe is needed, to make sure that controls are of equal quality across Europe.</p> <p>There are far too little controls on the roads. Often animal transports that violate legislation are only reported by citizens that see animals dying of thirst on transporters on the motorway. The conditions on the spot are often problematic, e.g., transport vehicles sometimes have to be cooled with water by the fire brigade. This often happens with pig transporters - whose water tanks are empty - that travel across borders over long distances in very hot weather. Since pigs cannot sweat, they die very quickly from overheating and dehydration.</p> <p>The NGO AWF/Animal Welfare Foundation (who are also members of Eurogroup) made the experience, that cooperation depends on the member state and whether the police know the organization offering support. In some Member States they held trainings with the police, traffic inspectors and the veterinary authorities on how to audit/control live animal road transports on the road. In those Member States, the cooperation was reportedly positive. Even, in cases where trainings did not take place the cooperation with police and veterinary inspectors was reportedly positive and welcome, if the NGOs offering support are known and present on the road. This clearly shows that more controls are urgently called for. It is worth mentioning here though, that some Member States do not like to cooperate with NGOs and see no need to improve live animal transports. In those cases, NGOs will not be able to fill gaps on training and on-road controls.</p> <p>2) Policemen are generally not trained well enough in assessing live animal transports and handling of animals. A veterinarian should be consulted to support the police whenever possible. When taking emergency measures, such as the cooling of the trucks by the fire brigade to save pigs, also other stakeholders might play an important role. Trainings on handling of animals are necessary here as well. Concerning the duty to fill out section 5 of the journey log (irregularities) and forward these irregularities to the relevant authorities (both in the country where it was discovered and to the country of origin), compulsory trainings should be offered. There should be sanctions in case of non-compliance to the obligation of forwarding information on irregularities. And sanctions need to be issued to the Member States in which the transport originated and was approved if they do not take action against the responsible stakeholders. Data and statistics should be kept on irregularities</p>

and actions taken by Member States. A proper control system would include a defined minimum number of controls on the roads (min. percentage of transporters) and at EU ports. A quality standard for these controls, and a catalogue of sanctions in case of violations should be defined. This is also done in other areas, e.g., in traffic law.

Animal Welfare Foundation (AWF), who is a member of Eurogroup too, made the experience that the training of the police varies a lot per Member State. They and other NGOs have been training the competent authorities. Those who received training and are willing to be trained do have a good level of knowledge, pre-training it was observed that overall knowledge was poor. There is a large field of requirements to inspect on and trainings should not be the responsibility of NGOs only. It is important to develop harmonized and good trainings across Europe in the future.

3) Regulation 1/2005 is often not clear – neither for the police nor for the competent authorities. Examples for unclear rules in the legislation include what constitutes as sufficient headroom on the transporters, loading densities, bedding (e.g., for long distance transport of pigs), the partitions on the means of transports and the approval of vehicles in third countries.

Regulation 1/2005 needs to be completely revised and improved. The authorities themselves must be supervised and checked as well, because relevant irregularities are not necessarily passed on to the competent Member States. Even if irregularities are forwarded to the competent Member State that dispatched the transport, Member State do not necessarily take dissuasive measures.

4) In our expert view, long distance transports are not compliant with animal welfare and lead to systematic suffering. This is why we ask for 0 hours for unweaned animals, a 4-hour limit for poultry, rabbits and end of career animals, and an 8-hour limit for adult ovine, bovine and pigs. In our view, exports of live animals to third countries and transports by sea must be banned, as we have seen in recent decades that existing regulations are systematically violated, and immense animal suffering is caused.

Hearing 3	QUESTIONS FROM S&D
<p>QUESTIONS Maria NOICHL (S&D)</p>	<p>1) What are the most common animal welfare violations you and other non-governmental organisations have recorded when it comes to long-distance transport of live animals within the EU?</p> <p>2) In your experience, which are the systematic failures occurring during long-distance transports of pig and poultry within the EU?</p>
<p>ANSWERS</p>	<p>Common violations against 1/2005 are overloading, insufficient headroom, insufficient ventilation, dirty and/or insufficient bedding, no or too little watering and feeding. Other prominent problems are the transport of unfit animals, temperature exceeding or falling below the set limits of 5-30 °C, inadequate equipment of vehicles, unsuitable transport vessels, unclear responsibilities, lack of emergency plans and poorly organized procedures that lead to delays, resulting in animals waiting at borders for hours. In March 2020 when the Polish border was closed due to COVID-19, animal transport vehicles were caught in a 60 km traffic jam. A very common violation is the exceeding of journey time. According to 1/2005 “Long journeys are likely to have more detrimental effects on the welfare of animals than short ones” and “all necessary arrangements have been made in advance to minimise the length of the journey and meet animals' needs during the journey”. These requirements are systematically violated (as well within one country as also cross border). Unweaned calves are transported over long distances even though transport vehicles are not equipped for feeding liquid milk feed. These calves are without feed up to over 30 hours which leads to suffering. Laying hens do not get feed before being transported to the slaughterhouse: they can be transported for 12 hours (without loading and unloading) and can additionally stay within the vehicles at the slaughterhouse for another 12 hours. These animals are without feed for 34 hours and without water for 24 hours. In addition to the points above, recent investigations from AWF also brought overloading and overcrowding of animals, especially during Christmas and Easter festivities, to the public attention. Furthermore, the access to all animals on a road vehicle is often missing (missing side doors to access the animals in a compartment on the road transport vehicle). The doors to access the animals are too small and therefore cannot be used for the purpose of inspection and assistance to the animal.</p> <p>2) Long distance transports are very common for pigs and poultry due to heavy sectoral specialisation in different countries. Some countries have specialised in piglet production, others have specialised in broiler chick hatcheries and deliver animals to fattening farms all over the European Union. On the other hand, the fattened pigs and broilers are very often slaughtered in a Member State different from those specialized in fattening. To minimise costs, animals are not slaughtered at the closest appropriate slaughterhouse. This also holds true for spent laying hens. Only 10 companies slaughter 80 % of the pigs in Germany and “just in time” planning of slaughter can cause long waiting times at slaughterhouses in case of delays or temporary closures as observed during the Covid-19 crisis. A common violation to 1/2005 is allowing transport even during extreme temperatures and thereby exceeding allowed temperature limits. Frequently animals die of thirst or overheating on transporters. For poultry, transported in small containers, ventilation for animals that are situated in the middle of the vehicle is poor and death on arrival due to heat stress and lack of ventilation can be frequently observed. Besides heat, also low temperatures are problematic. Animals leave the warm stable and are exposed to cold temperatures during transport. Many animals freeze to death. Spent laying hens are especially sensitive when being transported. They are exposed to a high risk of being injured during loading and have an increased risk of dying on the transport. According to our knowledge, unlike with broilers, “deaths on arrival” are not statistically recorded for other animals, such as laying hens at the slaughterhouse.</p>

We believe that transport times must be drastically reduced. No more than 4 hours should be allowed for poultry and rabbits. The maximum journey duration for pigs, bovine and ovine should be 8 hours. No transport should be approved if the predicted outside temperature exceeds 25 degrees Celsius or is expected to be below 5 degrees Celsius. Temperature measurements and water supply must be controlled in a much better way. Stronger penalties in case of poor welfare or violations of legislation are needed. This would be the only way to ensure that the animals really arrive in good health. Numbers of “dead on arrival” should be recorded as a mandatory requirement for all animal categories and all transports and reported to competent authorities. Further, animals should be slaughtered at the nearest appropriate slaughterhouse to minimise journey times.

These examples should help the ANIT to recognize the importance of tackling these issues: In July 2019 a pig transporter was stopped on a German motorway. There was no water in the tanks and the temperature inside the vehicle was 41°C, causing extreme dehydration among the pigs. Numerous pigs died.¹ The Dutch driver had picked up the pigs from France to bring them to a slaughterhouse in Germany. Examples like this one happen regularly in summer.

A concrete example with broilers was documented in September 2020: Poultry is usually transported for much longer than necessary. Instead of transporting the animals to the next adequate slaughterhouse, companies plan routes to slaughterhouses where the slaughter is cheaper.² 57 animals were dead upon the arrival. Spent laying hens are often transported e.g., from Germany to Poland because of specialisation of slaughterhouses.

These are just a few examples of systematic violations. There are hundreds of other examples documented by NGOs.

¹ <https://www.ruhrnachrichten.de/dortmund/schweine-sterben-hitze-tod-auf-der-a2-polizei-stoppt-tiertransport-1430899.html>

² <https://www.zdf.de/verbraucher/wiso/gefluegel-transporte---wird-tierschutzgesetz-eingehalten-100.html>

Hearing 3	QUESTIONS FROM RENEW
QUESTIONS	<p>1) Which is your experience with regards to the problems linked to the transport of poultry and rabbits over long-distances, currently allowed by the Regulation 1/2005, and the deprivation of food and water that applies before and during journeys?</p> <p>2) Trade of live animals is not only limited to trade of farm animals, but also concerns trade in pets and wild animals. All these transports need to be registered in TRACES when crossing borders. There are several problems connected to TRACES that concern all species that are transported. One of the many weaknesses of TRACES is that illegal puppy dealers can register themselves easily under TRACES to issue transport documents. There are no controls regarding the registration of new consignors or consignees. Access to TRACES records is also limited to the competent authorities to the countries of origin, transit, and destinations. What should the COM do to tackle this?</p>
ANSWERS	<p>1) The main problem with transporting pigs, poultry and rabbits is that these animals are not sufficiently supplied with water and often die from dehydration or heat. Poultry also suffer from extreme cold. A former animal transporter informed us that he regularly had to deliver numerous frozen laying hens to the slaughterhouse in winter, because he was instructed by his boss to drive despite the cold and frost. We urgently need a clear limit for outside temperatures above and below which certain animals may no longer be transported. Outside temperature sensors should be installed on the vehicles, as well as devices to measure the temperature inside the trucks, and all transport vehicles should be equipped with navigation systems to track and record the journey – such measures must be undertaken including for transports of less than 8 hours, to allow for a control of journey time and temperature.</p> <p>2) In general, the idea behind TRACES is a good one. However, access to transport planning data, e.g., to data on when which transports are planned via which routes and what is approved, is very limited. The published reports of TRACES show general figures, which are always evaluated afterwards and show the overview of the past year. Public information on main destinations for specific Member States is missing.</p> <p>We trust there should be better control in the creation of new consignors and consignees, as the pre-validation of TRACES documents without control, very much facilitates illegal operators. We understand that the large number of TRACES notifications, oftentimes does not allow to the competent authorities to properly process all movements. It must be considered though that live animals are sentient beings rather than goods and a lack of proper controls can lead to immense animal suffering.</p> <p>The Commission and Member States should ensure the verification of both the registration and approval numbers of trade operators. Specifically, on breeders and sellers of cats and dogs, the Animal Health Law, that enters into force in April 2021, mandates the competent authorities of Member States to create and upkeep registries holding the unique numbers of establishments and operators that are registered and approved by them to breed, keep and export. These lists are to be made available to the Commission and competent authorities of other Member States. Undoubtedly, Member States from which animals depart have an increased responsibility. However, it is regrettable that TRACES does not require that the information on such establishments is kept updated therein, similarly to the rules set up for food business establishments and establishments handling animal by-products.</p>

	<p>Further, it is critical for the movements of wild and companion animals that access to the TRACES records on individual journeys is extended to the competent authorities of all Member States. This would enable investigations on specific operators and address the practice of breaking the movement in two to mislead as per the animal's origin.</p>
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Hearing 3	QUESTIONS FROM GREENS/EFA GROUP
<p>QUESTIONS</p>	<p>Important parts of the journey log are often left blank. Journey logs sometimes give unrealistically short journey times; as a result the stops at an approved control post for rest, water and food that are obligatory for long journeys are neither planned nor carried out. If we look at France for instance, in 2018, the analysis of the journey logs of the 171 notifications for non-conformities sent to the French Ministry of agriculture by other MS has shown that many plans validated by French competent authorities were controlled very superficially or were not checked at all.</p> <p>> How do you calculate whether a journey time is realistic? Are incomplete or unrealistic journey logs accepted, in your experience (in your Member State/in others)? If so, how do you explain that these journey logs are approved? Is missing data ever considered acceptable, and in which circumstances?</p> <p>>In your MS, are journey logs accepted without advance access to satellite navigation system data? If so, how can journey logs be relied on? Is data accepted retrospectively?</p> <p>Harbors are often listed as place of destination. How is it possible that journey logs with such destinations are accepted? If it is impossible to specify the exact destination, then why is such a journey accepted?</p> <p>Which contingency measures are required within the journey logs?</p>
<p>ANSWERS</p>	<p>Very often, transport plans are approved even though they are implausible, do not contain realistic data and have been filled incompletely. Many transport plans contain only a fraction of the data they are supposed to contain – but still are approved. Within the EU, there are registered and certified control posts. A list is publicly available on the internet. This is not the case for third countries. Despite some letters that speak of control posts in some regions, there is no evidence of control posts ever being officially checked by EU authorities. It is also not common to require a written confirmation of a reservation at a control post. It is left unclear if the animals will be unloaded at the required 24 hour stops and it is up to the competent authorities to decide how legislation is interpreted. We noticed that competent authorities handle interpretation of legislation very differently. Transport plans that show ports as a “final destination” are approved – even though they are not a realistic final destination. Transport plans systematically lack information on the route once the animals leave the EU. No identification of the vehicles is given, no responsible persons on the vessels are given, no route from the arriving port in the third country of the final destination is given. There is no control in third countries. Transports that require a stop in a third country are hence not compliant with legislation and should not be approved. A delegation of 4 German veterinarians that went to the Russian Federation showed, that some control posts that had been indicated in the transport plans for years did not exist at all. There are examples of final destinations being the 3rd floor of a high-rise building in a city, when searching for them via Google maps. Approving unplausible journey plans is a huge problem in transports to third countries. Above all, the weather forecasts are not considered in advance, which would be a prerequisite to meet the prescribed 5-30°C temperature range for long distance transports.</p> <p>Real-time access to navigation data is generally not available in Member States. Authorities do not have the possibility for real time checks to ensure animal welfare and check whether rules are adhered to. This is a big problem. There are also far too few checks on the road. Mostly, transport vehicles are stopped on basis of observations by citizens or NGOs. The EU must exert much more pressure on Member States in this</p>

regard. Retrospective checks are carried out too rarely. The navigation data is not always delivered to the authorities. When it is delivered, it is often in a form that is difficult to evaluate. There is a need for standardization and better automated data collection. All authorities need real time access. In addition, it is necessary that all vehicles, even those for short transports of less than 8 hours, are equipped with navigation systems and temperature measuring devices (inside and outside), because otherwise it is not possible to check the transport duration and temperature on board, variables which can also cause severe animal welfare problems on transport via short distances.

Long-distance transports within the EU must be refused for unweaned animals, as they cannot be undertaken in line with legislation. Any animal transports that do not provide the shortest possible route also need to be refused. The number of drivers must be taken into account so that the shortest possible journey duration can be achieved. In addition, no transports should be authorized where outside temperatures indicate that 30°C on board of the vehicle might be exceeded at any point along the planned route. A good indicator is the maximum outside temperature of 25°C, as the animals heat up the inside of the vehicle due to their body heat and the 30 degree limit is quickly exceeded inside the vehicle.

The question of ports as final destination mainly concerns transports that are dispatched to third countries. Competent authorities systematically approve transports that indicate a port as final destination, which is against legislation. These ports are not the real final destination. It is quite clear that the animals do not remain at the ports but are usually reloaded onto trucks and transported further. The transport therefore does not end at the port and the transport planning must be rejected as implausible.

There is very often a lack of contingency plans. Usually, incidents on the motorways are noticed by citizens or NGOs and the police is called. There was no emergency plan when several transporters were stuck in 60 km long traffic jams at the Polish border in spring 2020. It is difficult to understand why animal transports are signed off, when it is likely that there will be long traffic jams at certain borders. The traffic situation must always be taken into account in the approval process. Very often this is not the case. This leads to massive animal suffering.

All these challenges build the case for a shift away from the transport of live animals and towards a transport of meat, carcasses and genetic material.

FOUR PAWS filed criminal charges in 21 cases against responsible authorities, transport companies and operators in the summer of 2020, in which transport planning was violating legislation.

Contingency plans: According to Article 10 of 1/2005 the applicants have to submit the following documents:(i) valid certificates of competence for drivers and attendants as provided for in Article 17(2) for all drivers and attendants carrying out long journeys; (ii) valid certificates of approval as provided for in Article 18(2) for all means of transport by road to be used for long journeys; (iii) details of the procedures enabling transporters to trace and record the movements of road vehicles under the irresponsibility and to contact the drivers concerned at any time during long journeys; (iv) **contingency plans** in the event of emergencies.

These contingency plans are not specified in more detail. But they should ensure that animal welfare can be ensured in unforeseen situations, such as traffic jams, unforeseen delays, etc.

QUESTIONS	<p>Long journeys often involve several Member States, which complicates enforcement of EU legislation. Article 26 is aimed to address enforcement when several MS are involved, but it is used to differing degrees - and with differing success by MS. When a MS of transit or destination finds breaches of the Regulation they must notify these to the MS that authorised the transporter, granted the vehicle's certificate of approval and to the MS that granted the driver's certificate of competence. However, these notifications are rarely given in a systematic way and even when they are, the MSs who receive the information often do not act on it. A harmonised, centralised and mandatory reporting and monitoring system must be implemented.</p> <p>> What has been your experience of using Article 26 to tackle cross border breaches? How often do you notify breaches to other Member States, and which type of breaches are most common, in your experience? What has been the response of the other Member States? What are the trends in reporting breaches (increasing/decreasing?)</p> <p>> How do you respond to the notifications provided to you by other Member States?</p> <p>> Have you ever resorted to the possibility to prohibit a transporter or means of transport on your territory - even where it has been approved by another Member State?</p>
ANSWERS	<p>According to Article 26 of 1/2005, Member States shall report any infringements detected to the competent authorities of the Member State which approved the transport and the vehicle. Furthermore, the competent authorities shall ensure that all the contact points are notified without delay of any decision taken under paragraph 4(c), or paragraphs 5 or 6 of this Article.</p> <p>In the case of repeated or serious infringements of this regulation, a Member State may temporarily prohibit the transporter or means of transport concerned from transporting animals on its territory, even if the transporter or the means of transport is authorized by another Member State, provided that all the possibilities afforded by mutual assistance and exchange of information as provided for in Article 24 have been exhausted.</p> <p>To our knowledge, the forwarding and notification of infringements to the competent authorities in the approving Member States are not happening and, if they are, they are done insufficiently. Furthermore, even if a Member State makes use of it, the receiving Member State often does not take any action to remedy the situation. According to Article 25 of the 1/2005, penalties and measures must be effective, proportionate and dissuasive. We observe that this obligation is not fulfilled. For example, Germany has removed the transport of animals that are not fit for transport from the list of fines, so that it is no longer even an administrative offence. End of career dairy cows that can no longer stand up, are dragged by a handlers onto the trailer to be transported to the slaughterhouse. There have been several documentations on this in Germany. Neither the farm nor the transport company is threatened with a penalty. It is quite clear that the 1/2005 is not respected and that it is not sufficiently protecting or respecting animals and their sentience.</p> <p>Concerning the last question: We have not observed that transporters were banned from passing through a Member State. If this were the case, transporters would simply travel via other Member States. The animals would sometimes travel even longer. That this is likely to happen is also showcased by the experiences of the expert Dr. Rabitsch who was already heard in the ANIT. Stricter controls lead to transporters bypassing the controlled area. We need a harmonized approach and clear dissuasive measures to tackle this in the future.</p>

	<p>The other questions can be more properly answered by a competent authority because they have full access to the relevant information. Unfortunately, we as an animal welfare organisation do not receive any reports of violations by authorities. We rather receive calls from citizens who observe abuses on the roads. The problem is that often the veterinary authorities are not encouraged or expected to take strict measures in case of violations. They are also not encouraged or expected to follow up on violations. In some cases, corruption comes to play where authorities are, under the strong influence of a stakeholder – (including their superiors, often district councils or ministries) who could have a vested interest in restricting transport. There are insufficient measures for independent controls to prevent corruption and ensure that entrepreneurs and authorities (despite any vested interests) make independent and unbiased decisions to avoid animal suffering.</p>
QUESTIONS	<p>> How often did you observe transports when the outside temperature was higher than 30C exceeded and lower than 5C? Do you have examples?</p> <p>> Are these breaches systematic?</p>
ANSWERS	<p>Documentations by different NGOs have proven that temperature limits are exceeded on the road happen <u>regularly</u>. In July 2019, a pig transporter was stopped on a German motorway. The water tanks were empty, the temperature inside the vehicle was 41°C, causing extreme dehydration among the pigs. Numerous pigs died.³ The Dutch driver had picked up the pigs from France to bring them to a slaughterhouse in Germany.</p> <p>In July 2020, a pig transport with more than 800 pigs from The Netherlands to Croatia, passing Austria, had an accident as a tire burst. The temperatures in Austria were prognosed between 20° and 37°C for that day. Emergency services had to supply the animals with water. During the transfer of the animals to another transporter, dead animals were discovered. It is unclear whether they died while on the road, while waiting in the heat in the car park, or during the reloading. The surviving animals were transported on a new transporter to continue to their final destination in Croatia.⁴</p> <p>It is impossible to provide a summary of all violations, as incidents are not systematically recorded. Due to the lack of systematic regular and strict controls, we can assume that the examples that are brought to public attention are only the tip of the iceberg. It is distinctive that such incidents are mainly noticed by citizens on the motorway or by NGOs. Much stricter controls and monitoring are needed, in addition to deterrent measures to allow for better enforcement.</p> <p>Requiring monitoring and automatic reporting of temperatures and transport duration is a very easy measure to implement (especially given transport companies can easily track their trucks while on the road). It is urgently advised that such measures are required for any and all transports.</p> <p>Examples for third country exports and systemic exceeded temperatures:</p> <p>In a query by the European Commission evaluating temperatures, it was found that the allowed internal vehicle temperature limit was regularly exceeded at the Turkish-Bulgarian border: the evaluation of the approved transports from Germany across the Bulgarian-Turkish border in July/August 2017 and July 2018, as well as the evaluation in relation to temperatures in the country of destination, revealed:</p>

³ <https://www.ruhrnachrichten.de/dortmund/schweine-sterben-hitze-tod-auf-der-a2-polizei-stoppt-tiertransport-1430899.html>

⁴ <https://vgt.at/presse/news/2020/news20200729mn.php>

	<p>Out of a total of 210 transports, 184 were carried out at temperatures above 30°C, and 26 at temperatures of 30°C or less. For 35 of the transports, the maximum temperature on the day of clearance by the local authority was below 30°C. In a letter conversation between the German CVO and the COM, the CVO stated that no transport should be dispatched if the forecasted outside temperature is above 30 °C or below -10°C.</p> <p>Example for third country exports and systemic falling below the permissible lower temperature limit</p> <p>The threshold of a lower limit of –10 °C outside temperature is also specified as a lower limit in the animal transport manual (the German handbook on animal transport “Handbuch Tiertransporte”), which serves as a legal interpretation aid in Germany. Nevertheless, in December 2020, several hundred animals were dispatched from Germany to Tatarstan in Russia, even though the outside temperature on the day of arrival was -17 °C. Information on temperature and forecasts is publicly available on the internet. It is unclear how and whether water supply can be ensured at these temperatures. Within the EU, transports during low temperatures lead to the deaths of many animals, in particular poultry. It is therefore necessary to set species-specific external and internal vehicle temperature limits above/below which transports must be prohibited.</p>
QUESTIONS	Where do you see unclear wording with too much room for interpretation in the current legislation, how do you handle those? How could these be eliminated?
ANSWERS	<p>Numerous areas of 1/2005 allow for interpretation, which is also reflected by the actual difference in interpretation by competent authorities. The interpretations do not only vary in the Member States; they also vary between the individual authorities on the regional level. There are authorities that at least try to adhere the regulations more strictly. These authorities are often subject to pressure from different sides to approve the transports, even the transports that are planning to violate the law. In addition to proper approvals ahead of transports, retrospective inspections must be mandatory. The results of these retrospective controls must be included in future transport planning and approval processes. If retrospective checks show that a transport operator is not credible, a future permit should be refused. A harmonised procedure is necessary. All competent authorities should be obliged to evaluate the electronic data from previous transports retrospectively. The results of these retrospective controls must be included in future transport planning and approval processes.</p> <p>Clarity is also needed on temperature limits above and below which animal transports cannot be dispatched. For this purpose, temperature limits specific to the animal species need to be defined in the future, as current regulation does not address this yet. The loading density for pigs needs to be defined differently, as the kilogram figure rules are impracticable and hard to estimate. There is also a lack of clarity regarding responsibility. Currently, only the drivers of a transport company are held responsible if something goes wrong. However, the drivers often have no choice, as they are forced to even violate to social and worker rights standards (e.g. driving times). It is cheaper for the transport company to only use one driver instead of two or three. According to Article 7 of the Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport, “after a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes, unless he takes a rest period.” If there is only one driver foreseen, the transport planning contradicts the requirement of 1/2005 to ensure the journey is as short as possible for the animals. Nevertheless, the driver might be urged to get to the destination as quickly as possible and might disregard his resting times. This can affect safety and animal welfare.</p>

	The Eurogroup for Animals' White Paper ⁵ provides a good summary on demands and suggestions that would be necessary to reduce the Animal Welfare violations.
QUESTIONS	> What has been the reaction to the Commission's recommendations on summer transports, in your Member State/experience? Have summer journeys been suspended or substantially reduced?
ANSWERS	There are several Member States that published recommendations on transports during the summer – among them Germany, Austria, The Netherlands and Hungary. For example, the German Minister of Agriculture, in response to the evaluated systematic transgressions which were documented in 2017 and 2018 at the BG-TK border, announced in a press release in autumn 2019 that no transports should be dispatched if the outside temperature exceeds 30°C and imposed an administrative offence on violators. ⁶ In Austria, a decree prohibits transports to the Turkish border if the temperature forecast predicts temperatures above 30 °C.

⁵ https://www.eurogroupforanimals.org/sites/eurogroup/files/2021-01/2020_01_27_efa_transport_white_paper_0.pdf?fbclid=IwAR27Cg45glapwhgrHt9_oAyZSpx0U-hFSIYtNW_JhVdJGsu3mzXCavaW5Y

⁶ <https://www.agrarheute.com/tier/tiertransporte-temperaturen-ueber-30-grad-drohen-bussgelder-559282>

Hearing 3	QUESTIONS FROM THE LEFT
<p>QUESTIONS</p>	<ul style="list-style-type: none"> • Authorisation of vehicles and vessels in the EU <p>1) There are number of reports of inappropriate vehicles being used to transport live animals by both land and sea. Especially requirements set out in Articles 20 and 21 of the Regulation (EC) 1/2005 regarding transport by livestock vessels are often disregarded. Do you think that EU level harmonised and binding standards for the authorisation of vehicles and vessels would be appropriate way to ensure uniform application of the Regulation (EC) 1/2005?</p> <p>2) What is in your opinion necessary to incentivise the Member States to be more rigorous in both certification and approval procedures for vehicles and granting certificates of competence to drivers?</p> <ul style="list-style-type: none"> • Transport of unweaned animals in the EU <p>3) Would you agree that it is impossible to transport unweaned calves in conditions guaranteeing their welfare and with a strict enforcement of Regulation (EC) 1/2005?</p> <p>4) Experience shows that for transport organisers and transporters economic arguments and profit play more important role than welfare of transported animals. Furthermore, cooperation among Member States is missing; especially the lack of notifications between the Member State of destination and the Member State of departure contributes clearly to lack of enforcement of the Regulation. Could you elaborate your opinion on this a bit more?</p> <ul style="list-style-type: none"> • Veterinary controls <p>5) In your experience, is there always an official veterinarian present during loading of animals in the trucks? If not, wouldn't it be a good way to prevent infractions like too much density, lack of headspace, lack of adequate watering system, mistreatment during loading, etc.?</p> <p>6) Do you think it would be possible, economically speaking and regarding human resources, to make controls during loading mandatory?</p> <ul style="list-style-type: none"> • More specific rules on sanctions on the protection of animals in transport in the EU <p>7) Commission has failed to efficiently protect animals in transport and safeguard consistent conditions for the involved parties in all Member States. Would you agree that Regulation (EC) 1/2005 on animal transport must become more specific to avoid vague interpretations and differences between Member States (weaning age, temperature requirements, loading conditions, means of transport, etc)?</p> <p>8) In your experience, what are the main breaches of the Regulation (EC) 1/2005 revealed by controls on long distance transport?</p> <p>9) Regulation (EC) 1/2005 says that fines imposed should be effective, proportionate, and dissuasive, but system of penalties proves to be ineffective and Regulation is regularly breached also within the EU. Do you know if some Member States have better practices than others regarding the sanctions applied?</p> <p>10) Would you agree that more inspectors are needed, both veterinary and road police?</p>

	<p>11) In your opinion, how situation could be improved here? Don't you think we should ask for an EU-wide harmonization of the sanctions?</p> <ul style="list-style-type: none"> • Revision of Regulation (EC) 1/2005 <p>What needs to be changed in the next transport regulation to ensure effective protection to the animals being transported alive?</p>
<p>ANSWERS</p>	<ul style="list-style-type: none"> • Authorisation of vehicles and vessels in the EU <p>1) This depends on the authorisation processes: In any case, it must be a minimum requirement to introduce a uniform, reliable approval process. A Europe-wide uniform approval process for means of transport (including ships), which is developed by corresponding expert teams with the participation of scientists, engineers and competent authorities is necessary. It is scandalous that 54% of the vessels transporting animals from EU ports are licensed in countries (flagged) black-listed in 2015 for poor performance under the Paris Memorandum of understanding i.e., that are considered a high or very high risk in relation to maritime safety. Only 24% of the listed vessels are flagged under the "white-list". Discarded ships that used to transport cars are now repurposed and transporting live animals. The transport of live animals on ships should be banned as animal welfare cannot be guaranteed on ships.</p> <p>Road vehicles, not only in third countries but also within the EU, are also often unsuitable for the transporting animals - especially when transporting unweaned, young animals. The transport vehicles used to transport unweaned calves, for example, do not have facilities for liquid feeding and the drinking devices for watering are not suitable for the calves. Under the current legislative, transports of unweaned animals taking longer than 8 hours are not legal. The calves suffer hunger and thirst for up to 33 hours, which is highly relevant to animal welfare (please see the written answers of ANIT of veterinarian Dr. Alexander Rabitsch for hearing 2 on 1st February 2021). It is important to harmonize approval processes and only approve transport with adequate drinking devices for animals. Certain transport practices need to be banned – such as the transport of unweaned young animals. At present, if a vehicle is registered in one Member State, but an authority in another Member State complains about an infringement due to an unsuitable vehicle, the registration of the vehicle prevails and the complaining authority cannot legally withdraw authorization of the vehicle, because the vehicle was authorized and registered in another Member State that interpreted legislation differently and does not take into account animal welfare the same way.</p> <p>2) It is absolutely necessary that the Member States are called upon by the Commission to act in a harmonised manner through uniform interpretation and uniform dissemination of information on the interpretation. Currently, the clarification of legal uncertainties is often been done on a bilateral basis and only on the basis of specific requests from individual Member States. The Commission has a duty to communicate uniform interpretations to all Member States in the same way. In addition, infringement proceedings for Member States that repeatedly violate legislation are urgently necessary.</p> <ul style="list-style-type: none"> • Transport of unweaned animals in the EU <p>3) Yes. It is impossible to transport unweaned calves in conditions guaranteeing their welfare. Furthermore, not only unweaned calves, but generally unweaned animals should not be transported (including unweaned lambs or goat kittens etc.) It is necessary that animal production in the EU is reduced. Thus, fewer young animals would be born and could be farmed locally instead of transported to other Member States where they are fattened and often later slaughtered in third countries. The export-oriented production must stop. Unweaned</p>

animals should remain on the farm and be allowed to drink from their mothers' udder. Local and decentralised rearing, fattening and slaughter structures should be created in the Member States and supported by the European Commission.

4) As mentioned above Member States interpret existing requirements of the 1/2005 in a differing and unharmonized way. And even within Member States there are differences, depending on the interpretation of single competent authorities. There is no clear interpretation and enforcement strategy from the European Commission. Infringement proceedings are used in the European Union concerning various topics but are widely missing for animal welfare related issues.

- **Veterinary controls**

5) In general, there is no veterinarian present when animals are loaded. Poultry for instance, are commonly loaded during the night, to prevent driving in the heat of the day and to keep the animals calm in dim light. It may be a good step forward to send veterinarians to each loading process. Especially as we know of systematic infringements when loading poultry. Also, when it comes to transports of other animals such as pigs, bovines and ovine, the presence of a veterinarian is called for. Using video cameras during loading processes would also help to make processes more transparent. It is also necessary to train people and to improve the training and use well trained staff only. The whole control mechanism should be structured in an independent way. As long as official veterinarians are still under pressure from the industry and from their supervising authorities, the root cause will not be tackled. Apart from the loading process, the controls are needed on the whole transport route up to the final destination. One example is the control of water tanks, as they often get empty during the journey (pigs tend to fiddle with the drinkers inside the vehicles). The weather forecast must be taken into account during approval processes. Temperature and forecasts must also be checked on the route. Technical equipment such as navigation systems and temperature measurements must be compulsory for all transports, also those under 8 hours, to make the duration and conditions during the journeys controllable. Long distance transport should be banned, and species-specific transport limits should be set in the upcoming revision (0 hours for unweaned animals, 4 hours for poultry and rabbits, 8 hours for ovine, bovine and pigs).

6) Yes, we think controls should be compulsory at loading, but also in regular intervals on the route, at every control post and at every border. The control bodies must be independent, well trained and there is a need of a supervising control of the competent authorities.

- **More specific rules on sanctions on the protection of animals in transport in the EU**

7) I refer to my answer above to Greens/EFA Group

8) I refer to my answer above to Greens/EFA Group

9) We observe that Member States handle sanctions in a very unharmonized way. This is leading to unharmonized enforcement of existing legislation. The necessity to act and take dissuasive measures to stop infringements is more than urgent. But we believe that Member States will only react in a harmonised way if they fear harmonised measures and sanctions from the European Commission, such as infringements proceedings, clear instructions how to interpret legislation, clear instructions what and how to sanction breaches, etc.

10) Yes, we agree on the need for more police and veterinary controls. More policemen, more independent, veterinary control bodies, better trained staff (trained in interpreting existing law, who to inform and where to note and forward irregularities as well as trained in

taking animal welfare measures). Control bodies should change controllers in regular intervals as to keep them independent and not too acquainted with stakeholders involved in the transport.

11) Yes, we should ask for harmonized sanctions. Infringement proceedings are often used by the Commission when it comes to other issues than animal welfare. Such measures are hardly ever used to address animal welfare related violations. It is not understandable why the Commission turns a blind eye when it comes to animal welfare. The European Union states that it cares about animal welfare, and that animals are sentient beings, so actions should show that this principle is respected and upheld.

- **Revision of 1/2005**

FOUR PAWS considers the following changes to be absolutely necessary: a ban of long-distance animal transports, an export ban on live animals to third countries, a maximum transport duration of 8 hours (4 hours for poultry, rabbits and end of career animals), a ban of transports of unweaned animals, a ban of animal transports by sea, a requirement to slaughter animals at the nearest adequate slaughterhouse, no approvals of animal transports by veterinary authorities - where it is already apparent from the transport planning that animal welfare regulations cannot be met, no approvals of animal transports when temperatures are < 5°C or > 25 °C, strengthening controls on live animal transports, more sanctions in case of infringements, transport of meat, carcasses and semen instead of live animals, a reduction of farm animal production numbers, change to local production cycles.

Please also have a look at the Whitepaper of the Eurogroup for Animals for more details.