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## **DRAFT REPORT**

on the implementation of Council Regulation No 1/2005 on the protection of animals during transport within and outside the EU  
(2018/2110(INI))

Committee on Agriculture and Rural Development

Rapporteur: Jörn Dohrmann

Rapporteurs for the opinion (\*):

Karin Kadenbach, Committee on the Environment, Public Health and Food Safety

Keith Taylor, Committee on Transport and Tourism

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on the implementation of Council Regulation No 1/2005 on the protection of animals during transport within and outside the EU (2018/2110(INI))**

*The European Parliament,*

- having regard to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations<sup>1</sup>,
- having regard to Article 13 of the Treaty on the Functioning of the European Union, which stipulates that ‘in formulating and implementing the EU’s policies, the EU and its Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals’,
- having regard to the studies ‘Implementation of Regulation (EC) No 1/2005 (2009-2015), with a focus on data recording’ and ‘Compliance with the technical rules on fitness for transport set out in Annex I to Regulation (EC) No 1/2005 on the protection on animals during transport’, commissioned by the European Parliamentary Research Service and presented at the meeting of 3 December 2018 of the Committee on Agriculture and Rural Development,
- having regard to its resolution of 12 December 2012 on the protection of animals during transport<sup>2</sup>,
- having regard to the scientific opinion of 12 January 2011 of the European Food Safety Authority (EFSA) concerning the welfare of animals during transport<sup>3</sup>,
- having regard to the report from the Commission to the European Parliament and the Council of 10 November 2011 on the impact of Council Regulation (EC) No 1/2005 on the protection of animals during transport (COM(2011)0700),
- having regard to the communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee of 15 February 2012 on the European Union Strategy for the Protection and Welfare of Animals 2012-2015 (COM(2012)0006),
- having regard to its Declaration No 49/2011 of 30 November 2011 on the establishment of a maximum 8-hour journey limit for animals transported in the European Union for the purpose of being slaughtered<sup>4</sup>,
- having regard to the judgment of the Court of Justice of 23 April 2015<sup>5</sup>,

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<sup>1</sup> OJ L 3, 5.1.2005, p. 1.

<sup>2</sup> OJ C 434, 23.12.2015, p. 59.

<sup>3</sup> Official Journal of EFSA 2011:9(1):1966.

<sup>4</sup> Texts adopted, P7\_TA(2012)0096.

<sup>5</sup> Judgment of the Court (fifth chamber) of 23 April 2015, *Zuchtvieh-Export v Stadt Kempten*, C-424/13, ECLI:EU:C:2015:259.

- having regard to the Special report of the European Court of Auditors on Animal Welfare in the EU of 2018,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Transport and Tourism and the Committee on Petitions (A8-0000/2018),
- A. whereas the EU, as laid down in Article 13 of the Treaty on the Functioning of the European Union, considers animals not just as goods or products or possessions, but as sentient beings, meaning that they are capable of feeling pleasure and pain; whereas EU legislation has translated this notion into measures which should ensure that animals are kept and transported under conditions that do not subject them to maltreatment, abuse, pain or suffering;
  - B. whereas every year millions of animals are transported across Member States and to third countries over long distances to be bred or slaughtered;
  - C. whereas transport is stressful for animals as it exposes them to a range of challenges for hours at a time; whereas, as regards trade with third countries, additional animal suffering is caused by very long journeys including long stops at borders for checking documents, vehicles and animals;
  - D. whereas fitness for transportation is a major factor in ensuring animal welfare during transport, as welfare risks during transport are greater for animals which are injured or sick;
  - E. whereas fitness issues are responsible for the largest percentage of infringements, while documentation issues account for the second largest;
  - F. whereas an analysis of Member States' inspection reports reveals huge differences between Member States in terms of the number of inspections, ranging from zero to several million per annum, and the incidence of infringements, ranging from zero to 16.6 %, which suggests that Member States take different approaches to inspections, e.g. random versus risk-based strategies;
  - G. whereas the transport of meat and other animal products is technically easier and ethically more rational than the transport of live animals for the sole purpose of being slaughtered;

### ***Recommendations***

#### *Implementation and enforcement*

1. Deplores the fact that the overall degree of progress in implementation of Regulation (EC) No 1/2005 by the Member States has been insufficient to meet the Regulation's main objective, which is to improve animal welfare during transport;
2. Emphasises that a partial implementation is insufficient to achieve the Regulation's

overarching purpose of avoiding injury to or undue suffering of animals during transport;

3. Stresses that the systematic breach of the Regulation by Member States leads to unfair competition resulting in an uneven playing field between operators in the different Member States;
4. Regrets that the Commission ignored Parliament's resolution of 12 December 2012, and emphasises that stronger and harmonised enforcement with effective and dissuasive penalties is central to improving animal welfare during transport; further regrets that the Commission ignored the call made on it in that resolution to check the Regulation for incompatibilities with legal requirements in individual Member States;
5. Notes that repeated infringements should lead to prosecution, penalties including the confiscation of vehicles, and compulsory retraining of those responsible for the welfare and transport of animals;
6. Recalls the strong enforcement powers given to Member States under the Regulation, including the power to require transporters to establish systems to prevent the recurrence of breaches and to suspend or withdraw a transporter's authorisation;
7. Calls for increased cooperation between competent authorities to strengthen enforcement by using technology to create a real-time feedback loop between the Member State at the point of departure and the Member State at the point of arrival; takes the view that should animals which started out in a good state of fitness arrive in a poor state of fitness, then the exporter company must be immediately penalised;
8. Calls on the Commission to disseminate best practices for the transportation of livestock to Member States; welcomes the cases where governments, scientists, businesses and national competent authorities have worked together to define best practices in order to ensure compliance with the requirements of the legislation;
9. Calls on the Commission to assess the compatibility of Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport<sup>1</sup>, as regards driving time and drivers' rest periods;

#### *Data collection, inspections and monitoring*

10. Deplores the difficulty of carrying out a coherent analysis of the implementation of the Regulation that exists owing to differing approaches to data collection between Member States; calls on the Commission to set common minimum standards for tracing systems regarding all journeys in order to allow better harmonised data collection and assessment of the parameters monitored; calls on Member States to step up their efforts to supply the Commission with harmonised data on transport inspections and infringement levels;
11. Notes that the Commission, according to the 2018 Court of Auditors special report on

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<sup>1</sup> OJ L 102, 11.4.2006, p. 1.

animal welfare in the EU, has recognised that the data reported by Member States is not complete, consistent, reliable or sufficiently detailed to permit drawing conclusions on compliance at EU level;

12. Is concerned at the number of reports of inappropriate vehicles being used to transport live animals by both land and sea, and calls for the monitoring of such practices to be stepped up;
13. Highlights the poor conditions prevailing during maritime transport, and calls on Member States to be more rigorous in their certification and approval procedures for vessels, and to improve their pre-loading checks on animal fitness; calls on the Commission to provide a list of ports with adequate animal inspection facilities;

#### *Journey times*

14. Insists that the journey time for all animals being transported must be as short as possible, in line with recital 5 of Regulation (EC) No 1/2005, which states that ‘for reasons of animal welfare the transport of animals over long journeys ... should be limited as far as possible’;
15. Calls for the reduction of animal journey times, in particular long and very long journey times, by employing alternative strategies, such as economically viable local slaughter facilities, replacing the transport of breeding animals by using semen or embryos, and transportation of carcasses and meat products, as well as by means of legislative initiatives in Member States to facilitate on-farm slaughter;
16. Urges the Commission to support, where needed, the construction of economically viable slaughter facilities within Member States so that animals are slaughtered as close as possible to their place of rearing;
17. Calls on the Commission to develop a strategy to shift from live transport to a meat-and-carcasses-only trade, given the environmental, animal welfare and food safety impact of live animal transport;
18. Encourages the use of contingency plans for all journeys in order to enable the transporter to respond in an effective manner to emergencies and reduce the impact of a delay or accident on the animals;

#### *Animal welfare*

19. Insists that animal welfare legislation should be based on science and the latest technology; deplores the fact that, despite clear recommendations from EFSA and Parliament’s request in its 2012 resolution, the Commission has failed to update the rules on animal transport with the latest scientific evidence; calls on the Commission, therefore, to update the rules on the basis of the latest scientific knowledge and technology, in particular as regards factors including sufficient ventilation and cooling in all vehicles, appropriate drinking systems, particularly for unweaned animals, and specific minimum headroom;
20. Calls on the Commission to develop a full working definition of what constitutes

fitness, and to provide robust training courses to farmers, drivers and veterinarians in order to reduce the high levels of fitness infringement in Member States;

#### *Economic help*

21. Calls for more extensive use of the rural development measure ‘animal welfare payments’, pursuant to Article 33 of Regulation (EU) No 1305/2013<sup>1</sup>, which provides support for high standards of animal welfare going beyond the applicable mandatory standards;
22. Calls for the upcoming CAP reform to maintain and reinforce the link between increased CAP payments and improved animal welfare conditions which fully respect or go beyond the standards set out in Regulation 1/2005;

#### *Third countries*

23. Is concerned at persistent reports of animal welfare problems in third countries; calls on the Commission and Member States to promote a shift towards the transport of meat or carcasses, instead of live animals, to third countries;
24. Calls for consistent and full compliance with the 2015 judgment of the Court of Justice of the European Union in Case C-424/13, in which the Court ruled that, for the transport of animals involving a long journey commencing in EU territory and then continuing outside of it, the transporter, in order to be authorised to depart, must submit a true and accurate travel log for the purpose of verifying compliance with Regulation (EC) No 1/2005;
25. Deplores the fact that the standards practised by third countries are not as high as those within the EU; calls on the Commission to strengthen the existing requirements vis-à-vis the Union’s trading partners, especially regarding trade in animals;
26. Is appalled at reports of extremely long and distressing waiting periods for animals at borders; calls on Member States having borders with third countries to open dedicated express lanes at customs for animals being transported, in order to reduce waiting periods;
27. Calls on the Commission to increase cooperation and communication between the competent authorities in all Member States and in third countries in order to reduce animal welfare problems related to poor administration;
28. Calls on Member States and the Commission to pay particular attention to animal welfare infringements during maritime journeys to third countries;
29. Stresses that unless animal transport standards in third countries are aligned with those of the EU, live animal transport journeys to third countries should be forbidden;
30. Instructs its President to forward this resolution to the Council and the Commission, the European Court of Auditors, the European Food Safety Authority, and the governments

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<sup>1</sup> OJ L 347, 20.12.2013, p. 347.

and parliaments of the Member States.



# EXPLANATORY STATEMENT

## Introduction

This report provides information regarding the state of implementation of Regulation (EC) No 1/2005 that regulates the protection and welfare of animals during transport. Several policy recommendations are formulated, aimed at improving its implementation, which is still insufficient and greatly differs between Member States.

## Key findings<sup>1</sup>

### 1. Insufficient implementation

#### 1.1. Incomplete, inconsistent and unreliable data to analyse implementation

Approaches to data collection between Member States differ so widely that it is difficult to carry out a coherent analysis of the implementation of the Regulation. Furthermore, as the 2018 Court of Auditors special report on animal welfare in the EU points out, the Commission has recognised that the data reported by Member States is not complete, consistent, reliable or sufficiently detailed to draw conclusions on compliance at EU level<sup>2</sup>.

TRACES (the EU online platform used to monitor intra-EU long distance, cross-border movements of animals) contains information and reporting tools that the authorities could use to target inspections of animal transports. The Court of Auditors, as indicated in its special report, has found that Member State authorities responsible for transport inspections have rarely used information from TRACES to target inspections.

Besides, recording of compliance with fitness guidelines across Member States has only recently started to result in analysable data (only data for 2014 and 2015, and recently 2016, have yet been made public), so that there is a lack of public data and good indicators for the development of animal welfare during transport of live animals. It is namely striking that, as an analysis of Member States' inspection reports reveals, there are huge differences between Member States in terms of the number of inspections, which range from zero (!) to several million (!) per annum, and the incidence of infringements ranging from zero to 16,6%. This suggests that Member States take different approaches to inspections, e.g. random versus risk-based strategies.

There is an obvious need for common minimum standards to allow for a more harmonised data collection and assessment of the monitored parameters.

#### 1.2. Long and very long journeys are increasing

Every year millions of animals are transported across Member States and to third countries

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<sup>1</sup> The findings are based, in particular, on two studies commissioned by Parliament's European Parliamentary Research Service. They are entitled as follows: 'Implementation of Regulation (EC) No 1/2005 (2009-2015), with a focus on data recording' and 'Compliance with the technical rules on fitness for transport set out in Annex I to Regulation (EC) No 1/2005 on the protection on animals during transport'.

<sup>2</sup> Report from the Commission to the European Parliament and the Council on the implementation of Council Directive 98/58/EC concerning the protection of animals kept for farming purposes (COM(2016) 558 final of 8.9.2016) and minutes of the national Contact Point meetings for animal welfare during transport.

over long distances to be bred or slaughtered. Transport is stressful for animals as it exposes them to a range of challenges for several hours, which may include reduced space allowances, temperature changes, limitations to food and water and vehicle motion. Hazards during transportation include a range of issues such as quality of driving, presence of adequate equipment and unexpected changes in road or weather conditions, and it is therefore possible that animals, which have been certified fit for transport at the place of departure, fall ill or are injured during transportation. Nevertheless, it has been established that checks of the animals before and after the journey are far more prevalent than checks during transport. Most checks are at the slaughterhouses and concern mostly short distance transports.

The rapporteur is concerned at the appalling number of reports of inappropriate vehicles being used to transport live animals both on land and at sea. Particularly, as regards trade with third countries, additional animal suffering is caused by very long journeys including long stops at the border for checking documents, vehicles and animals. Poor conditions during maritime transport are a further cause of concern. Member States should be more rigorous in certification and approval procedures for vessels and improve the checks on animal fitness before loading. The rapporteur also takes the view that the Commission should provide a list of ports with adequate animal inspection facilities.

Additionally, there is a need for contingency plans for all journeys in order for the transporter to respond in an effective manner to emergencies and reduce the impact of a delay or accident on the animals.

## **2. Stronger and harmonised enforcement is required**

### **2.1. Effective and dissuasive penalties**

Stronger and harmonised enforcement with effective and dissuasive penalties is central to improving animal welfare during transport. Regrettably, as regards the system of penalties, it appears that the Commission has ignored Parliament's resolution of 12 December 2012. The Commission has also ignored the call to check the Regulation for incompatibilities with legal requirements in individual Member States.

For the implementation of the Regulation to improve, repeated infringements should lead to prosecution, penalties including the confiscation of vehicles, and compulsory retraining of those responsible for the welfare and transport of animals.

It is recalled that the Regulation gives strong enforcement powers to Member States, including the power to require transporters to establish systems to prevent the recurrence of breaches and to suspend or withdraw a transporter's authorisation.

### **2.2. Use latest technology to check journey logs**

Competent authorities should cooperate to strengthen enforcement through the use of technology. Namely, technology could help them to create a real-time feedback loop between the Member State at the point of departure and documentation and the Member State at the point of arrival. In the case where animals in a good state of fitness arrive in a poor state of fitness, the exporter company must be immediately penalised.

## **3. Update regulation in line with latest scientific knowledge and technology**

Animal welfare legislation should be based on science and the latest technology. Regrettably, the Commission, despite clear recommendations from EFSA and Parliament's request in its resolution adopted in 2012, has failed to update the rules on animal transport with the latest scientific evidence. The Commission should update those rules as soon as possible, particularly, as regards to sufficient ventilation and cooling in all vehicles, appropriate drinking systems, particularly for unweaned animals, as well as specific minimum headroom.

### **3.1. Define what constitutes fitness**

Using fitness at loading as a selection criteria is a major factor in assuring animal welfare during transport, as welfare risks during transport are greater for animals which are injured or sick. It is essential that all animals are checked before loading to determine fitness for transportation, and that unfit animals are cared for at the place of origin. The audits by the Commission between 2007-2017 in several Member States almost always refer to non-compliance with the rules on fitness. The issue of fitness is responsible for the largest percentage of infringements (with documentation being the second largest). Moreover, as already mentioned, recording of compliance with fitness guidelines across Member States has only recently started to result in analysable data, so that there is a lack of public data and good indicators.

The Commission should develop a full working definition of what constitutes fitness and provide robust training courses to farmers, drivers and veterinarians in order to reduce the high levels of fitness infringements in Member States.

## **4. Economic Help**

The CAP links farm payments to minimum levels of animal welfare, while rural development policy encourages farmers to pursue higher standards; namely, Article 33 of Regulation (EU) No 1305/2013 provides for the Rural Development measure 'animal welfare payments' which provides support for high standards of animal welfare going beyond the applicable mandatory standards. However, the Court of Auditors, in its 2018 special report, points out that this measure has not been used extensively enough in the different Member States. In fact, ten Member States have not used it at all.

The upcoming CAP reform should maintain and step reinforce the link between CAP payments and improved animal welfare conditions which fully respect or go beyond the standards set out in Regulation 1/2005.

## **5. Reducing animal journey times**

It is recalled that recital 5 of Regulation (EC) No 1/2005 states that 'for reasons of animal welfare the transport of animals over long journeys ... should be limited as far as possible'.

### **5.1. Alternative strategies to live animal transport**

As a general approach, animal journey times should be reduced as far as possible, in particular long and very long journey times. This can be best achieved through alternative strategies, such as economically viable local slaughter facilities, replacing the transport of breeding animals by using semen or embryos, transportation of carcasses and meat products, as well as legislative initiatives in Member States to facilitate on-farm slaughter.

It should be born in mind that the transport of meat and other animal products is technically easier and ethically more rational than the transport of live animals for the sole purpose of being slaughtered. In light of this, the Commission should support, where needed, the construction of economically viable slaughter facilities within Member States in order to slaughter animals as close as possible to their place of rearing. A strategy should be developed to shift from live transport to a meat and carcasses only trade, considering the environmental, animal welfare and food safety impact of live animal transport.

## **5.2. Align third country animal transport standards with the EU**

Given that the standards practised by third countries are not as high as those within the EU, the Commission should strengthen the existing requirements vis-à-vis the Union's trading partners, especially regarding trade in animals. There is also a need for increased cooperation and communication between the competent authorities in all Member States and those in third countries in order to reduce animal welfare problems related to poor administration.

Reports of extremely long and distressing waiting periods for animals at borders are appalling. To improve this situation, it is suggested that Member States with borders to third countries should open dedicated express lanes at customs for animals being transported in order to reduce waiting periods. Moreover, Member States and the Commission should pay particular attention to animal welfare infringements during maritime journeys to third countries.

There should be a consistent and full compliance with the judgment of the Court of Justice of the European Union in Case C-424/13. The Court ruled that, for the transport of animals involving a long journey commencing in EU territory and then continuing outside of it, the transporter in order to be authorised to depart must submit a true and accurate travel log for the purpose of verifying compliance with Regulation (EC) No 1/2005.

The rapporteur takes the view that, unless animal transport standards in third countries are aligned with those of the EU, live animal transport journeys to third countries should be forbidden.

### **Conclusions and recommendations**

The rapporteur is of the view that the following key policy recommendations should be put in place:

- Animal journey times should be reduced as far as possible, in particular long and very long journey times; this can be best achieved through a range of alternative strategies, such as economically viable local slaughter facilities, replacing the transport of breeding animals by using semen or embryos, as well as transportation of carcasses and meat;
- It is recommended that the Commission should update the rules based on the latest scientific knowledge and technology;
- The Commission should develop a full working definition of what constitutes fitness and provide training courses to farmers, drivers and veterinarians in order to reduce the high levels of fitness infringements;

- The upcoming CAP reform should maintain and step reinforce the link between CAP payments and improved animal welfare conditions which fully respect or go beyond the standards set out in Regulation 1/2005;
- It is recommended that, unless animal transport standards in third countries are aligned with those of the EU, live animal transport journeys to third countries should be forbidden.

