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DRAFT REPORT

on the investigation of alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union
(2020/2269(INI))

Committee of Inquiry on the Protection of Animals during Transport

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on the investigation of alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union (2020/2269(INI))

The Committee of Inquiry on the Protection of Animals during Transport within and outside the Union,

- having regard to Article 226 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament’s right of inquiry¹,
- having regard to its decision of 19 June 2020 on setting up a committee of inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union, and defining its responsibilities, numerical strength and term of office²,
- having regard to Article 4(3) of the Treaty on European Union (TEU), which stipulates that ‘pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties’,
- having regard to Article 17(1) of the TEU, which stipulates that the Commission ‘shall oversee the application of Union law under the control of the Court of Justice of the European Union’,
- having regard to Article 13 of the TFEU,
- having regard to Article 258 of the TFEU,
- having regard to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97³,
- having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products⁴,

¹ OJ L 113, 19.5.1995, p. 1.

² Texts adopted, P9_TA(2020)0163.

³ OJ L 3, 5.1.2005, p. 1.

⁴ OJ L 95, 7.4.2017, p. 1.

- having regard to the European Food Safety Authority (EFSA) scientific opinion⁵ of 2 December 2010 concerning the welfare of animals during transport,
- having regard to the judgment of the Court of Justice of the European Union of 23 April 2015 in Case C-424/13⁶,
- having regard to the European Court of Auditors Special Report No 31/2018 on animal welfare in the EU⁷,
- having regard to its resolution of 14 February 2019 on the implementation of Council Regulation (EC) No 1/2005 on the protection of animals during transport within and outside the EU⁸,
- having regard to the Council conclusions of 16 December 2019 on animal welfare⁹,
- having regard to the Council report¹⁰ of 22 April 2021 with the outcome of the questionnaire to contribute to the planned evaluation and revision of Regulation (EC) No 1/2005 on the protection of animals during transport as regards long distance transport to third countries,
- having regard to the Commission overview report on welfare of animals exported by road¹¹,
- having regard to the Commission overview report on welfare of animals exported by sea¹²,
- having regard to the Commission overview report on systems to prevent the transport of unfit animals in the EU¹³,
- having regard to the Commission communication of 18 February 2021 entitled ‘Trade Policy Review – An Open, Sustainable and Assertive Trade Policy’ (COM(2021)0066),
- having regard to the Commission communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’ (COM(2020)0381),
- having regard to the Commission report of 26 January 2018 on the impact of animal welfare international activities on the competitiveness of European livestock producers in a globalized world (COM(2018)0042),
- having regard to the EU trade strategy ‘Trade4All’ of 14 October 2015 and the Union’s

⁵ <https://www.efsa.europa.eu/fr/efsajournal/pub/1966>

⁶ Judgment of 23 April 2015, *Zuchtvieh-Export GmbH v Stadt Kempten*, C-424/13, ECLI:EU:C:2015:259.

⁷ European Court of Auditors Special Report No 31/2018 of 14 November 2018 entitled ‘Animal welfare in the EU: Closing the gap between ambitious goals and practical implementation’.

⁸ OJ C 449, 23.12.2020, p. 157.

⁹ Council conclusions on animal welfare - an integral part of sustainable animal production (16 December 2019).

¹⁰ <https://data.consilium.europa.eu/doc/document/ST-7780-2021-INIT/en/pdf>

¹¹ Ref. Ares(2020)617395 – 31/01/2020.

¹² Ref. Ares(2020)2217898 – 24/04/2020.

¹³ Ref. Ares(2016)4171631 – 05/08/2016.

trade values contained therein,

- having regard to Rule 208 of its Rules of Procedure,
 - having regard to the final report of the Committee of Inquiry on the Protection of Animals during Transport within and outside the Union (A9-XXXX/2021),
- A. whereas Article 226 of the TFEU provides a legal basis for the establishment by Parliament of a temporary Committee of Inquiry to investigate alleged contraventions or maladministration in the implementation of Union law, without prejudice to the jurisdiction of national or Union courts, and whereas this constitutes an important element of Parliament’s supervisory powers;
- B. whereas, on the basis of a proposal by the Conference of Presidents, Parliament decided on 19 June 2020 to set up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union;
- C. whereas a contravention implies the existence of illegal conduct, namely an action or omission in breach of the law, on the part of Union institutions or bodies or Member States when implementing Union law;
- D. whereas maladministration means poor or failed administration that occurs, for example, if an institution fails to respect the principles of good administration, and whereas examples of maladministration include administrative irregularities and omissions, abuse of power, unfairness, malfunction or incompetence, discrimination, avoidable delays, refusal to provide information, negligence, and other shortcomings that reflect a malfunctioning in the application of Union law in any area covered by such law;
- E. whereas the Committee of Inquiry started work on 23 September 2020, setting out the methodology for its work consisting of public hearings, consultations of experts, requests for data, evidence and research;
- F. whereas Article 13 of the TFEU states that ‘in formulating and implementing the Union’s agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage’;
- G. whereas Article 3 of Regulation (EC) No 1/2005 clearly states that ‘no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them’;
- H. whereas the judgement of the Court of Justice of the European Union of 23 April 2015 ruled that in order for a transport operation in the framework of Regulation (EC) No 1/2005 to be authorised by the competent authority of the place of departure, the organiser of the journey must submit a realistic journey log which indicates that the provisions of the regulation will be complied with, including for the stages of the

journey taking place outside the EU;

- I. whereas a number of reasons exist for the movement of live animals, including marketing, fattening, slaughter, rearing and breeding;
- J. whereas every year millions of animals are transported over long distances within and between Member States and to third countries;
- K. whereas the value of the intra-EU trade in live animals was EUR 8.6 billion in 2018, with bovine animals, pigs and poultry having the highest values; whereas the export of live animals represents around EUR 1.6 billion and provides around 60 000 direct jobs and 300 000 indirect jobs, especially in rural areas¹⁴;

has adopted the following conclusions:

- 1. Emphasises that transport is stressful for animals and can have a potential impact on their health and welfare;
- 2. Recalls that in the Council conclusions of 16 December 2019 on animal welfare, all Member States recognised the challenges that long-distance transport implies for animal welfare, the shortcomings and inconsistencies in enforcing the rules and the need for better rule enforcement, as well as the need to review and update the current legislation;
- 3. Recalls that the Commission, in its 2011 report on the impact of Regulation (EC) No 1/2005, identified the enforcement of the regulation as a major challenge, partly because of differences in the interpretation of the requirements and partly because of the lack of controls by the Member States;
- 4. Considers that Regulation (EC) No 1/2005 does not fully take into account the different transport needs of animals, according to species, age, size and physical condition, or specific feeding and watering requirements;
- 5. Concludes that many of the problems in animal transport originate from unclear requirements and the lack of clear definitions in the current regulation, leaving room for uneven application of the rules and for increased risks for animals, and for unfair competition among operators in the sector, leaving companies which abide by the rules facing unfair competition from those which do not;
- 6. Welcomes the fact that the Commission has mandated EFSA to assess the most recent scientific information available on the welfare of the main farm species during transport and on risks to their well-being;

Enforcement of Regulation (EC) No 1/2005

- 7. Calls attention to the numerous reports and information from citizens, NGOs and audit reports on animal welfare problems during transport and non-compliance with the regulation, in particular concerning long journeys and transport to third countries, compromising the European Union's obligation to ensure the protection of animal

¹⁴ At a Glance – 'EU trade and transport of live animals', European Parliament, Directorate-General for Parliamentary Research, Members' Research Service, 7 February 2020.

welfare during transport;

8. Takes good note of the information provided by NGOs regarding the complaints lodged with the Commission on the alleged failure to comply with Regulation (EC) No 1/2005; takes note of their conclusions of systematic breaches of the regulation;
9. Acknowledges the letters sent by the Commission, in the framework of the Farm to Fork strategy, asking Member States to ensure immediate and full compliance with EU requirements, including on animal welfare during transport, and expressing its determination to take legal action in the event of systematic non-compliance; notes that no infringements proceedings have been opened by the Commission against any Member State;
10. Notes that the most frequently documented violations are linked to the lack of headroom, animals being unfit for transport, overcrowding, transport during extreme temperatures and journey duration;
11. Points out that the space allowances as defined in the regulation create room for different interpretations by the competent authorities and transporters, in particular when adaptations are needed to take account of meteorological conditions and journey times; stresses that overcrowding is particularly harmful for animals when combined with inadequate ventilation;
12. Recognises that unclear requirements for headroom often lead to situations where animals are not able to stand in their natural position, undermining the objective of protecting animals during transport;
13. Recognises that faults have been reported in the loading of animals without observing the requirements for their separation in accordance with age, size and whether they have horns;
14. Takes note of several reports of incorrect handling during animal loading and unloading, causing unnecessary stress and suffering; stresses that proper animal handling results in shorter loading and unloading times, reduced weight loss, fewer injuries and wounds and, ultimately, better meat quality;
15. Finds that inadequate partitions in road vehicles constitute a common violation of the Animal Transport Regulation and have the potential to cause injuries to animals;
16. Stresses that according to Regulation (EC) No 1/2005, the farmer, the driver and transport companies share equal responsibility for assessing whether animals are fit for transport; notes that the most common breaches in this respect concern the transport of pregnant animals, animals more than 90 % of the way through gestation, which sometimes give birth on board, downers (with physiological weakness and/or wounds or a pathological condition), and animals with wounds or prolapses;

Authorisation procedures and approval of means of transport

17. Is very concerned about the number of reports of inappropriate vehicles being used to transport live animals, whether by land or by sea, and recognises the major differences

between the Member States in interpreting and enforcing the regulation, as far as the approval of the means of transport is concerned;

18. Points out with concern that the inspection and certification procedures for livestock vessels are not harmonised and lack mandatory inspection criteria, which is aggravated by the fact that the results of these procedures are not communicated between Member States, leading to the real possibility of a vessel that has been rejected in one Member State being approved in another; notes that there is evidence that the authorities in some Member States have approved and/or permitted the use of vessels which do not comply with the EU rules on animal welfare;
19. Takes note of the Commission's findings that, with some exceptions, the systems in place for livestock vessel approval are insufficient to minimise the risks, mainly because the majority of the competent authorities inspecting livestock vessels do not have adequate procedures, or access to specific technical expertise, to verify vessels' systems for water pumps, ventilation and drainage, all of which are critical for animal welfare during a journey on a livestock vessel;
20. Welcomes the Commission's intention to develop, together with the European Maritime Safety Agency, a European Union database of inspections of sea vessels, aimed at establishing a common register of checks to allow all Member States to see all the previous checks performed on a vessel and their results;
21. Acknowledges the existence, in general, of well-developed national guidelines for the approval of livestock vehicles for road transport, but regrets that they are not always followed during the approval procedures;
22. Agrees that the weaknesses related to the approval of road transport vehicles can be linked to certificate templates being too general and not designed on a species and age-specific basis, thereby affecting the quality of inspection procedures by not providing enough detailed information;
23. Acknowledges that some road transport vehicles are not structurally appropriate and do not guarantee safety and comfort to the transported animals; notes that new and innovative solutions for watering and feeding systems, as well as solutions to better accommodate live animals during long journeys, are still lacking;
24. Notes that in a high number of vehicles, drinking facilities are not adapted to the specific drinking behaviour or size of the transported animals: are out of reach for the animals or are not available in sufficient number or with adequate distribution; regrets the fact that the current Regulation (EC) No 1/2005 does not give precise indications about the type or required number of watering devices inside the transport vehicle;
25. Notes that the vehicles used for transporting animals inside and outside the Union are often not equipped with air cooling systems; highlights that though air ventilation systems move the air through the animal compartment, the temperature inside the vehicle will nevertheless mainly reflect the external temperature, in particular when the vehicle is stationary;
26. Recalls that, while under the current legislation, the submission of contingency plans in

the event of emergencies is a legal requirement to obtain transporter authorisations for long journeys, this is not the case for each journey and the possible specific needs thereof; observes with concern that few competent authorities, road transporters and transport organisers have feasible contingency plans to respond to emergency situations;

27. Draws attention to the fact that, under the current framework, the certificate of competence for the drivers and attendants of the means of transport can be valid for life, without any mandatory requirement set at European level for refresher courses and skills updates;
28. Recognises that training and education are essential to safeguarding the welfare of animals during transport, to guaranteeing that transport operators are well-prepared for activating contingency planning and ensuring that species-specific requirements are properly met; recognises that the workers responsible for the handling of animals in the ports, in particular, do not always receive appropriate training;

Controls and data collection and exchange

29. Recalls that the Official Controls Regulation (EU) No 2017/625 will replace, as of 15 December 2022, several provisions of Regulation (EC) No 1/2005, namely on checks on long journeys, training of the competent authorities' staff, checks at exit points, emergency measures in the case of non-compliance, mutual assistance and exchange of information, infringements and on-the-spot checks by the Commission;
30. Recalls that according to the Court of Auditors report from 2018, most of the national authorities did not use the information available in the Trade Control and Expert System (TRACES) to target their inspections and/or audits, in part due to existing user access restrictions; recognises that a better use of the TRACES system for the performance of retrospective checks should be ensured;
31. Takes note of the modifications to TRACES in place since January 2020, allowing Member States to see all journeys of the transports they have authorised and all journeys stopping at control posts located in their country;
32. Notes that further improvements to data collection systems and to TRACES can be made in the current legislative framework, to help harmonise procedures between Member States' competent authorities;
33. Expresses concern that the Member States are not required to record data on the transport of animals directly exported from their territories to outside the EU in TRACES;
34. Is aware that, despite the high level of non-compliance during animal transport, reporting of infringements between the Member States is poor and that effective and dissuasive sanctions against those who violate the regulation are lacking;
35. Highlights the complexity of the reporting systems, involving several entities at local and national level in each Member State; is aware that this results in communication difficulties between central, regional and local authorities, and among Member States;

36. Points out that Member States are solely responsible for creating sanction systems, which ultimately leaves each of them to define their own administrative and sanctioning procedures, as well as the level of penalties for infringements in the event of animal welfare violations during transport, thereby resulting in very different systems all across the EU;
37. Is aware that there are insufficient checks in some Member States, in particular road checks and retrospective checks;
38. Recognises the difficulties for competent authorities in performing checks and in collecting data, particularly on end-of-the journey log information and satellite navigation system data, which create difficulties when assessing journeys and performing retrospective checks, as well as for imposing sanctions on transporters from other Member States; recognises that this is due in part to the current system of paper journey logs and the lack of agreed standards for satellite navigation systems;
39. Notes the Commission's view that new technological advances in geolocation, electronic journey logs and tracing can allow for more data collection and analysis, thereby helping to improve risk analysis, targeted controls and inspections;

Journey times and resting periods

40. Recalls that, according to Article 3 of Regulation (EC) No 1/2005, all necessary arrangements shall be made in advance to minimise the length of the journey and meet the animals' needs during the journey;
41. Regrets the fact that, in spite of the mandatory use of control post facilities for unloading, watering, feeding and resting of animals during long journeys, the drivers of the vehicles do not always stop in keeping with the requirements of the regulation, as has been reported on various occasions;
42. Recalls that the current Regulation (EC) No 1/2005 does not give precise indications about the amount and the type of bedding to be made available for livestock; stresses that dirty or insufficient bedding exposes animals to the risk of injuries, cold and lack of physical comfort when lying down, and contributes to negative health conditions;
43. Takes note of the indications that many competent authorities often approve and stamp journey logs with unrealistically short estimated journey times;

Temperature during transport

44. Points out that exposure to temperatures outside the optimal range, and, in particular, to high temperatures, is one of the main causes of animal welfare problems and suffering during transport;
45. Notes that Regulation (EC) No 1/2005 only contains a general provision on temperature, lacking indications about the temperature-humidity index and about species- and age-specific optimal temperature ranges;
46. Recalls that the means of transport by road for long journeys must be fitted with a

temperature monitoring and recording system, as well as with a means of recording such data; regrets the lack of mandatory requirements for such systems in livestock vessels;

Fitness for transport and animals with special needs

47. Regrets the fact that in spite of provisions in the current regulation prohibiting the transport of animals considered not fit for transport, the Commission has stated that this is still a common occurrence in the EU¹⁵;
48. Stresses the vulnerability of unweaned animals and that the current minimum age for the transport of calves is too low; highlights that, according to various experts and the former sub-group of the EU Animal Platform on Animal Welfare, more scientific evidence is needed to support good practices in the long-distance transport of unweaned animals and that the current provisions of Regulation (EC) No 1/2005 are not adapted to the needs of these animals;
49. Recalls that, according to the regulation, watering devices shall function properly and be appropriately designed and positioned for the different categories of animals (size and species) to be watered on board the vehicle;
50. Recalls the Commission's recommendations from 2009 to the competent authorities to ensure that unweaned animals are offered electrolytes or milk substitutes during the resting period and pointing out that metal nipples should not be considered suitable for unweaned calves; notes that feeding unweaned animals during their journey in lorries is technically impracticable and that other innovative solutions are needed;

Specific provisions on transport by sea

51. Highlights that, where proper infrastructure is lacking, the high number of animals moving quickly and simultaneously from trucks to vessels hinders the adequate inspection of individual animals; stresses that many ports of export are not equipped with housing facilities where animals can be unloaded and rest, particularly in the event of delays;
52. Stresses the lack of clarity of the provisions in the Animal Transport Regulation on the identification of the organiser and the transporter on the sea journey leg, particularly when the operation involves several consignments with different origins;
53. Considers that the presence of a veterinarian for the leg of the journey at sea to provide support for sick or injured animals on vessels constitutes good practice;

Transport of live animals to third countries

54. Welcomes the Commission's efforts to promote EU standards internationally, in the framework of the World Organisation for Animal Health (OIE); considers that the rules on the well-being of animals in third countries provide a lower level of protection than the EU standards and regrets the fact that OIE standards are not sufficiently applied in

¹⁵ Commission overview report on systems to prevent the transport of unfit animals in the EU.

third countries;

55. Notes that once livestock crosses the EU border, respect for animal welfare standards may be difficult to guarantee, both en route and on arrival, as third countries are not bound by EU legislation; recalls the judgement of the Court of Justice of the European Union, which states that EU welfare rules are binding until the final place of destination in third countries;
56. Highlights the outcome of the 2021 Council questionnaire on the long-distance transport of animals to third countries, pointing out that extreme temperatures, the lack of information on resting points, delays at borders and the lack of communication between Member States and third countries represent the more challenging aspects in terms of enforcing the rules;
57. Stresses that inadequate journey planning in terms of administrative procedures, and lack of coordination with border posts, as well as an excessive bureaucratic burden, can create a cascade of delays at borders and ports, when a large number of trucks arrive at the port and all livestock needs to be loaded on board a single vessel;
58. Takes note of the lack of communication and cooperation between Member States' competent authorities and those of third countries, in particular on mutual assistance and information sharing, often resulting in increased waiting times and cases of non-compliance;
59. Agrees with the Commission that the presence of a qualified veterinarian during loading for long journeys to non-EU countries constitutes good practice¹⁶;
60. Warns that, in the event of traffic jams when crossing the EU border, no specific priority lane is available for livestock transport, contributing to delays at the border and longer transport times for animals, with a negative impact on their well-being;
61. Points out the lack of an EU-level system to verify and ensure the existence of control posts in third countries and that these control posts comply with the rules, as well as the lack of an official EU list of resting posts outside the EU;
62. Notes that the competent authorities do not receive regular feedback from transport companies regarding the data recorded by livestock vehicle devices when they are outside the EU, and is aware that many transporters do not comply with the applicable EU rules after leaving the Union;
63. Recognises that currently third countries' authorities, transporters or ships' masters do not provide routine feedback on the condition of animals during the sea leg of their journey, or on the condition in which they arrive at destination.

¹⁶ Final report of an audit carried out in the Netherlands from 20 February 2017 to 24 February 2017 in order to evaluate animal welfare during transport to non-EU countries, European Commission, Directorate-General for Health and Food Safety, 2017.