



2018/2110(INI)

13.12.2018

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Agriculture and Rural Development

Implementation report as regards Regulation (EC) No 1/2005 on the protection of animals during transport within and outside the EU
(2018/2110(INI))

Rapporteur (*): Karin Kadenbach

(*): Associated committee – Rule 54 of the Rules of Procedure

PA_NonLeg

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Notes that each year millions of animals are transported live for slaughter or breeding within the EU and from the EU to third countries; considers that, where correctly implemented and enforced, Regulation (EC) No 1/2005¹ has a positive impact on the welfare of animals during transport; welcomes the Commission's guidelines on the subject, but regrets that they and some of the actions planned by the Commission were delayed by up to five years²; notes that severe problems with transport still persist and that enforcement of the regulation would appear to be the primary concern of those involved in its implementation;
2. Regrets that a number of issues related to Regulation (EC) No 1/2005 are yet to be solved, including overcrowding, insufficient headroom, failure to provide the required rest stops, food and water, inadequate ventilation and watering devices, transport in extreme heat, transport of unfit animals, transport of unweaned calves, the need to ascertain the pregnancy status of live animals, the extent to which the journey logs are checked, the infringement-enforcement-penalty relationship, the 'mixed' impact of training, education and certification, and insufficient bedding, as also identified by the European Court of Auditors in Special Report No 31/2018³ and non-governmental organisations in complaints lodged with the Commission; calls for improvement in the abovementioned areas;
3. Calls on Member States and transporters to substantially improve the enforcement of and compliance with Regulation (EC) No 1/2005 and urges the Commission to launch infringement procedures against the Member States found to be non-compliant, in order to preserve animal welfare and ensure fair competition;
4. Agrees with the Commission that it is good practice for competent authorities to inspect all consignments destined for non-EU countries at loading stage⁴; believes that a proportion of intra-EU consignments should also be inspected at loading stage; notes that competent authorities should check at loading stage that the regulation's requirements on floor space and headroom are being respected, that the ventilation and water systems are operating properly, that the drinking devices are working properly and are appropriate to the species being carried, that no unfit animals are loaded, and that sufficient feed and bedding are being carried;

¹ 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 1255/97 (OJ 3, 5.1.2005, p. 1).

² 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'.

³ 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'.

⁴ '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.

5. Is concerned about the fact that the loading of animals onto livestock vessels is often carried out roughly; calls on competent authorities to carry out thorough pre-loading inspection of animals to ensure that they are fit to continue their journey and to check that loading operations are carried out in compliance with Article 20 of Regulation (EC) No 1/2005, without rough handling and regular use of sticks and electric prods; calls on competent authorities not to approve journey logs at ports that do not use facilities enabling proper pre-loading inspection of animals;
6. Stresses that the suffering of animals during transport is causing great social concern and outrage; notes that, on 21 September 2017, the Commission received over 1 million signatures in support of the #StopTheTrucks campaign, in which European citizens call for an end to long-distance transport;
7. Takes the view that the shortcomings in the implementation of Regulation (EC) No 1/2005 are a clear example of the need to do more to prevent serious incidents that have a significant impact on animal welfare and prosecute those who break the law;
8. Calls on the Commission to revise Regulation (EC) No 1/2005, in line with Recital 11 thereof, to align it with current scientific knowledge;
9. Recalls the numerous parliamentary questions, letters and complaints sent by MEPs to the Commission, highlighting the systematic infringements of the regulation and condemning the unacceptable conditions of stress, pain, anguish and suffering of live animals transported within the Union and to third countries;
10. Regrets the infringements of the regulation that concern the failure to properly apply the rules concerning unweaned animals, such as calves, lambs, kids, piglets and foals that are still on a milk diet, and calls for the introduction of more detailed measures to ensure that the welfare of these animals is fully protected when they are being transported;
11. Insists that the transport time of animals be limited to eight hours, including loading time and taking into account species-specific veterinary advice, irrespective of whether this takes place on land, at sea, or by air; believes that unweaned animals should not be transported on journeys longer than four hours;
12. Deplores the fact that, despite clear recommendations from the European Food Safety Authority (EFSA), parts of the regulation are not in line with current scientific knowledge on animal welfare, as is required by the regulation itself; calls, therefore, for updated and improved rules on:
 - ventilation and cooling in all vehicles/vessels,
 - appropriate drinking systems, particularly for unweaned animals,
 - transport of unfit animals,
 - increased minimum headroom,
 - reduced stocking densities;
13. Stresses that, in accordance with Regulation (EC) No 1/2005, animals being transported

over long distances must be offered water, feed and rest at suitable intervals and appropriate to their species and age; urges the Commission to monitor more effectively full and harmonised compliance with these legal requirements by all Member States;

14. Deplores the often lengthy delays at borders, where a lack of rest, water and veterinary care facilities can also result in increased animal health and welfare problems, including suffering and fatalities; calls on the Member States to ensure that organisers plan their journeys better and stresses the need to improve communication among the national authorities of different Member States in order to prevent the concentration of trucks transporting animals at the borders;
15. Notes that enforcement is particularly difficult when a journey passes through several Member States and when different Member States are responsible for approving the journey log, granting authorisation to the transporter and a certificate of competence to the driver; calls on all those Member States that discover breaches to notify the other Member States involved at the earliest opportunity; notes that Article 26 of Regulation (EC) No 1/2005 gives Member States strong enforcement powers, including the power to suspend or withdraw a transporter's authorisation in the case of serious breaches, requiring the transporter concerned to establish systems to prevent recurrence of the breach and subjecting the transporter to extra checks, such as the presence of a veterinarian when animals are loaded; is concerned that in many Member States, these powers are not used properly and their use is not monitored; calls on the Member States notified of breaches to take appropriate action in a timely manner to prevent their recurrence;
16. Regrets that the total number of checks carried out by national competent authorities pursuant to Regulation (EC) No 1/2005 has fallen, despite the number of consignments in the EU containing live animals having increased¹; calls on the Member States to significantly increase the minimum number of controls for live animal transport to ensure the welfare of animals;
17. Is concerned about transport conditions in third countries; calls on the Member States and transporters to strictly abide by the Court of Justice's ruling which concluded that Regulation (EC) No 1/2005 also applies to cases of exports to non-EU countries² until they reach their final destination; calls on the Member States to carry out further controls at EU exit points to check that every animal is fit to continue their journey beyond EU borders;
18. Calls on the Commission to ensure that Member States increase and tighten official checks of live transport and report the findings in a detailed and transparent way; urges the Commission to this end to make TRACES publicly available;
19. Highlights the importance of training, education and competence certification for drivers to improve animal welfare during transport; calls on Member States, with the help of the Commission, to ensure the existence of suitable and harmonised training for the operators

¹ Study – 'Regulation (EC) No 1/2005 on the protection of animals during transport and related operations – European Implementation Assessment', European Parliamentary Research Service (EPRS), 2018, p. 31.

² Judgment of the Court of Justice of 23 April 2015, *Zuchtvieh-Export GmbH v Stadt Kempten*, C-424/13, ECLI:EU:C:2015:259.

involved;

20. Calls on the competent authorities of the Member States to ensure that official veterinarians are present at Union exit points, tasked with checking that vehicles used to transport animals contain compartments with sufficient space to insure against overcrowding, that there is bedding, feed and water in amounts appropriate to the species and number of animals being transported, and that the animals' ventilation and fresh water systems work properly;
21. Urges the Commission to examine how farmers, slaughterhouses and the meat processing industry could be incentivised to slaughter their animals at the nearest slaughter facility in order to prevent lengthy animal transportation times and reduce emissions; calls on the Commission to facilitate innovative solutions in this regard, such as mobile slaughtering solutions, while ensuring high animal welfare standards;
22. Considers that the transportation of meat instead of live animals can significantly improve animal welfare and reduce the volume of related transport, which would also have a positive impact on the environment; calls on the Member States and transporters to develop strategies to replace the transport of live animals with the transport of meat products and carcasses;
23. Calls on the Commission to define the requirements for the location and facilities of places of rest;
24. Regrets that there are livestock vehicles and vessels that should not have been approved as fit to carry animals; recognises that the requirements set out in Articles 20 and 21 of Regulation (EC) No 1/2005 regarding transport by livestock vessels are often disregarded; calls on the Member States not to approve or renew the approval of livestock vehicles and/or vessels that do not meet the requirements of Regulation (EC) No 1/2005 and to conduct the required pre-loading inspections of livestock vessels thoroughly;
25. Notes that farmers, transporters and competent authorities across Member States may have different interpretations of Regulation (EC) No 1/2005, especially with regard to the fitness of animals for transport; calls on the Commission to revise the regulation to clarify the transport requirements where necessary;
26. Highlights the need to make it compulsory for veterinarians to be present on board ships used for the transport of livestock by sea, to report and keep count of the number of animals that die during sea journeys and to draw up emergency plans to deal with any situations at sea that might have a negative impact on the welfare of the animals being transported;
27. Deplores the fact that according to the Commission the data reported by Member States is not always complete, consistent, reliable or sufficiently detailed to draw conclusions on compliance at EU level; calls on the Commission and the Member States to develop reliable indicators and public data to measure animal welfare during the transport of live animals;
28. Urges the Commission, together with the Member States, to better align sanction levels in the case of breaches, as these can be more than 10 times higher in some Member States

than in others; recalls that sanctions should be effective, proportionate and dissuasive; calls on the Commission to develop a road map to align sanctions across the Member States;

- 29 Recommends a higher rate of EU investment in the development of smaller-scale, locally-based animal agriculture and in the promotion of healthy plant-based diets to replace today's high consumption of animal products;
30. Calls on the Commission to draw up a blacklist of operators guilty of repetitive and serious breaches of the regulation based on inspection and implementation reports; calls on the Commission to update and publish these blacklists frequently and to facilitate the exchange of best practice between Member States in the fields of both transport and governance;
31. Notes that calves may be transported from 14 days of age; considers that it is impossible to meet the needs of very young animals during transport, including the natural need for calves to suckle from their mothers, and therefore calls on the Commission to put an end to this practice;
32. Calls on the Commission to ensure that any future revision of legislation on animal welfare during transport is based on objective and scientifically sound indicators to prevent arbitrary decisions with an unjustified economic impact on livestock sectors;
33. Calls on the Commission to evaluate possible violations of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78);
34. Calls on the Commission to evaluate possible violations of the International Convention for the Safety of Life at Sea (SOLAS), Directive 2009/16/EC on port State control¹ and Article 19 of Regulation (EC) No 1/2005;
35. Regrets that Member State authorities responsible for transport inspections rarely use information from TRACES to target inspections in order to monitor intra-EU long-distance and cross-border movements of animals, in part as a result of certain user access restrictions²; calls on the Commission and Member States to promote and simplify the use of the interactive search tool;
36. Calls for the use of a GPS tracking system, regardless of transport length;
37. Notes that Member State authorities usually delegate responsibility for carrying out risk analyses for transport inspections to local authorities³; urges the Member States to put in place systems to check the existence, quality and implementation of local risk analyses;
38. Calls on the Commission to report annually to Parliament on its actions concerning the protection of animals during transport;

¹ OJ L 131, 28.5.2009, p. 57.

² 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'.

³ 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'.

39. Urges the Commission to assess possible violations of legislation during the transport of animals from the EU to third countries by sea, such as the prohibited discharge of dead animals from vessels into the Mediterranean Sea (often with earmarks cut off), as their disposal is not often possible in the port of destination.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	6.12.2018
Result of final vote	+: 40 -: 4 0: 3
Members present for the final vote	Marco Affronte, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Angélique Delahaye, Stefan Eck, Bas Eickhout, José Inácio Faria, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Jytte Guteland, Anneli Jäätteenmäki, Benedek Jávor, Karin Kadenbach, Urszula Krupa, Giovanni La Via, Jo Leinen, Susanne Melior, Miroslav Mikolášik, Pavel Poc, Julia Reid, Frédérique Ries, Annie Schreijer-Pierik, Davor Škrlec, Adina-Ioana Vălean, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Caterina Chinnici, Albert Deß, Eleonora Evi, Christophe Hansen, Martin Häusling, Anja Hazekamp, Jan Huitema, Norbert Lins, Ulrike Müller, James Nicholson, Sirpa Pietikäinen, Gabriele Preuß, Keith Taylor

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

40	+
ALDE	Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Ulrike Müller, Frédérique Ries
ECR	Urszula Krupa, Jadwiga Wiśniewska
EFDD	Eleonora Evi, Sylvie Goddyn
GUE/NGL	Stefan Eck, Anja Hazekamp
NI	Zoltán Balczó
PPE	Pilar Ayuso, Ivo Belet, Angélique Delahaye, José Inácio Faria, Francesc Gambús, Julie Girling, Françoise Grossetête, Christophe Hansen, Giovanni La Via, Norbert Lins, Sirpa Pietikäinen, Adina Ioana Vălean
S&D	Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Caterina Chinnici, Jytte Guteland, Karin Kadenbach, Jo Leinen, Susanne Melior, Pavel Poc, Gabriele Preuß, Damiano Zoffoli
Verts/ALE	Marco Affronte, Bas Eickhout, Martin Häusling, Benedek Jávor, Davor Škrlec, Keith Taylor

4	-
PPE	Albert Deß, Elisabetta Gardini, Miroslav Mikolášik, Annie Schreijer-Pierik

3	0
ALDE	Jan Huitema
ECR	James Nicholson
EFDD	Julia Reid

Key to symbols:

+ : in favour

- : against

0 : abstention