



2.5.2023

NOTICE TO MEMBERS

Subject: **Petition No 0192/2020 by U. L. (German) on the transport of farm animals from the EU to third countries, which do not meet European standards of animal welfare**

Petition No 1396/2020 by Kirsi Konttinen (Finnish) on the transport of live animals from the EU to non-EU countries

Petition No 0371/2021 by Manuela Giacomini (Italian), on behalf of the Italian National Animal Protection Agency (ENPA) and Animal Equality, on the infringement of Regulation (EC) No 1/2005 during the transport of live animals by sea from Spain to third countries

Petition No 0374/2021 by P.O.S. (Spanish) on the ban on the transport of live animals from the EU to non-EU countries

1. Summary of petition 0192/2020

The petitioner calls for a ban on transporting live animals to the third countries that do not meet European standards of animal welfare. The petitioner suggests establishing a list of countries, which implemented EU standards.

Summary of petition 1396/2020

The petitioner calls for a ban on live animal transport from the EU to non-EU countries, arguing that it is cruel, unethical and in breach of EU animal welfare legislation. She points out to the suffering of the animals, who are often transported for long distances in improper conditions and are often mishandled and slaughtered without stunning.

Summary of petition 0371/2021

The petitioner notes that in 2020 and 2021, Animal Equality and ENPA, in cooperation with other NGOs, carried out a series of investigations into the export of live animals by sea and observed serious and systematic infringements of Regulation (EC) No 1/2005 by the Spanish authorities. In 2020, these associations documented several loading operations for lambs and cattle onto vessels leaving the Spanish ports of Tarragona and Cartagena travelling to Saudi Arabia. The petitioner notes with dismay that during the loading phase, the operators used violent behaviour towards the animals. Furthermore, due to lack of time and an absence of suitable facilities, once in port, the animals were not rested for the 24 hours provided for in the abovementioned regulation and the authorities did not carry out the checks required by European legislation. In 2021, the above associations closely monitored the tragic fate of cattle being transported on a series of ships in extremely unsanitary conditions, while the Spanish authorities failed to take effective measures to remedy the suffering of the animals on board. In the light of these documented events, the petitioner asks the European Commission to initiate infringement proceedings against the Spanish State and other EU Member States for the infringement of Regulation (EC) No 1/2005.

Summary of petition 0374/2021

The petitioner seeks a ban on the transport of live animals from the European Union (EU) to non-EU countries. He believes it to be a cruel and unethical practice that infringes EU animal welfare legislation. He condemns the suffering of the animals, who are often transported for long distances in improper conditions and are often mishandled and slaughtered without stunning en route. He states that there is evidence of clear and widespread infringement of EU provisions on this subject.

2. Admissibility

Petition 0192/2020 - Declared admissible on 29 May 2020. Information requested from Commission under Rule 227(6).

Petition 1396/2020 - Declared admissible on 23 March 2021. Information requested from Commission under Rule 227(6).

Petition 0371/2021 - Declared admissible on 6 September 2021. Information requested from Commission under Rule 227(6).

Petition 0374/2021 - Declared admissible on 10 September 2021. Information requested from Commission under Rule 227(6).

3. Commission reply, Petition 0192/2020, received on 31 August 2020

The Commission's observations

At present, the Commission has no plans to ban the export of live animals to third countries. While the Commission is strongly committed to animal welfare in the context of trade, it also acknowledges that this trade results from decisions taken by private business operators. An export ban on live animal transports to non-EU countries would also need very careful

examination under World Trade Organization rules, which are binding upon the Union and its Member States.

The Commission does not have access to information on whether third countries implement EU standards on animal welfare, as these standards are not mandatory to third countries. This makes the establishment of a list of third countries that implement EU standards challenging or even impossible.

In relation to the protection of animals during transport, the Commission constantly works with Member States, as they are primarily responsible for the implementation and enforcement of EU legislation and for ensuring compliance with the requirements of Council Regulation (EC) No 1/2005¹ when approving the journey. By doing this, the competent authorities will have to consider the conditions of the part of the journey taking place beyond the EU borders.

Several initiatives have been taken in order to improve EU trade partners' compliance with EU animal welfare standards. For this reason, animal welfare is included, already for a number of years, in the framework of EU trade negotiations.

To increase international collaboration on animal welfare, the Commission continues to actively cooperate with the World Organisation for Animal Health (OIE). The main goals of the collaboration with the OIE are to strengthen the implementation of its international animal welfare standards and to develop a network of contact points dedicated to animal transport. The Commission is also supporting financially the activities under the OIE Animal Welfare Platform for Europe where in the third OIE Action Plan on animal welfare for Europe (2020-2022) the transport of animals over long distances remains a priority.

Conclusion

For the reasons expressed above, the Commission is neither considering a ban on the export of livestock to third countries or establishing a positive list of third countries implementing EU welfare standards to which transport would be possible, as the conditions and rules for import are established by third countries.

Commission reply, Petition 1396/2020, received on 9 September 2021

The Commission's observations

The Commission is aware that the transport of animals over long journeys, especially to third countries, increases the risk to their welfare. In recent years, the Commission has made the implementation of the animal transport rules a priority.

The Commission's experts audited many Member States within a three-year project (2017-2019). This project focused exclusively on the welfare of animals exported to third countries by road and by sea. The findings have been summarised in two overview reports which conclude that the export of animals from the EU to third countries poses challenges and creates

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 L 3, 5.1.2005, p. 1–44*.

risks for the welfare of the animals.

The Commission also published a comprehensive set of guidelines on animal transport with various educational materials in several languages². The Commission organised regular meetings for the EU National Contact Points for animal transport. In addition, the Commission brought serious welfare issues such as transport at extreme temperatures to the attention of Member States

From 2019 to 2021 the Commission designated three European animal welfare reference centres for different species. The centres work with the Commission and the Member States' competent authorities, policy workers and their supporting bodies. Their activities involve building and strengthening networks, developing training materials based on animal welfare indicators, amongst others for animal welfare during transport.

Furthermore, the Commission supports financially the implementation of the World Organisation for Animal Health (OIE) Platform on Animal Welfare for Europe and the OIE animal welfare action plan for Middle East countries for 2016-2019, which included targeted training activities on transport and slaughter of animals.

However, the Commission recognises that the revision of the transport legislation is necessary and has planned it in the context of the Farm to Fork Strategy³. Against this background, the Commission has mandated the European Food Safety Authority to provide scientific opinions, notably one on animal transport. The request on animal transport includes specific questions on exports by livestock vessels and by road. In light of this scientific opinion, as well as the experience gained during the implementation of the legislation, the Commission will consider the most appropriate measures for the future.

Conclusion

In the context of the Farm to Fork Strategy, the Commission intends to revise the animal welfare legislation, including on animal transport, to align it with the latest scientific evidence, broaden its scope, make it easier to enforce and ultimately ensure a higher level of animal welfare.

Commission reply, received on 6 December 2021

Petition 0371/2021 and Petition 0374/2021

The Commission's observations

The information provided by the petitioner only describes issues that occurred in, or on livestock vessels that left from Spanish ports. The Commission cannot take action against other Member States because of this petition. The Commission has received official complaints against some Member States on alleged infringements of Regulation (EC) No 1/2005⁴ and the

² <http://www.animaltransportguides.eu/>

³ https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en

⁴ 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 L* 3, 5.1.2005, p. 1–44.

assessment of these complaints is ongoing.

The Commission Communication on “EU Law: Better Results through Better Application” sets out the framework for the Commission to pursue cases of alleged infringements of EU law. As set out in this Communication, the Commission has a wide margin of discretion in deciding whether to pursue alleged infringements against Member States. Infringement proceedings remain a tool of last resort in cases of systematic violations of EU law.

The Commission works continuously on improving the welfare conditions of animals during transport, especially over long journeys. In that context, the Commission services conducted a series of audits focusing on the welfare of animals transported by road and by sea leading to the publication of two overview reports⁵. These two reports indicate that improvements are still necessary.

To address the challenges in the implementation of the EU legislation, the Commission has decided to prepare tertiary legislative acts to strengthen official controls on livestock vessels. In addition, following the serious incidents on the two livestock vessels in February/March 2021, the Commission has been in contact with the Spanish competent authorities to identify the key animal welfare issues and to define further measures to ensure that such regrettable events do not happen again.

As announced in the Farm to Fork Strategy⁶, the Commission will revise the animal welfare legislation including on animal transport, to align it with the latest scientific evidence, broaden its scope, make it easier to enforce and ultimately ensure a higher level of animal welfare.

Against this background, in 2020 the Commission requested the European Food Safety Authority (EFSA) to prepare a scientific opinion on animal transport.

Conclusion

The Commission continues to work both on short and long-term actions to improve the welfare of animals during transport. The Commission considers that the revision of the legislation will offer the opportunity to make substantial progress in this area. Once the examination of the complaints has been completed, and if the assessment so indicates, the Commission will take further action where necessary. The Commission is working with the Spanish competent authorities to analyse the situation and the shortcomings and to avoid that similar incidents reoccur in the future.

4. Commission reply (REV I), received on 6 April 2022

Regarding the protection of animals during the blockage of the Suez Canal, the Commission contacted the competent authorities concerned and the Egyptian Embassy. At the time of the blockage, there were 11 livestock vessels at sea on their way to the canal with around 180 000 sheep and 1 600 cattle. As soon as the blockage was lifted, the Commission received assurances that livestock vessels were given priority. In accordance with Council Regulation (EC) No

⁵ Reports No 2019-6834 and 2019-6835 https://ec.europa.eu/food/audits-analysis/overview_reports/index.cfm

⁶ COM(2020)381 final.

1/2005 on the protection of animals during transport⁷, livestock vessels have to carry an additional storage of feed in relation to the amounts estimated for the journey. They are also equipped with desalinisation plants to provide fresh water. The Commission received information from Member States that animals arrived at destination without additional problems.

After the incidents of the Karim Allah and the Elbeik in the Mediterranean sea, Spain presented to the Commission the measures they prepared to seek to prevent the reoccurrence of similar incidents in the future. The analysis of the Spanish report revealed that the consignments were rejected by the competent authorities of Turkey and Libya for animal health reasons.

As a response to the incidents, Spain announced that it was taking the following corrective actions:

1. amendment of its protocol on the protection of animals during export of livestock vessels by ports;
2. preparation of a new national law for animal welfare in context with transport; and
3. preparation of a working arrangement with the Directorate-General of Merchant Shipping of the Ministry of Transport to support the competent authority in official controls for the approval of livestock vessels.

The Commission has been in contact with the Member States responsible for the approvals of the vessels Elbeik and Karim Allah, namely Romania and Croatia, to clarify potential shortcomings related to the approval of these two vessels. The results of an exercise carried out by the Commission in February 2022 indicate that these two vessels are currently not approved to transport live animals. Nevertheless, to address some of the concerns raised by these recent incidents at sea, the Commission has planned four audits on transport by livestock vessels in 2022, including on Spain.

The Commission has received official complaints on alleged infringements of Council Regulation (EC) No 1/2005, and the assessment of these complaints is ongoing. The Commission Communication on “EU Law: Better Results through Better Application”⁸ sets out the framework for the Commission to pursue cases of alleged infringements of EU law. As set out in this Communication, the Commission has a wide margin of discretion in deciding whether to pursue alleged infringements against Member States. Infringement proceedings remain a tool of last resort in cases of systematic violations of EU law when all other means to achieve compliance have been exhausted.

The Commission continues to work also with the World Organisation for Animal Health (OIE) and to support specific training activities on animal welfare during transport by both road and sea under the Third Action Plan of the OIE Animal Welfare Platform and Europe (2020-2022).

Based on the experience gained and the findings from the Commission audits, the Commission

⁷ 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 L* 3, 5.1.2005, p. 1–44.

⁸ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2017.018.01.0010.01.ENG

is preparing tertiary legislative acts to strengthen official controls on livestock vessels and at the exit points at EU ports. The new legislation aims to introduce enhanced checks on travel contingency plans; inspection teams comprised of veterinarians and engineers; requirements for competent authorities to maintain records of weather forecasts; and a common EU database to record results of official controls on livestock vessels, which can be shared by all Member State authorities.

Conclusion

The Commission continues to work both on short and long-term actions to improve the welfare of animals during transport.

Following the incidents relating to two livestock vessels in the Mediterranean sea in 2021, Spain has presented a series of corrective actions to the Commission, including its protocol on the protection of animals during export of livestock on vessels, its new national law for animal welfare in context with transport, and its working arrangement with the Directorate-General of Merchant Shipping of the Ministry of Transport, in order to support the competent authority for official controls related to the approval of vessels. The Commission will take this information into account in the upcoming audits on transport by livestock vessel in 2022, including in Spain.

The Commission is preparing tertiary legislation to improve the official controls on livestock vessels and at the exit points at EU ports. This tertiary legislation, as well as the revision of the Regulation on the protection of animals during transport, as announced in the Farm to Fork Strategy⁹, should offer opportunities to make substantial progress in this area.

Commission reply, received on 2 May 2023

Petition 0192/2020 (and linked petitions 1396/20, 0371/2021, 0374/21)

The Commission's observations

Following the findings from Commission audits and the lessons learned from recent incidents, in February 2023 the Commission adopted Commission Implementing Regulation (EU) 2023/372 laying down rules on the recording, storing, and sharing of written records of official controls performed on livestock vessels, on contingency plans for livestock vessels in the event of emergencies, on the approval of livestock vessels and on minimum requirements applicable to exit points¹⁰.

In addition, the Commission also adopted a Delegated Act supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the performance of official controls to verify compliance with animal welfare requirements for the transport of animals by livestock vessels, which is now under scrutiny (6664/23).

Finally, as committed under the EU Farm to Fork Strategy, the Commission is currently

⁹ https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en

¹⁰ *OJ L 51*, 20.2.2023, p. 32–39

carrying out an impact assessment aimed to support the revision of Council Regulation (EC) No 1/2005 on the protection of animals during transport¹¹. In this context, the Commission is working to assess the potential impact of various possible policy options including on export of live animals to third countries.

Conclusion

While the previously expressed position of the Commission did not change, the Commission is currently carrying out an impact assessment covering a wide spectrum of policy options including a prohibition of export of live animals, and the setting of stricter requirements for export. While the current rules on animal welfare during transport remain in force, the Commission will continue to use any possibility to further improve the welfare conditions of animals during transport to third countries. To also note that the Commission has recently adopted tertiary legislation on the way inspections are to be performed on livestock vessels. This is a first step before the revision of the EU regulation on the protection of animals during transport.

¹¹ *OJL 3, 5.1.2005, p. 1–44*