



## Evidence of serious and systematic infringements of Regulation (EC) No 1/2005 (2011-2020)

Dossier to support the inquiry committee established to investigate  
the application of EU law in relation to the protection of animals  
during transport within and outside the EU

Evidence of the reality of animal transport gathered over last 10 years by:



## CONTENTS

<b>Introduction</b> .....	1
<b>Chapter I:</b> Failure of the Commission to act upon the evidence of serious and systematic infringements of Regulation (EC) No 1/2005 .....	2
<b>Chapter II:</b> Failure of the Commission to enforce effectively the provisions on space allowance and headroom .....	8
<b>Chapter III:</b> Failure of the Commission to enforce effectively the provisions on the approval of means of transport by road and of livestock vessels .....	10
<b>Chapter IV:</b> Failure of the Commission to enforce effectively the provisions on watering and feeding .....	14
<b>Chapter V:</b> Failure of the Commission to enforce effectively the provisions on bedding .....	16
<b>Chapter VI:</b> Failure of the Commission to enforce effectively the provisions on temperature and ventilation system .....	18
<b>Chapter VII:</b> Failure of the Commission to enforce effectively the prohibition to transport unfit animals .....	21
<b>Chapter VIII:</b> Failure of the Commission to enforce effectively the provisions concerning the separation of certain animals .....	24
<b>Chapter IX:</b> Failure of the Commission to enforce effectively the additional provisions concerning long distance journey .....	26
<b>Chapter X:</b> Failure of the Commission to enforce effectively the provisions concerning the checks to be carried out .....	30
<b>Chapter XI:</b> Failure of the Commission to enforce effectively the obligation of Member States' competent authorities to, in case of infringements, take specific measures and notify the infringements .....	33
<b>Chapter XII:</b> Failure of the Commission to enforce effectively the provisions concerning the obligation of the competent authority to prevent and to reduce delay during transport .....	35
<b>Chapter XIII:</b> Failure of the Commission to enforce effectively the provisions concerning the transportation of unweaned animals .....	37
<b>Chapter XIV:</b> Failure of the Commission to enforce effectively the provisions concerning the transport of live animals by the sea, including the loading practices and the structures on vessels .....	40
<b>Chapter XV:</b> Failure of the Commission to enforce effectively the provisions concerning the means of transport .....	43
<b>Chapter XVI:</b> Failure of the Commission to enforce effectively the provisions concerning the handling of animals, including the loading and unloading operations .....	46
<b>Chapter XVII:</b> Failure of the Commission to enforce effectively the provisions concerning the route planning and the journey log .....	49
<b>Chapter XVIII:</b> Failure of the Commission to enforce effectively the provisions concerning the duties and obligations of Member States' competent authorities .....	53
<b>Chapter XIX:</b> Failure of the Commission to enforce effectively the Regulation (EC) No 1/2005 outside the Union, in accordance with the judgment of the Court of Justice of 23 April 2015 in Case C-424/13 .....	55
<b>Chapter XX:</b> Potential breaches of the duty of sincere cooperation established in Article 4(3) of the Treaty on European Union .....	58
<b>Chapter XXI:</b> Failure of the Commission to facilitate the OIE mission and failure to respect the Union's trade values enshrined in the 'Trade4All' strategy .....	60
<b>Summary and conclusions</b> .....	63

<b>Footage</b> .....	65
<b>Annex</b> .....	66
<b>Contacts</b> .....	68

## INTRODUCTION

Dear Members of Parliament,

We are happy to present a document aimed at assisting you during your work in the Inquiry Committee. It explains legislative requirements and provides real-life implications pertaining to each point the Committee shall investigate according to your mandate<sup>1</sup>. It shows how strongly the provisions of the Regulation (EC) No. 1/2005 (hereafter referred to as the Regulation) are interrelated and thus how non-compliance with only one of them can lead to unnecessary suffering on many levels.

The EU Commission describes it in one of their reports<sup>2</sup>: *“Many of the consignments exported involve many different actors from different Member States. It is common to have an exporter from country A, hiring a vehicle approved in country B, who will load animals in country C (or even from countries C and D) that will transit through country E and F, stop at a control post in country G, to exit the EU through the same country G or country H”*. Competent authorities involved in transport procedures are similarly interconnected, even if they too frequently fail to communicate properly. This document shows how failure to comply with or poor implementation of any of requirements of the Regulation results in direct inability to ensure that transport of animals is performed without unnecessary suffering - the core of the Regulation.

For a regulation to achieve its aim, it must be interpreted and implemented in all the Member States equally, and this is where the Commission has failed. Although the Commission did produce documents to assist the Member States in implementing the Regulation (Network Documents and letters of recommendation), performed several audits, joined the efforts of all involved parties in producing the Transport Guides, and formed the Animal Welfare Platform acting as an advisory body to the Commission, it still did not manage to prevent on a larger scale the unnecessary suffering of the transported animals.

Some Member States tried to follow the recommendations of the Commission and it moved them to an unfavourable trade position. By increasing their standards of live animal transport, they indirectly aided to shift the trade to Member States with less strict enforcement, creating an even greater animal welfare problem. The Commission failed their role of enforcing the EU legislation since it did not ensure that the law is respected by all Member States equally.

The document summarises, in a user-friendly manner, the bulk of evidence (reports, complaints, requests, etc.) that we gathered and sent over last 10 years of investigating the reality of animal transport. To facilitate its analysis by members of the Inquiry Committee, the document was organised so as to follow the subsequent bullet points of point 2 of European Parliament mandate establishing the ANIT Committee<sup>1</sup>. For the same reason, we have provided only some examples of documented violations and referred the readers to only selected reports of ours. We believe that this way the document can aid you in your important work on the inquiry. If, however, anything is unclear or missing, AWF|TSB are happy to answer any questions and provide further explanations. In the near future we will provide the Inquiry Committee with the complete body of our vast documentation on the subject, presenting all details of all cases and correspondence related.

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<sup>1</sup> B9-0191/2020. 11.6.2020. PROPOSAL FOR A DECISION pursuant to Rule 208 of the Rules of Procedure 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 office(2020/2690(RSO)). Annex document number 46.

<sup>2</sup> DG(SANTE) 2019-6834 - Overview report on welfare of animals exported by road. Ares(2020)617395. Annex document number 19.

## CHAPTER I: FAILURE OF THE COMMISSION TO ACT UPON THE EVIDENCE OF SERIOUS AND SYSTEMATIC INFRINGEMENTS OF REGULATION (EC) NO 1/2005

### MANDATE POINT 2.1

*Investigate the alleged failure of the Commission to act upon the evidence of serious and systematic infringements of Regulation (EC) No 1/2005 which occur when animals are transported live across the Union and to third countries. The Commission has been regularly informed of the systematic and severe violations occurring during the transport of live animals. Since 2007, the Commission has received approximately 200 reports on breaches to Regulation (EC) No 1/2005. In 2016, the law firm Conte & Giacomini, acting on behalf of Animal Welfare Foundation/Tierschutzbund Zürich (AWF/TSB), issued a formal complaint to the Commission on the violation of Regulation (EC) No 1/2005 during the transport of animals from Europe to Turkey by road<sup>4</sup>, calling on the Commission to open infringement procedures against the Member States involved in illegal practices.*



Since 2011 the European Commission has been regularly receiving numerous investigative reports and complaints from AWF|TSB. These documents expose serious and systematic breaches of the Regulation during long-distance transport (over 8 hours) of live animals committed by the Member States, competent authorities, organizers, and transporters. Please note that quotes presented below are just a fraction of the whole correspondence exchanged by AWF|TSB with the Commission. The whole body thereof will be provided to the Inquiry Committee separately.

The Commission has been alerted by AWF|TSB about welfare problems involved in the trade by road to Turkey, the trade by sea to third countries from EU ports, and the problems in the trade of unweaned animals. AWF|TSB has been repeatedly asking the Commission to take necessary steps to ensure enforcement of the Regulation 1/2005 by all Member States, especially regarding export to Turkey and other third countries. Only between 2011 and 2015 our organization sent 18 complaints confirming the systematic failure of exporting Member States to enforce the Regulation and informing about problems at the Bulgarian-Turkish border. These problems lead to immense suffering of EU animals, in some cases ending in their death. Nonetheless, the Commission in its replies has been repeating over and over that they are aware of described problems, however, it's the Member States that *"have the main responsibility to ensure that EU legislation is properly enforced"*<sup>3</sup> and that *"the Member States are primarily responsible for the application and enforcement of the EU legislation on animal transport"*<sup>4</sup>.

Out of several dozen official complaints sent by AWF|TSB to the Commission (besides numerous reports on systematic enforcement failure), over 50 concerned EU live exports to Turkey alone. In 2011 we filed formal complaints to the Commission against Bulgaria and Hungary concerning live animal transports to Turkey<sup>5</sup>. Already in 2012 Bernard van Goethem admitted that *"I am indeed aware of the animal welfare problems that arise during export from the EU to Turkey, not least through reports from animal welfare organisations, including the ones you represent. The Commission has also received information on this issue from representatives of the industry as well as from the competent authorities of the Member States involved in*

<sup>3</sup> Ares(2011)856107 - 05/08/2011. Annex document number 38.

<sup>4</sup> Ares(2017)4621358 - 21/09/2017. Annex document number 28.

<sup>5</sup> CHAP(2011)01275 and CHAP(2011)02284 – EU Pilot 2169/11/SANCO. Annex documents number 23 and 24.

*exporting live animals to Turkey.*<sup>6</sup> Nevertheless, in the same year the Commission decided that measures taken by certain Member States to improve the situation were adequate, and intended to proceed with closure of these complaints.

Clearly, evidence delivered by AWF|TSB from the field in first years of investigations was not taken seriously into the account. Already in 2013, we read in the Commission's reply about considerable efforts made by competent authorities to put in place measures to enforce and prevent breaches of the Regulation. Two years later, in July 2015, we reported that the situation at Bulgarian-Turkish border remained extremely problematic, because not a single problem described in previous letters was solved. The Commission again pointed out in its reply that enforcement of EU legislation is primarily the responsibility of Member States and claimed that the Commission is working to assist Member States in bringing the application and enforcement of the Regulation in line with the judgment of the Court of Justice in the *Zuchtvieh*<sup>7</sup> case so as to ensure compliance with the Regulation also in the stages of the journey taking place outside the EU.

In 2016 we filed a complaint to the Commission against 13 Member States, including again Hungary and Bulgaria, but also France, Spain, Poland, Latvia, Czech Republic, Slovakia, Germany, Netherlands, Austria, Italy and Greece on alleged failure to comply with Regulation (EC) No 1/2005 on the protection of animals during transport by road<sup>8</sup>. In 2018 complaints against Romania and Lithuania<sup>9</sup> were opened on the same subject.

In 2015 and 2016 there was a huge increase in live cattle exports from the EU to the Middle East, North Africa, and Turkey. In 2016, together with other NGOs we expressed our concern that the Commission welcomes this increase in live export to third countries while we have been documenting and reporting so many unresolved problems of animal welfare during transport. This time the Commission replied that *"systematic failure to apply the Regulation cannot be established on the basis of the information at hand"* and that *"the information received from the Member State authorities does not show a systematic breach of the legislation nor widespread cruelty."*<sup>10</sup> Also in 2017 and 2018 the Commission underlined, replying to our findings, that data delivered by Member States show that *"99% of transports complied with Regulation (EC) No 1/2005"* and *"the increased rate of animal welfare compliance, from 86% in 2016 to 99% in 2017, demonstrates that the Commission's and Member States' activities are producing some positive results"*<sup>11</sup>. All this time, including years 2017, 2018 and 2019, our inspectors working in the field continuously document enormous suffering of hundreds of exported animals that stands in glaring contradiction to percentages quoted by the Commission. What is more, AWF|TSB has been informing the Commission about our findings in reports sent every time evidence was gathered.

Since filing of the first complaint in 2016, every year we have been delivering to the Commission new proofs of breaches documented during our investigations and related to these complaints. Still, this year the Commission informed us about its intention to close some of these cases and gave us only four weeks to provide more evidence<sup>12</sup>.

Furthermore, in 2018 we filed different complaints to the Commission about violation of the Regulation on the protection of animals during transport by sea. Later, the Commission carried out fact finding missions in the relevant ports in Croatia, Slovenia, Spain, and Romania. The missions confirmed many of welfare problems addressed in our complaints. Even though the complaints were opened in 2018, and the time limit

<sup>6</sup> Ares(2012)826773 - 06/07/2012. Annex document number 47.

<sup>7</sup> Judgment of the Court of Justice in the *Zuchtvieh* case \_2015. Annex document number 57.

<sup>8</sup> CHAP(2016)01703, -01707, -01708, -01709, -01710, -01711, -01712, -01713, -01714, -01715, -01716, -01717, -01718. Annex document number 25.

<sup>9</sup> 20180525 complaint against Romania and Lithuania to EU COM reg. exports to Turkey. Annex document number 56.

<sup>10</sup> Ares(2017)4245924 - 30/08/2017. Annex document number 27.

<sup>11</sup> Ares(2018)293170 - 17/01/2018. Annex document number 26.

<sup>12</sup> 1<sup>st</sup>-4<sup>th</sup> Integration claims to EU COM reg. exports to Turkey CHAP(2016). Annex documents number 52,53,54,55.

for investigating complaints is 1 year from the date of registration of the complaint, the Commission informed us that it is not in a position to arrive at a decision to issue a letter of formal notice or to close our complaints against some Member States regarding violations of the Regulation during the transport of animals by sea, and against Romania regarding animal transport by road, because the cases need further examinations. According to our recent investigations, violations similar to ones determined by the Commission in its audits are still committed, despite recommendations given by the auditors.

**Despite all the evidence provided, the Commission has never opened infringement proceedings against any of these Member States nor taken any other effective action to ensure enforcement of the Regulation by the Member States during exports by road or sea.**

In some of its replies to our complaints the Commission stated that *“the decision to take action on the EU level would mainly be based on the outcome of audits undertaken by the FVO”*<sup>13</sup>. It is surprising then that neither Hungary nor Bulgaria bore any consequences, if already in 2009-2010 the Food and Veterinary Office (FVO)<sup>14</sup> in their audit reports were highly critical of enforcement of the Regulation by these Member States (*“in relation to Animal Welfare, no enforcement action was taken in nearly all cases evaluated”*<sup>15</sup>). In 2017 and 2018, the FVO carried out several new audits, including a fact-finding mission in Turkey. In their reports the FVO stressed that *“there is a high risk of causing unnecessary pain and distress to animals transported on this route during hot days.”*<sup>16</sup>

Nevertheless, again, despite such audit results, neither have we observed any noticeable positive changes in animal welfare during transport, nor consequences were borne by the transporters, organizers, or competent authorities. With publishing of the FVO reports about Welfare of Animals Exported by Road<sup>17</sup> in January 2020 and on Welfare of Animals Transported by Sea<sup>18</sup> in April 2020, it became obvious that FVO reports confirm what NGOs have been observing and reporting for so many years: *“This international dimension makes it difficult to ensure a harmonised application of animal welfare rules; it creates risks for the welfare of the animals and poses challenges for the authorities involved.”*<sup>19</sup> FVO also highlighted the problem with high temperatures: *“High temperatures are the main cause of animal welfare problems during journeys. Problems arise during hot days during the summer. This is due to the absence of cooling systems in livestock vehicles, which cannot maintain the temperature within the required limits when the days are very hot.”*<sup>20</sup> In the report on Welfare of Animals Transported by Sea, FVO also stressed that *“many competent authorities approve the transport with incomplete or incorrect documentation and without considering the weather conditions during the route and at the EU exit port.”*<sup>21</sup> Moreover, FVO underlined that the Regulation is not respected outside EU: *“most transporters do not meet applicable EU rules after leaving the Union. The absence of agreements with EU neighbouring countries, together with poor retrospective checks and the inability of Member States to ascertain the conditions of transport and the feasibility of the plan for that part of the journey contribute to that concern.”*<sup>22</sup>

<sup>13</sup> Ares(2012)1465434 - 10/12/2012. Annex document number 35.

<sup>14</sup> DG(SANCO) 2009-8346 - Hungary, Annex document number 36; DG(SANCO) 2010-8383 -Bulgaria, Annex document number 37.

<sup>15</sup> DG(SANCO) 2009-8346 - Hungary. Annex document number 36.

<sup>16</sup> DG(SANTE) 2017-6110 - Final report of a fact-finding mission carried out in Turkey. Annex document number 39.

<sup>17</sup> DG(SANTE) 2019-6834 - Overview report on welfare of animals exported by road. Ares(2020)617395. Annex document number 19.

<sup>18</sup> DG(SANTE) 2019-6835 - Overview report on welfare of animals exported by sea. Ares(2020)2217898. Annex document number 17.

<sup>19</sup> DG(SANTE) 2019-6834. Annex document number 19.

<sup>20</sup> DG(SANTE) 2019-6834. Annex document number 19.

<sup>21</sup> DG(SANTE) 2019-6835. Annex document number 17.

<sup>22</sup> DG(SANTE) 2019-6834. Annex document number 19.

Despite the evidence on infringements gathered by the Commission during the above-mentioned audits<sup>23</sup>, the Commission in its replies to our formal complaints<sup>24</sup> in July 2020 did not even mention these findings, but focused mainly on *“tangible progress in the implementation of the Regulation: - 80% reduction in non-compliances reported at the EU border; - very good compliance with the Regulation up to the EU border; it was even confirmed that the level of compliance with the Regulation had increased during the two previous years and that the rate of compliance when the animals left the EU border was very close to 100%.”*<sup>25</sup> Despite the quoted percentages, it is evident that the findings of the audits confirmed all our accusations as reflecting the reality of animal transport.

AWF|TSB is seriously concerned that even after the new and shocking FVO audit results were published, the Commission still inexcusably refuses to ban live exports to third countries. Live animal exports were not even banned during the COVID-19 emergency period, or to countries in the state of civil war, like Libya. In such extreme situations there is even less veterinary control than usual. Article 13 of Treaty of Lisbon<sup>26</sup> obliges the Commission and Member States to thoroughly and seriously take animal welfare into account in formulating and implementing policies in specified fields: *“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”*<sup>27</sup>. Answering our concerns, the Commission replied again that it *“is aware that some unfortunate events, regrettably, occur with the transport of live animals and that there are difficulties in the application of the EU requirements beyond EU borders. These exports are taking place in a context of private operations and not as the result of Union's policy on agriculture or any other Union's policy mentioned in Article 13 TFEU. In the light of the above, the Commission cannot prevent such operations as long as they are carried out in accordance with EU legislation.”*<sup>28</sup> With this reply, the Commission confirmed their awareness of violations and difficulties in enforcement of the Regulation beyond EU borders, but seems to not have any will to put an end to exports despite the fact that they intrinsically violate the EU law.

We have requested the Commission on numerous occasions to suspend all live animal exports to third countries whenever the implementation of Regulation 1/2005 cannot be ensured. The Commission responded several times that *“the Commission does not, however, have the power to suspend transport of animals due to reasons related to animal welfare”*<sup>29</sup> and that *“the adoption of such a measure does not seem to fall within the implementing powers conferred on the Commission by Regulation (EC) No 1/2005 and it would also represent a possibly unjustified restriction for international trade. All measures concerning exports to non-EU countries need to take account of the relevant EU legislative framework and the WTO law.”*<sup>30</sup>. Commissioner Andriukaitis himself mentioned in one of his replies in 2016 that he *“is not convinced that the “general ban” on live animals exports and replacing it by carcass trade would be in line with the principle of proportionality.”*<sup>31</sup> Furthermore, in 2017 he expressed an opinion *“that banning EU export would not only be legally problematic but would also very likely result in a shift of trade that could lead to much longer distances,*

<sup>23</sup> DG(SANTE) 2019-6834 and DG(SANTE) 2019-6835. Annex document number 17 and 19.

<sup>24</sup> CHAP(2016)01703, -01707, -01708, -01709, -01710, -01711, -01712, -01713, -01714, -01715, -01716, -01717, -01718. Annex document number 26.

<sup>25</sup> CHAP(2016)01707 preclousure Bulgaria – Ares(2020)3565537. Annex document number 40.

<sup>26</sup> Article 13 of Title II, Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007

<sup>27</sup> Article 13 of Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007

<sup>28</sup> Letter from Stella Kyriakides Commissioner Andriukaitis dated end of 06July 2020 reg. Libya.08.2018 – lack of Ares number and concrete date. Annex document number 41.

<sup>29</sup> Ares(2012)826773 - 06/07/2012. Annex document number 29.

<sup>30</sup> Ares(2016)5415284 - 16/09/2016. Annex document number 30.

<sup>31</sup> Reply from Com. Andriukaitis dated on 8.01.2016 sent to CIWF. Annex document number 31.

*whilst slaughter conditions would not change.*<sup>32</sup> Previously, in 2016, regarding export ban to Turkey the Commission said that it *“takes the view that applying a general ban on all live animal exports to Turkey would require evidence of a systematic and continuous administrative practice of the competent authorities in breaching Regulation (EC) No 1/2005. Data from the Bulgarian authorities checking consignments at the exit point to Turkey do not support such evidence of a systematic breach of EU legislation on the protection of animals during transport.”*<sup>33</sup> Not only are the Commission’s responses self-contradictory, but they clearly ignore the evidence of the *“systematic and continuous administrative practice of the competent authorities in breaching Regulation (EC) No 1/2005”* delivered every year since 2011 by AWF|TSB and other NGOs. And even if in their pre-closure letter of this year the Commission claims that Member States are addressing the violations of the Regulation, this is not reflected in the reality. As we observed this summer during our regular missions at the Turkish border and several European exit ports, the transport of animals during extreme temperatures continues uninterrupted.

Interestingly, even though some Member States have moved forward and forbid the export of animals during high temperatures, the enforcement failure by other Member States allows organizers to go around this ban and export the same animals to third countries from these Member States despite extreme conditions. Another example of loopholes is the case of Hungary that this year banned exports by road to -Turkey during periods of high temperatures, but surprisingly this ban did not apply to exports where part of the journey was by sea. Hungarian authorities replied to us that *“We cannot restrict the trade in case of a new, 3rd country supplier / owner even if we suspect that animal protection regulations may not be fully met for the rest of the journey”*<sup>34</sup>. The same pertains to restrictions introduced by some Member States on long-distance transport of unweaned animals. As a result, unweaned calves are transported on short journeys (under 8 hours) to countries with less strict enforcement and from there they are sent on long journeys (a practice called assembly centre hopping), even exported to third countries. All this is a result of the Commission’s failure to be clear enough on the rules of animal transport - involved parties can hide behind legal loopholes that are the consequence of unclarity of the Regulation.

For years, NGOs have been reporting the impracticability of the existing EU law and long-distance transport of unweaned animals. Directive 91/628/EC was not enforceable for long distance transport of unweaned animals and the same problems remained after it was replaced by the Regulation. The reason for poor enforcement is the contradiction within the Regulation itself: it allows long-distance transport of unweaned calves and lambs, even though its requirement to supply them with adequate feed on a truck cannot be put into practise. In 2009, after numerous complaints of NGOs on systematic violations during long distance transport of unweaned calves and lambs, the Commission sent recommendations (SANCO D5DS/dj D (2009) 450351)<sup>35</sup> to all Member States, but most ignored them. During our investigations we also proved and reported that transport of unweaned animals represents the systematic failure of Member States to enforce relevant requirements, such as feeding during transport. Unweaned animals are still on a milk diet (ingested only by suckling), with special demands on parameters of their feed and the way it is offered to them. These special requirements cannot be fulfilled on vehicles. These findings are supported by scientists, the EFSA and experts from several Member States. Already in 2009, the EFSA in its report clearly states: *“Feeding calves during long transport is only possible if they are weaned and accustomed to roughage. During transport it is technically impossible to feed calves on board of the vehicle with milk or milk replacer.”*<sup>36</sup> In a response to our

<sup>32</sup> Ares(2017)4245924 - 30/08/2017. Annex document number 27.

<sup>33</sup> Ares(2016)4125489 - 04/08/2016. Annex document number 32.

<sup>34</sup> Summer 2020 ban of ruminants' road shipments from or via Hungary via Bulgaria to Turkey. Annex document number 58.

<sup>35</sup> Annex document number 49.

<sup>36</sup> European Food Safety Authority (EFSA), 2009. Project to develop Animal Welfare Risk Assessment Guidelines on Transport (Question No EFSA-Q-2008-04997) Project ID (CFP/EFSA/AHAW/2008/02). <https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/sp.efsa.2009.EN-21>

formal complaint sent in March 2017<sup>37</sup>, the Commission responded that *“The Commission is aware that the transport of unweaned animals may be problematic in some cases and is working to improve the implementation of the existing provisions. Since the legislator has adopted rules that permit this type of transport, it falls within the responsibility of the Member States' competent authorities to assess compliance with the EU legislation in their specific contexts.”*<sup>38</sup> We were also informed that *“in the near future the Commission has no plans to amend the existing legislation on the protection of animals during transport and is investing more efforts to assist Member States in the process of its enforcement.”*<sup>39</sup> Two years later, in 2019, in response to a similar complaint from Compassion in World Farming and AWF against Ireland<sup>40</sup>, the Commission decided to close the case due to lack of *“evidence that the Irish administrative practices in relation to journey logs on exports by vessel of live animals to France would infringe the provisions of the Transport Regulation in a general, persistent and systematic way in line with the requirements”*<sup>41</sup>.

AWF|TSB has been informed by the Commission about actions taken during these years, like requesting several FVO audits, letters-reminders sent to Member States, meetings of National Contact Points of the Member States, the Animal Welfare Platform focussing on animal welfare during transport and creating the guidelines or network documents without any legal power. Despite these actions, serious breaches of the Regulation are still common on all the routes of exports to third countries and during transport of unweaned animals, showing clearly that steps taken by the Commission have been insufficient. Despite the huge body of evidence regularly supplied by AWF|TSB in the last 10 years, our teams are seeing the same infringements committed by the same companies, the same competent authorities and the same Member States, all continuously causing unnecessary suffering of sentient beings in the EU.

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<sup>37</sup> 20170309 Complaint COM reg long distance transport unweaned calves and lambs. Annex document number 59.

<sup>38</sup> Ares(2017)2029501 - 20/04/2017. Annex document number 33.

<sup>39</sup> Ares(2017)2717643 - 30/05/2017. Annex document number 34.

<sup>40</sup> Formal Complaint to European Commission re export of calves from Ireland June 2018. Annex document number 51.

<sup>41</sup> 20190429 Reply from COM reg. transport calves from Ireland ref.20180712 (20180628). Annex document number 60.

## CHAPTER II: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS ON SPACE ALLOWANCE AND HEADROOM

### MANDATE POINT 2.2

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on space allowance and headroom laid down in the Regulation (EC) No 1/2005:*

- Article 3, second paragraph, point (c), (g),
- Annex I, Chapter II, point 1.2,
- Annex I, Chapter III, point 2.3,
- Annex I, Chapter VII.



In its article about general transport conditions, the Regulation stipulates that all transported animals should have sufficient floor area and height above them (headroom). Sufficient is understood as allowing them to be able to stand in their natural position without hindering their natural movement and ensuring adequate ventilation above and around animals (see [Mandate point 2.6](#)). The space provided for animals must be appropriate for their size (adapted to size of animals in each consignment, and not for a general category) and the intended journey (e.g. the longer the journey, or the higher temperatures on the way, the more space is required to ensure the above). This requirement is valid for all means of transport by road, sea, rail, and air. Additionally, the Regulation legislates minimum space requirements for some species (domestic equines, bovines, swine, caprine, ovine, poultry). Some derogations from these minimum requirements are allowed for animals in specific condition (e.g. pregnant) or where space allowances should vary because of breed, size, physical condition and the length of fleece of the animals, as well as meteorological conditions and journey time.

During our investigations we have seen numerous times that in transport of ovine/caprine these derogations (allowing the space for small lambs to be less than 0.2 m<sup>2</sup> without the lower limit specified) are abused, especially during peak transport times before Easter and Christmas. As a result, animals on board of vehicles are very crowded, their movement is seriously hindered and, as a consequence, they cannot reach watering systems (see [Mandate point 2.4](#)).

As regards headroom, the Regulation specifies the height of 75 cm above the withers of the highest animal for road transport of equines. For other domestic species, the minimum headroom is not specified. This results in frequent problems with insufficient headroom that cannot be easily fined by authorities. The Commission in its letter<sup>42</sup> advises specific height above heads of the animals, but again, this is only a recommendation with no legal power (see [Mandate point 2.20](#)).

**Please note that violations of these provisions mean that transported animals suffer the added stress of being deprived of comfortable body position and fresh air to breathe for periods of up to 29 hours. Bruises and injuries are often found on animals' backs. Animals transported in crowded conditions cannot move and reach feed or drinkers, they cannot lay down and rest, and ones that collapse often get trampled by others.**

<sup>42</sup> SANCO G3 AN/ap D(2011) 862232.

[http://www.fise-lombardia.it/files/DocTrasEquidi/european%20commission\\_2013\\_04\\_23\\_0.pdf](http://www.fise-lombardia.it/files/DocTrasEquidi/european%20commission_2013_04_23_0.pdf)

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf<sup>43</sup>](#) (e.g. p. 14: We found 72 % of the animal consignments inspected to be loaded in overcrowded conditions; p. 16: Many trucks were approved in Czech Republic, Slovakia and Hungary with animals in overcrowded conditions and mixed sizes).
- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf<sup>44</sup>](#) (e.g. p. 6: Due to the overcrowded transport conditions the proper ventilation was impossible. These facts resulted in heat-stress symptoms in almost all the sheep from this truck inspected.; p. 7: The animals in these two trucks were not even able to lie down and could not reach drinking devices).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>45</sup>](#) (e.g. p. 3: loading densities are much too high; p. 10: In these 15 vehicles, there was not enough space for all animals to lie down and rest at the same time. (...) In many cases, the total surface area available entered in documents was higher than in reality; p. 11: This means not all the lambs were able to stand in a natural position and many of them touched the ceiling with their heads and some also with their backs).
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf<sup>46</sup>](#) (e.g. p. 8: Headspace was a general problem in all the transports observed; p. 26: The ceiling height is insufficient, and several animals touch the ceiling with their heads; p. 30: The calves are tightly packed together, and it is absolutely impossible for them to lie down).
- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf<sup>47</sup>](#) (e.g. p. 5: We see that the animals are lying exhausted in a layer of manure, there is lack of headspace and they cannot even stand without injuring their backs – the wounds are already visible).
- ✓ [Report\\_20140815-19\\_Transport of pregnant heifers to Turkey.pdf<sup>48</sup>](#) (e.g. p.9: injury from lack of headspace).
- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf<sup>49</sup>](#) (e.g. p. 22: Sheep were mostly loaded on four decks and did not have enough headspace.; p. 29: Many trucks were overcrowded, thus the animals could not move around, reach drinking devices or lie down).
- ✓ [Dossier\\_20160623-29\\_Live animal transport to Turkey\\_Doomed Journey Part II.pdf<sup>50</sup>](#) (e.g. p.6: Some trucks have limited headspace and the animals' heads or back almost touch the ceiling.; p.11: just like we saw on other trucks transporting pregnant heifers earlier this week, some of the animals do not have enough headspace; p.17: we found more examples of common problems such as inadequate dividers (...), dirty bedding, insufficient headspace).

<sup>43</sup> Annex document number 5.

<sup>44</sup> Annex document number 6.

<sup>45</sup> Annex document number 8.

<sup>46</sup> Annex document number 7.

<sup>47</sup> Annex document number 13.

<sup>48</sup> Annex document number 48.

<sup>49</sup> Annex document number 1.

<sup>50</sup> Annex document number 2.

## CHAPTER III: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS ON THE APPROVAL OF MEANS OF TRANSPORT BY ROAD AND OF LIVESTOCK VESSELS

### MANDATE POINT 2.3

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on the approval of means of transport by road and of livestock vessels, laid down in the Regulation (EC) No 1/2005:*

- Article 7,
- Article 18, (detailed req. in Annex I, Ch. II and VI),
- Article 19. (detailed req. in Annex I, Ch. IV).



The Regulation provides legal basis for competent authorities to inspect means of transport for transporting animals both by road and sea. The means of transport is the part of the vehicle where animals are accommodated. Thus, crates (cages) used to transport animals should also undergo the inspection process. The aim of the inspection process is to make sure that the means of transport guarantees the fulfilment of animals' basic needs, such as:

- enough space for rest and thermoregulation,
- access to water and feed,
- preventing injuries that the animals can inflict upon each other or that can be caused by parts of means of transport,
- preventing escaping/falling off, and
- minimizing the influence of weather conditions.

Since the risk of unnecessary suffering increases with the time that an animal spends on means of transport, more detailed legal requirements are described in Chapters II, IV and VI of Annex I of the Regulation. Chapter II paragraph 1 pertains to all means of transport (road, sea, rail, and air).

**Please note that repeated violations of these provisions mean that animals transported in non-compliant means of transport are subject to painful injuries (including open wounds and bone fractures, sometimes even death) that are not attended to for long hours, heat/cold stress, and deprived of absolute basics like access to water and fresh air.**

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### ROAD TRANSPORT VEHICLES:

Road vehicles should be approved for specific species and categories (e.g. weaned/unweaned; pregnant; shorn/unshorn) of animals to be transported. In it's the template of Certificate of approval of means of transport by road for long journeys (point 2, Chapter IV of Annex III), the Regulation uses the vague word 'TYPE' of animals to be transported (and not species and category). It is of utmost importance that information entered in the certificate is realistic. The surface area realistically available for the animals should be calculated by deducing the thickness of walls and partitions. In addition, it must be taken into account that the surface available for animals gets smaller with every deck from bottom to top.

During our investigations we have documented that road transport vehicles are frequently approved for long journeys although they do not fulfil the requirements. For example they have inadequate watering systems, insufficient number of side doors giving access to animals for inspection, care or first aid; number of decks on which animals can be transported is not specified; available surface area per deck is missing or wrong, resulting in overcrowding; partitions and/or loading ramps are inadequate; vehicle construction poses risk of injuries to the transported animals (see [Mandate point 2.15](#)). When authorizing a truck, it is essential that competent authorities also check the calibration of temperature measuring systems and if these systems can show temperature readings to competent authorities at time of inspection (see [Mandate point 2.6](#)).

All violations related to approval of road transport vehicles are tightly linked to quality of inspection performed by competent authorities who issue the certificates: inspection is not detailed enough largely because certificate templates are too general and not category specific. Such general certificates also indicate that expertise of competent authorities is insufficient to properly inspect the vehicles. Some Member States have internally solved the problem by requiring category-specific Certificates of approval of means of transport by road for long journeys. Please see the form advised by the Commission in Annex 1 of Network document on Checks Before Journeys<sup>51</sup> when live animals are destined for export by road. Since the Network document is not legally binding, it leaves it to Member States to implement it in their own national legislations. This leads to breaches of sincere competition (see [Mandate point 2.20](#)).

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#### SEA TRANSPORT VESSELS:

Livestock vessels transporting animals on distances over 10 nautical miles are also subject to inspection by competent authorities before the certificate of approval is issued. The vessel undergoes a general inspection in order to verify the compliance with requirements of first paragraph of Chapter II of Annex I, as well as a more specific inspection of compliance with requirements of Chapter IV of the same Annex. The latter requirements require that the inspecting authority, besides being expert in the suitability of the holdings, unloading and loading ramps and the safety of the vessel for the animals, additionally has knowledge on the drainage, ventilation, primary and secondary source of power, fire security, lighting, production of fresh water and ventilation system. Due to the specific knowledge needed, the approval of a vessel is only possible with a qualified expert team that consists of a veterinarian, a marine surveyor and a marine technician.

We found out that majority of veterinary competent authorities who are issuing the certificates are not supported by any expert maritime body during the inspection. Therefore, many livestock vessels do not comply with the requirements of the regulation. Most vessels used for transportation of animals from EU ports were originally car ferries or cargo ships, later converted for the transport of animals. Animal behaviour and animal needs were often insufficiently incorporated into ship design. Eight of nine vessels AWF|TSB teams inspected should not have been approved under Article 19. Steep loading ramps, pens and passageways with sharp edges, steel protrusions, gaps from bulkhead frames are not in line with the requirements of the Regulation. Where expert bodies are used to perform such inspections, the cost is much higher, and it takes much longer. This leads to breaches of sincere competition (see [Mandate point 2.20](#)).

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/704015/ATIC127\\_2-Appendix16.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/704015/ATIC127_2-Appendix16.pdf)

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf<sup>52</sup>](#) (e.g. p. 14: False data was also found in section 1 of the journey logs, indicating wrong surface area in the vehicle approval. (...) Two vehicles had no drinking system at all, and one also had no ventilation system. (...) We found 69 % of the vehicles with inadequate partitions; p. 17: numerous vehicles should not have been approved by the competent authorities to transport live animals as they hold a risk of injury (sharp protrusions, edges, inappropriate dividers with large gaps where cattle can get stuck underneath).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>53</sup>](#) (e.g. p. 9: (...) vehicles which have drinking devices which are not at all suitable for lambs should not be authorized for long-distance transports of lambs; p. 15: it was not possible to help all of the downer animals, e.g. through euthanasia, due to inadequate vehicles with an insufficient number of doors to access the animals; p. 18: In five of the transports AWF|TSB documented legs of lambs which were trapped due to large gaps between the floor and the side wall or the tail board of the road vehicles. (...) there were downer animals which were not reachable for being euthanized due to the lack of access doors; p. 19: (...) there were no partitions at all on the first deck. (...) AWF|TSB detected two lambs with their heads stuck between the side wall and the partitions; p. 20: (...) there are no adequate drinking systems available to supply unweaned animals with electrolyte solution or milk replacer on board of a road vehicle; p. 24: (...) the suffering of animals is related to the fact that certificates of vehicle approval are issued for vehicles which are not even appropriately designed for the species).
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf<sup>54</sup>](#) (e.g. p. 8: None of the transport vehicles was equipped with drinking devices others than metal nipples for pigs that are inadequate for calves and lambs (...). Mostly the metal nipples were in a position they could not be used by the animals).
- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf<sup>55</sup>](#) (e.g. p. 12: This vehicle should not be authorized for the long-distance transport of calves, even weaned ones: Drinking devices were not appropriate for calves; Number of drinking devices insufficient for number of animals in compartment; Not enough access doors, not all compartments are accessible (such vehicles are not adequate for the transport of live animals. There were several downer animals which were not reachable for euthanasia or due care due to the lack of access doors).
- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf<sup>56</sup>](#) (e.g. p. 30: In most of the vehicles the dividers did not reach down to the floor and the exposed open gap posed a high risk for animals to become trapped underneath. In one trailer we found a bull that was stuck underneath the divider, unable to reach water or feed or protect himself from being trampled; p. 35: In a truck carrying sheep from Bulgaria we found two animals with severe leg injuries as a result of their legs being trapped between the floor and the inner wall of the truck. They were left in excruciating pain for several hours before their legs were released. The bone in their legs was exposed, due to the serious injuries. In addition, four sheep in this trailer died).

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<sup>52</sup> Annex document number 5.

<sup>53</sup> Annex document number 8.

<sup>54</sup> Annex document number 7.

<sup>55</sup> Annex document number 13.

<sup>56</sup> Annex document number 1.

- ✓ Dossier\_2014-2016\_Animal\_welfare\_overboard\_The\_lack\_of\_animal\_protection\_during\_sea\_transport.pdf<sup>57</sup> (e.g. p. 8: The majority of vessels (...) were originally car ferries and cargo ships (...). Animal behaviour and animal needs were not sufficiently incorporated into the ship design and many of them were overhauled several times according to the trial and error principle; p. 11: The fleet carrying animals from EU ports has an average age of 35 years. (...) Beside mechanical breakdowns (...) there can be a failure of the ventilation system or the water delivery; p. 26: (...) their design and maintenance is poor, with constructions leading to risks for injuries. (...) The steep loading ramps, pens and passageways with sharp edges, steel protrusions, gaps and spaces from the bulkhead frames; p. 27: The animals were literally cooked on the upper deck and we had to cool the roof down with sea water.; p. 28: The vessel is generally of poor design and condition. The ramps to the lower decks for cattle are very steep (...) some of them very rusty and not maintained. There is no automatic water system; p. 33: There is a deck with a clear height of only 1.60m in the pen areas, but also in the passageways. (...) This deck has no automatic water system, and the animals have to be watered manually. The lighting is not efficient for a proper inspection of the animals, and ventilation is reduced; p. 69: Only 24% of the vessels approved for the transport of live animals are flagged under the “white list”, representing so called “quality” flags. (...) in some member states the authorization of the vessel last for a few hours and costs seven euros and in other member states the authorization lasts for at least 3 days and costs thousands of euros).

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<sup>57</sup> Annex document number 10.

## CHAPTER IV: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS ON WATERING AND FEEDING

### MANDATE POINT 2.4

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on watering and feeding, laid down in the Regulation (EC) No 1/2005:*

- Article 3, second paragraph, point (h),
- Annex I, Chapter V, point 1.3., 1.4,
- Annex I, Chapter V, point 1.5,
- Annex I, Chapter V, point 2.1 (a) and (b),
- Annex I, Chapter VI, point 1.3,
- Annex I, Chapter VI, 2.2,
- Also Annex I, Chapter IV.



In order to safeguard the welfare of animals, the Regulation requires that food and water is given to the transported animals on a regular basis and in quantity satisfying their needs according to their size and species. This requirement is binding for journeys exceeding 8 hours. In order to efficiently supply the animals with feed and water, the planning of the journey must be correct (see [Mandate point 2.17](#)) and thoroughly inspected by the competent authority (see [Mandate point 2.9](#)). The transport vehicle must be equipped with watering system suitable for the species and category of animals transported, and this aspect requires special care (see [Mandate point 2.3](#) and [Mandate point 2.13](#)).

Road transport vehicle must carry extra supply of feed which has to be protected from weather and contaminants such as dust, fuel, exhaust gases and animal excrements. Planned control posts where the animals are to be unloaded for the legislated rest (Chapter V, Annex I of the Regulation) need to be authorized for their species and category, otherwise appropriate feeding of the animals may be impossible. The organizer should book rest at an approved control post and present the booking confirmation to competent authorities at the time of approval of Section 1 of Journey Log (see [Mandate point 2.9](#)). The list of approved control posts with their capacities and species accepted is regularly updated and available online<sup>58</sup>.

Requirements for feed and water during sea transport are laid down in Chapter IV, Annex I (not listed in the mandate). The fulfilment of these requirements should be checked during pre-loading inspection. It is crucial that the approved vessel is equipped with suitable and working watering systems, fresh water supply, and quality feed that is protected from sea water, weather, and contaminations. For these reasons it is so important that the inspection for the certificate of approval for livestock vessel (see [Mandate point 2.3](#)) is done by a knowledgeable competent authority with a team of experts and that the pre-loading inspection under Article 20 is done correctly (see [Mandate point 2.14](#)).

As you will read in our reports listed below, on many occasions we have found that feeding and watering requirements of the Regulation was not respected due to inadequate watering facilities on road transport vehicles with a valid certificate of approval; or because of deficient route planning (see [Mandate point 2.17](#)) approved by competent authority in the place of departure.

<sup>58</sup> [https://ec.europa.eu/food/sites/food/files/animals/docs/aw\\_list\\_of\\_approved\\_control\\_posts.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/aw_list_of_approved_control_posts.pdf)

Please note that violations of these provisions deprive animals of one of their basic freedoms (freedom from thirst and hunger) during journeys that may last several days and nights. As shown above, this unnecessary suffering is caused by failures on multiple levels, from direct neglect of attendants during journey, to blind eye turned by competent authorities during checks of means of transport and route planning.

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf](#)<sup>59</sup> (e.g. p. 6: Drinking nipples in the trucks were either not working or not turned on. (...) only a few animals were able to physically access water from these devices. The drivers did not make any attempt to manually water the animals (...); p. 7: The animals in these two trucks were so crowded that they not even able to lie down and could not reach drinking devices).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf](#)<sup>60</sup> (e.g. p. 9: drinking devices on board of the vehicles were not appropriate for lambs (...) and many lambs (...) did not know how to use them. (...) the number of drinking nipples was much too low for the number of animals. In some cases, the drinking devices were not accessible for the animals; p. 12 : It is very likely that (...) there was not enough space available to carry a sufficient amount of feeding stuff in relation to the transport duration; p. 14: During these transports the animals were not supplied with appropriate liquid or feed at the required intervals).
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf](#)<sup>61</sup> (e.g. p. 8: None of the transport vehicles was equipped with drinking devices other than metal nipples for pigs that are inadequate for calves and lambs (...) Mostly the metal nipples were in a position they could not be used by the animals. None of the transporters supplied the animals with liquid or feed after 9 hours of transport; p. 18: The calves are offered water by inadequate metal drinking nipples. EoA do not see any of the calves using the nipples by themselves; p. 22: The calves do not receive any liquid during transport. (...) they have been on board the truck for more than 27 hours (...) A calf arrived dead at the last farm; p. 32: None of the transports had any special system to at least warm liquids up and none offered electrolyte or milk replacer (...). special liquids for animals on a milk diet cannot be used in the drinking systems of road transports).
- ✓ [Report\\_20181019-20\\_Long distance transport of unweaned calves from PL to ES.pdf](#)<sup>62</sup> (e.g. p. 4: the animals do not know how to properly use the metal drinking nipples, which are designed for pigs and inappropriate for suckling calves. Some try to drink from the metal nipples, licking or biting them, but no or just a little water comes out. Others lick up the water that is running down the side of the truck. It is important to note that cold water is not suitable for young calves and can cause diarrhoea).
- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf](#)<sup>63</sup> (e.g. p. 8: Means of transport [was] allowed to go without feed).

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<sup>59</sup> Annex document number 6.

<sup>60</sup> Annex document number 8.

<sup>61</sup> Annex document number 7.

<sup>62</sup> Annex document number 9.

<sup>63</sup> Annex document number 13.

## CHAPTER V: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS ON BEDDING

### MANDATE POINT 2.5

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on bedding, laid down in the Regulation (EC) No 1/2005:*

- *Annex I, Chapter II, point 1.1 (h),*
- *Annex I, Chapter II, point 1.5,*
- *Annex I, Chapter VI, point 1.2.*



Bedding provides comfort, prevents floor from being slippery and absorbs animal excrements. The Regulation legislates that the flooring cannot be slippery and that the excrements cannot leak out of transport vehicles. During transport of very young animals (foals, piglets, kids, calves, lambs) the bedding is mandatory regardless of length of the journey. This requirement is valid for all means of transport (road, sea, air, rail). For transports by road longer than eight hours, bedding is mandatory also for adult animals.

The regulation does not prescribe the exact amount of bedding since it varies depending on length of the journey, weather conditions and species of animals transported. For example, pigs need to have constant access to water and thus require more bedding than other species. If rain is forecast during the journey, the amount of bedding must be even greater. Therefore, it is crucial for the organizer to consider all aspects that can influence the suitability and quantity of bedding, and foresee replacing the dirty bedding with fresh one, if necessary. The competent authority approving the journey should verify if this was taken into account in planning.

During our investigations we have seen many times that bedding inside road transport vehicles and vessels was scarce. Scarce bedding does not provide comfort for the animals, creates risk of injury because floor becomes slippery and worsens quality of air animals breathe. Moreover, excrements can leak out of the vehicle, contributing to spreading of animal diseases.

**Please note that dirty or insufficient bedding, especially on long journeys, exposes animals to risk of cold stress (skin covered in wet faeces affected by cold wind), injuries (slippery floor and moving vehicle), lack of physical comfort when lying down, but also forces them to breathe ammonia, which in itself is unnecessary suffering leading to further health conditions (respiratory tract and ocular irritation).**

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf](#)<sup>64</sup> (e.g. p. 14: We found 69 % of the vehicles with inadequate partitions, 42% with inadequate bedding).

<sup>64</sup> Annex document number 5.

- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf](#)<sup>65</sup> (e.g. p. 7: We observed two consignments that had bedding problems which could pose a significant risk of injury to animals during transport. (...) we observed some effects of elevated levels of NH<sub>3</sub>, including eye and respiratory tract irritation, eyelid swelling and conjunctivitis).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf](#)<sup>66</sup> (e.g. p. 12: In at least five of the transports there was either no bedding, insufficient (...) and/or dirty and wet bedding (...). (...) the lambs had no dry place to lie down and rest and (...) were covered with faeces and urine from the floor. In one case shivering animals, which were transported in completely wet bedding despite temperatures below zero degrees, were documented).
- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf](#)<sup>67</sup> (e.g. p. 5: the animals are lying exhausted in a layer of manure, there is lack of headspace and they cannot even stand without injuring their backs – the wounds are already visible. Trucks do not carry any feed or extra bedding).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf](#)<sup>68</sup> (e.g. p. 45: bedding was given in small quantities. On day one the bedding must be very uncomfortable for the animals to rest on. (...) On day seven of the journey, the bedding (...) became very dirty and wet and deck conditions decreased until the animals were finally unloaded on day nine. Many animals in the lower decks were covered with a faecal jacket).

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<sup>65</sup> Annex document number 6.

<sup>66</sup> Annex document number 8.

<sup>67</sup> Annex document number 13.

<sup>68</sup> Annex document number 10.

## CHAPTER VI: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS ON TEMPERATURE AND VENTILATION SYSTEM

### MANDATE POINT 2.6

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on temperature and ventilation System, laid down in the Regulation (EC) No 1/2005:*

- Annex I, Chapter II, point 1.1(b),
- Annex I, Chapter III, point 2.6,
- Annex I, Chapter VI, point 3.1.



The Regulation legislates that means of transport must guarantee proper quality of air for the transported animals. For road transports over eight hours, the vehicles must have mechanical ventilation system able to run for at least four hours when the engine of the truck is turned off. Inside the transport vehicle temperature measuring sensors must be placed in areas expected to be the hottest or the coldest.

For long transport by road is the Regulation imposes a temperature limit of 5°C to 30°C inside compartments with animals. A derogation of +/- 5°C is permitted. The derogation is to allow for possible calibration differences between temperature sensors and measuring equipment. It is not meant to permit long-distance road transport of animals in temperatures from 0 to 35°C. When authorizing a truck (see [Mandate point 2.3](#)), it is essential that competent authority verifies that temperature measuring system is correctly calibrated and that temperature reading can be presented to competent authorities performing checks during the journey. Optimum temperatures for road transport of different domestic species are recommended in EFSA scientific report<sup>69</sup>. It is crucial to remember that space and headroom on each deck have direct influence on the temperature and ventilation inside the transport vehicle (see [Mandate point 2.2](#)).

For sea transport over 10 nautical miles the Regulation provides for a minimum of 40 air exchanges per hour (Annex I, Chapter IV, point 2.a) but it does not specify temperature limits inside livestock vessels. Some recommendations were made in the last Network document on livestock vessels. They are very good but do not have legislative power. The Regulation also stipulates the duty of the organizer to organize the journey in a way that weather conditions do not compromise the welfare of animals during the entire journey (Art. 3.3.a). This means that parts of journeys outside EU also must be organized according to the Regulation (see [Mandate point 2.17](#) and [Mandate point 2.19](#)).

Bearing in mind that ventilation systems on means of transport can only force air movement without changing its temperature, and animals emit heat through their body surface, no long-distance transports (over 8 hours) should be allowed when temperature exceeds 30°C. Even if air movement when the vehicle moves helps maintain tolerable conditions on board (provided that headroom and space allowance are adequate), as soon as the vehicle stops, temperature on board quickly increases. In fact, as extreme temperatures lead to unnecessary suffering also during shorter exposure (e.g. broiler chicken transported to slaughterhouses for several hours in below 0 temperatures, having spent all their life indoor in temperature of about 25°C), all live animal transports should be banned in extreme weather, with the Regulation precisely stipulating the limits.

<sup>69</sup> <https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2004.122>

Another factor with great impact on animal welfare is relative humidity. According to the official European Livestock Weather Safety Index<sup>70</sup>, relative humidity of only 50%, when accompanied by high temperatures, can have disastrous consequences for animals, in some cases leading to medical emergencies and even death. As the European Commission suggests in its animal transport guidelines, it is important during the warm season to pay attention also to humidity parameters, both inside the trucks and outside: *“High humidity makes it more difficult to cope with high temperature. Therefore, when temperature and humidity are very high, avoid or minimise transportation.”*<sup>71</sup>

**Please note that unnecessary suffering caused by violation of these regulations could easily be avoided by changing provisions of the Regulation to more clear ones, and until this happens – by competent authorities following and enforcing the existing requirements (by thorough checks of route planning and vehicle design, and strict bans when necessary). As long as this is not the case, animals of different ages are exposed to heat and cold stress, leading sometimes to death during journey and possibly to more deaths in destination.**

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf](#)<sup>72</sup> (e.g. p. 5: Despite the high temperatures, organizers sent animals on their way to Turkey.(...) The weather forecast (...) was exceeding 30°C and up to 37°C; p. 6: The vehicles' ventilation systems were not capable of maintaining the internal temperature below 30°C, on most days not even under 35°C. The temperature records from Navi-printouts showed even temperatures of up to 45,9 °Celsius inside the vehicles. (...) The animals (...) presented signs of heat stress and were exhausted. We also saw temperature records from manipulated temperature sensors, showing temperatures of only 12 °C during outside temperatures of over 30°C).
- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf](#)<sup>73</sup> (e.g. p. 4: despite the high temperatures (...) organizers continued to send animals on their way to Turkey. (...) Czech Republic, Hungary, Croatia, Bulgaria, Austria, Romania, Slovakia, Estonia, Lithuania, and Latvia approved 556 consignments during summer (...).Every year since 2010, we have lodged complaints with all the Members States in Europe concerning the same regulatory breaches (...) FVE stresses that transportation of live animals should not be started if temperatures are expected to exceed 30 degrees during any stage of the journey; p. 5: the vehicles' ventilation systems were absolutely not capable of maintaining the internal temperature below 30°C, in fact not even under 35°C. Temperatures measured by us inside road vehicles ranged between 33.9 and 37.8°C.; p. 6: The consequences of high temperatures and humidity were evident during our inspections all the summers since 2010. (...) We observed sheep panting; exhausted, trembling and slobbering).<sup>74</sup>
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf](#)<sup>75</sup> (e.g. p. 10: In 15 of the inspected transports the number of lambs was too high in relation to the total available surface area (...) In addition, a too high loading density (in particular in combination with a lack of sufficient headspace (...) impedes adequate ventilation).

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<sup>70</sup> <http://animaltransportguides.eu/wp-content/uploads/2016/05/Driver-FINAL-2-1.pdf>

<sup>71</sup> <http://www.animaltransportguides.eu/>

<sup>72</sup> Annex document number 5.

<sup>73</sup> Annex document number 6.

<sup>74</sup> <https://www.youtube.com/watch?v=ujp9msxp3xs>

<sup>75</sup> Annex document number 8.

- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf<sup>76</sup>](#) (e.g. p. 5: inspectors see immediately that if the animals are allowed to continue the journey, they may not survive. The conditions on the trucks are already terrible, temperature is just below 30°C, but rising and with very high humidity index.; p. 7: The ship Holstein Express arrives at Haifa's Israel Shipyard port and offloading starts around 4 a.m. on 31.07.2019. The temperature outside on this day was 32 degrees (at 10:00 a.m.). in the shadow, according to weather forecast. The temperature measured inside the trucks during the offloading was 37.5 degrees).

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<sup>76</sup> Annex document number 13.

## CHAPTER VII: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROHIBITION TO TRANSPORT UNFIT ANIMALS

### MANDATE POINT 2.7

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the prohibition to transport unfit animals provided for in the Regulation (EC) No 1/2005:*

- *Article 3, second paragraph, point (b),*
- *Annex I, Chapter I.*



Animals that are to be transported must be fit for the intended journey. The basic rule says that animals not able to move independently without pain or to walk unassisted are not fit for transport. In addition to this there are some specific conditions in which animals cannot be transported (Chapter I of Annex I). One of the conditions says that animals who reached 90% or more of their gestation period cannot be transported. Young animals should reach a certain age to be transported on long journeys.

During our investigations we encountered animals giving birth on board of road transport vehicles. It means that they were loaded over 90% of gestation, thus unfit. It is possible when competent authorities do not check the date of artificial insemination, or the dates given in the certificates are wrong. If this happens, the mother and the new-born calf must be separated from other animals on board of the vehicle and cannot continue the journey because the Regulation considers them unfit. This shows how original violation can be further aggravated by lack of contingency plan prepared by the organizer. Therefore, it is so crucial that competent authorities not only check the fitness of animals before loading, but also the feasibility of contingency plans when approving a transport ([see Mandate point 2.9](#)).

Unfit animals are also commonly seen on animal markets, for example ones with open wounds, prolapses or severely overgrown claws that make the animals unable to walk without pain. If such an animal is found on a market, it means it was transported there and will be transported from the market – although this practice is clearly illegal. Animals can also become unfit during the journey because of unsuitability of vehicle, where the animals can get injured because of inappropriate partitions, slippery floors, gaps in the floor ([see Mandate point 2.15](#)). Therefore, it is so crucial that any animal transport vehicle holds an approval specifying the species and category of animals, has sufficient number of access door ([see Mandate point 2.3](#)) and that it is maintained in good working order. Journey-specific contingency plan should provide for emergency situations, allowing for quick first aid, unloading and/or separation of a suffering animal.

Despite lack of a definition of “fitness for transport” and allowing the transport of “slightly injured or ill” animals, the Regulation is clear that no suffering can be caused by the transport. We have seen transport of severely lame animals (unable to walk without pain), giving birth (after 90% of gestation), downers (with physiological weakness or a pathological process), with wounds and prolapses. While some problems could have happened during the transport, in other cases animals were loaded unfit, which is a clear breach of Article 15.2 of the Regulation ([see Mandate point 2.10](#)). It should be borne in mind that the longer the journey and/or the more extreme weather along the route, the stricter should be the pre-loading inspection for fitness, otherwise animals do not survive the transport.

**Please note that in addition to unnecessary suffering caused by reason of unfitness itself, such animals have dramatically lower chances to reach water and feed during the journey. Other animals usually trample them, especially when loading density is high. Not only attendants are to blame for this gruesome**

reality, but also organisers, keepers at place of departure and competent authorities who fail to prevent the loading of unfit animals and approve means of transport posing risks of injuries.

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>77</sup>](#) (e.g. p. 15: In the five cases (...), unfit or downer lambs were documented (...). The reason for the bad condition of the lambs might have been the conditions of transport (...) the unfit lambs were not assisted and did not receive veterinary treatment (...) Most of the unfit animals were only detected during the inspections of AWF|TSB and not by the attendant/drivers (...). it was not possible to help all of the downer animals, e.g. through euthanasia, due to inadequate vehicles with an insufficient number of doors to access the animals).
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf<sup>78</sup>](#) (e.g. p. 16: we observe a downer animal being left unattended next to the unloading ramp; p. 30: On the first and second level we discover two downer calves. (...) Both downer calves are dead by the time they reach the destination).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf<sup>79</sup>](#) (e.g. p. 24: there is no time for a proper inspection for fitness for transport. Especially when the animals are loaded directly from the road vehicle onto the vessel (...) there is no possibility for a thorough inspection of the animals. (...) During each loading animals were observed with nasal discharge and respiratory problems (...) The health condition of these animals decreased rapidly during the sea journey (...). We observed extreme suffering and death of those animals; p. 46: On the second day (...) some of the animals (...) started to show signs of respiratory infection and diarrhoea. On the third day (...) seven animals were showing signs of respiratory distress (...). Two of them died during the night (...). On the fourth day (...) one died (...). One more animal died on the fifth day (...) and two animals showed bloated rumen. One Italian buffalo and another animal died on the ninth day (...) while animals were waiting to be unloaded).
- ✓ [Report\\_20190208-13\\_Animal welfare overboard\\_Rasa Port \(HR\).pdf<sup>80</sup>](#) (e.g. p. 5: Some of the animals probably should have undergone humanitarian slaughter in Croatia after the long journey by road and should had been considered as animals unfit for a long-distance transport by sea. Fact also confirmed by the last FVO report)
- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf<sup>81</sup>](#) (e.g. p. 5: Some of the animals (...). should have undergone humanitarian slaughter in Spain and should had been considered as animals unfit for a long-distance transport by sea; p. 9: We saw a downer bull that could not get up by himself and four workers tried to move him, continuously applying electric shocks on the weak animal(...) This fact confirms the insufficient supervision of fitness of animals for long-distance transport by the veterinary authorities in charge; p. 13: One of the downer bulls cannot get up in the middle of the ramp, and the young and nervous worker tries to make the animal stand up with

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<sup>77</sup> Annex document number 8.

<sup>78</sup> Annex document number 7.

<sup>79</sup> Annex document number 10.

<sup>80</sup> Annex document number 12.

<sup>81</sup> Annex document number 11.

different unacceptable techniques: several kicks, excessive use of electric shocks and twisting the tail of the weak animal. The second downer animal (..) collapses after unloading from the road vehicle (...) the rest of the animals trample the defenceless bull)

- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf](#)<sup>82</sup> (e.g. p. 27: The sheep were heavily pregnant and during unloading many of the sheep started to give birth. In just half a day, 12 baby lambs and one mother sheep died; p. 28: We repeatedly observed unfit or dead animals on the trucks, including six dead sheep, a very sick cow, a pregnant cow giving birth on board of the truck and a new-born calf; p.19-28: Several examples of injured, exhausted and dying animals).
- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf](#)<sup>83</sup> (e.g. p. 18: Article 2 (c) therefore, was violated in at least one case of a heifer with a leg deformity;)
- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf](#)<sup>84</sup> (e.g. p. 7: We documented one consignment from Bulgaria (Case 2: INSPECTED) transporting a blind animal (both eyes affected). This is totally unacceptable and against regulation 1/2005).
- ✓ [Report\\_20140815-19\\_Transport of pregnant heifers to Turkey.pdf](#)<sup>85</sup> (e.g. p. 2: All animals were dehydrated, several had injured backs, two arrived dead. One heifer with the injured back died on the lorry, shortly after arrival).

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<sup>82</sup> Annex document number 1.

<sup>83</sup> Annex document number 5.

<sup>84</sup> Annex document number 6.

<sup>85</sup> Annex document number 48.

## CHAPTER VIII: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE SEPARATION OF CERTAIN ANIMALS

### MANDATE POINT 2.8

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the separation of certain animals laid down in the Regulation (EC) No 1/2005:*

- *Annex I, Chapter III, point 1.12.*



To avoid injury in transport, the Regulation prohibits loading certain animals together in the same compartment, for example sexually mature males and females, animal with and without horns, animals of significantly different size, etc. For efficient separation of the animals, suitable partitions must be used. Partitions must be solid enough to prevent the animals from hurting one another, and high enough so that animals cannot jump over it or attack animals in another compartment over the partition. It should be safe for the animals, without any gaps where animals could get their body parts (legs, heads) stuck. The partition needs to be smooth without sharp edges posing the risk of injury.

Moreover, the certificate of approval of means of transport should specify both species and category of animals that can be transported, and should include information on how many levels which animals can be transported (see [Mandate point 2.3](#)).

During our work we frequently documented hornless animals not separated from ones with horns, and sexually mature males and females mixed in the same compartment. Transporting such animals together, if they are not accustomed to each other, causes injuries, and leads to unnecessary suffering which could be easily prevented. We have also seen transports of animals of very different sizes – this is an obvious risk of injury and pain for the smaller ones, but also of thirst and hunger (they cannot fight the bigger ones for access to these basic supplies).

**Please note that violation of these provisions not only poses the risk of physical suffering, but also to unnecessarily increased stress levels of the more vulnerable animals bullied by stronger ones.**

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf](#)<sup>86</sup> (e.g. p. 14: We found 38 % of the animal consignments not separated according to their size and weight; a consignment (...) had loaded young feeder bulls of very different size and weight, which caused pain and distress to the smaller animals in the overcrowded trucks. These animals had no chance to get access to drinkers or feed).

<sup>86</sup> Annex document number 5.

- ✓ Dossier\_2016-2019\_Long distance transports of lambs to Italy\_The journey of Easter and Christmas lambs.pdf<sup>87</sup> (e.g. p. 10: The situation for the lambs was even worse in cases where not only shorn lambs but also unshorn animals, or horned animals were transported, which need more space; p. 13: In 14 of the documented cases (...), lambs of different sizes, and/or animals with and without horns were transported in the same compartments and not separated).

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<sup>87</sup> Annex document number 8.

## CHAPTER IX: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE ADDITIONAL PROVISIONS CONCERNING LONG DISTANCE JOURNEY

### MANDATE POINT 2.9

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the additional provisions concerning long distance journey laid down in the Regulation (EC) No 1/2005:*

- Article 14,
- Annex I, Chapter VI



Before each long journey, competent authority at the place of departure must assure that the journey is planned according to the Regulation. For this purpose, a thorough documentary check is done regarding the validity of transporter's authorizations, drivers' certificates of competence and approval of the means of transport, as well as verification of route planning presented in Section 1 of the Journey Log. The Journey Log is presented by the organizer to the competent authority at least two working days before the planned date of departure. If competent authority establishes that the planning is not realistic and/or not compliant with the Regulation, the organizer is required to make necessary arrangements so that the planned journey meets requirements of the Regulation. Whenever Satellite Navigation System is required by the Regulation, competent authorities should demand login data to the system, to be able to verify whether the journey is performed according to the planning (see [Mandate point 2.17](#)).

Any deficiencies in the planning of the journey and its poor verification by competent authorities lead to unnecessary suffering. Poor verification of Journey Logs is to some extent caused by lack of knowledge of competent authorities on how to verify these documents in detail. We encountered numerous violations that would not happen if verification by competent authorities was performed properly. They include inadequate transport vehicles despite approval (see [Mandate point 2.3](#)), wrongly planned watering and feeding intervals (see [Mandate point 2.4](#)), temperatures along the whole route not taken into account (see [Mandate point 2.6](#), [Mandate point 2.8](#)), waiting times at borders unrealistic, missing or in journey specific contingency plans (see [Mandate point 2.7](#)) and the organization of the entire journey so that unnecessary delay does not influence the welfare of animals (see [Mandate point 2.12](#)).

Some Member States have established national rules and instructions on certain aspects of these checks, for example detailing how to check whether the planned transport time is realistic or where to check weather forecast. They implemented certain recommendations advised in the Network document on Checks Before Journeys<sup>88</sup>, such as journey-specific contingency plans. Since the Network document is not a legally binding document, it is left to the Member States to implement it in their own national rules. This leads to breaches of sincere cooperation (see [Mandate point 2.20](#)).

**Please note that "long distance journeys" means transporting animals on trucks as far as east of Russia, Uzbekistan, Azerbaijan, east of Turkey, on journeys reaching over 7000 km and lasting about 14 days. This also means long days of combined road and sea transport to Africa, Israel, and Lebanon, from as far as Lithuania or Ireland for example.**

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/704015/ATIC127-2-Appendix16.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/704015/ATIC127-2-Appendix16.pdf)

Therefore, unrealistic planning and any neglect in documentary checks before the journey commences may lead to death of animals on board, and unnecessary suffering is almost certain in majority of cases.

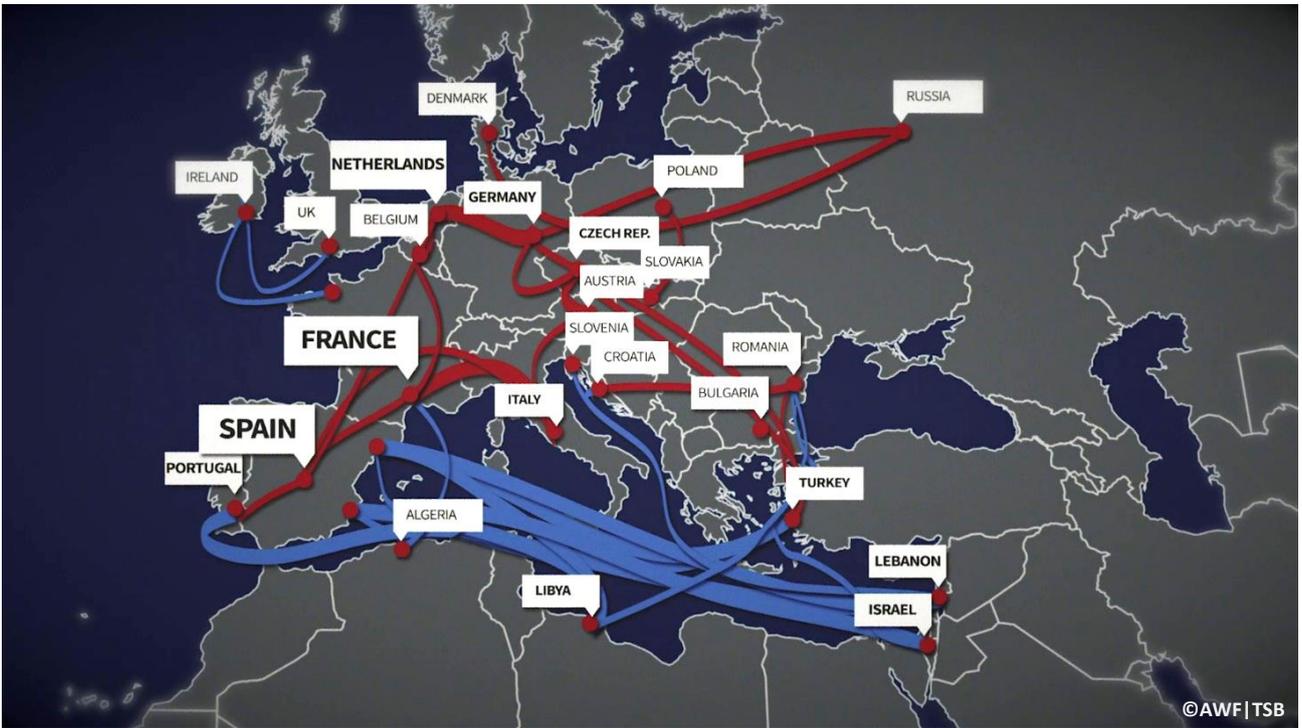


Figure 1. Main transport routes of cattle from EU to third countries in 2018 (red colour: main routes by road; blue colour: main routes by sea).

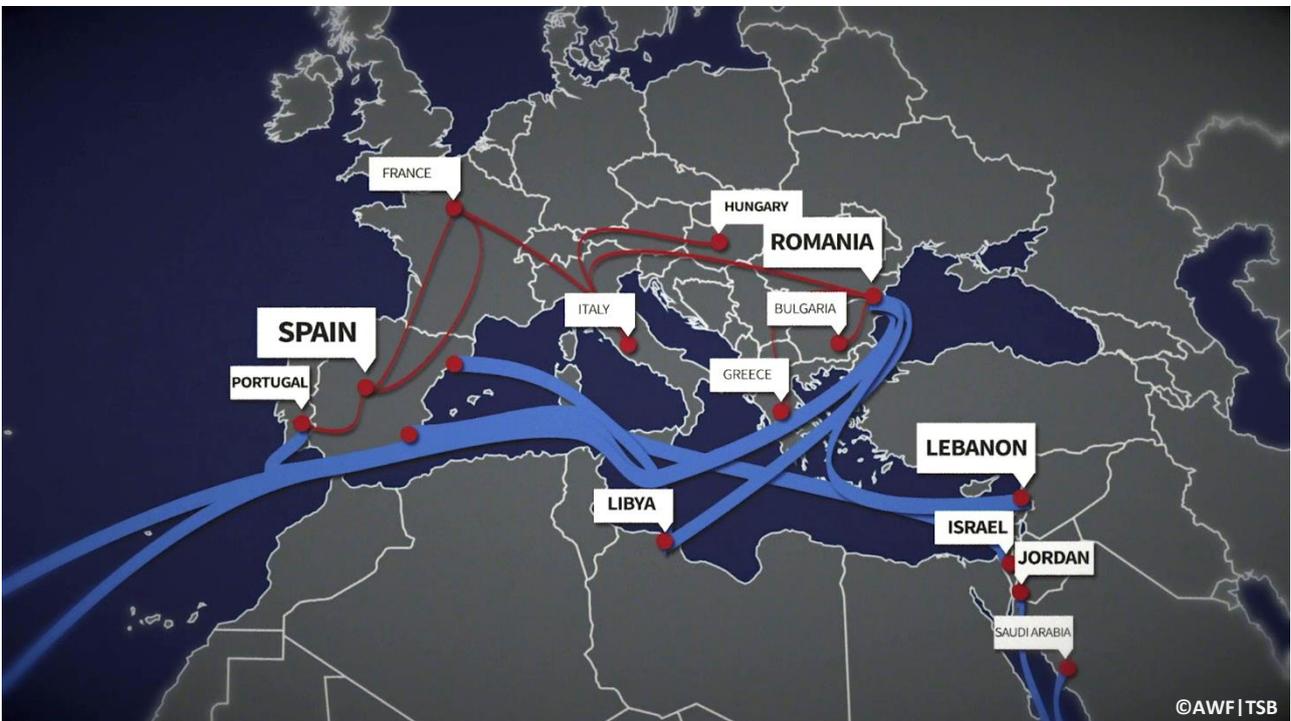


Figure 2. Main transport routes of sheep from EU to third countries in 2018 (red colour: main routes by road; blue colour: main routes by sea).

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf](#)<sup>89</sup> (e.g. p. 15: The competent authorities (...) should not have approved journey logs under Article 14.1 as the temperatures were expected to be over 30°Celsius in Turkey and along the route. They knew that due to the long and unpredictable delays at the border (..). compliance with the Regulation cannot be guaranteed; p. 16: The weather conditions had not been taken into account by any of the competent authorities at the point of departure. The authorities (...) approved journey logs with destination Kapikule, even though this is not the place of destination).
- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf](#)<sup>90</sup> (e.g. p. 3: competent authorities of some Member States of departure continue to commit significant violations of the (..). Regulation 1/2005 when approving journeys to Turkey during the hottest months of the year. They do so fully aware that there is only one control post operating in Bulgaria and that there are long standstill times for cargo traffic on the Bulgarian side of the border and inside the Turkish border; p. 17: We documented: ▪ compromised welfare issues such as heat stress, exhaustion, thirst and hunger; ▪ loading density not respected; ▪ animals of different sizes and weight loaded together; ▪ inappropriate dividers posing risk of injury to animals; ▪ temperature limits exceeded).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf](#)<sup>91</sup> (e.g. p. 15: Most of the unfit animals were only detected during the inspections of AWF|TSB and not by the attendant/drivers; p. 17: the attendant/drivers did either not at all or only very briefly inspect the lambs on board of the vehicles, or e.g. only once the first deck. In one case (...) there was not even a ladder on board of the vehicle to inspect the lambs on the upper decks. Consequently, lambs which were unfit or injured, or stuck with their legs and heads were not detected by the attendant/drivers and hence no action to care for them was taken).
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf](#)<sup>92</sup> (e.g. p. 8: unweaned calves and lambs cannot be transported for more than eight hours under conditions guaranteeing their welfare. (..). suffering of the animals is inevitable during long distance transport and the requirements of the Regulation are not enforced; p. 10: After loading, the truck drives to a nearby restaurant where it stops for 1.5 hours. It then drives to an assembly centre (..). The animals are left on board and after 30 minutes the truck continues. After 21 hours of transport, during which the calves have not received any liquid, our team arranges a police inspection; p. 20: The calves have been on the vehicle for 23 hours without any supply of liquid or feed. Two hours after being unloaded, some calves are (..). transported another 190 kilometres, for 3 ½ hours; p. 22: After loading is completed, the animals are left on board during 2.5 hours before departure to Spain. The calves do not receive any liquid during transport; p. 24: After 21 hours of transport, during which the calves have not received any liquid, the truck stops at the control post (...). The calves are rested during 20 hours and then further transported to Spain; p. 33: During the ferry journey, none among the drivers we observe is looking after the animals)

<sup>89</sup> Annex document number 5.

<sup>90</sup> Annex document number 6.

<sup>91</sup> Annex document number 8.

<sup>92</sup> Annex document number 7.

- ✓ [Report\\_20181019-20\\_Long distance transport of unweaned calves from PL to ES.pdf<sup>93</sup>](#) (e.g. p. 4: Not once during the whole transport do we see the drivers checking the animals' welfare; p. 7: The [unweaned] calves have been on board the vehicle without being fed for 22 hours).
- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf<sup>94</sup>](#) (e.g. p. 5: The conditions on the trucks are already terrible, temperature is just below 30°C, but rising and with very high humidity index. Moreover, we know that countries south of Poland are having much higher temperatures. (..). animals are lying exhausted in a layer of manure, there is lack of headspace and they cannot even stand without injuring their backs – the wounds are already visible. Trucks do not carry any feed or extra bedding; p. 8: [Findings:]: wounds caused by insufficient headspace; overcrowding for weather conditions and age of animals; extreme exhaustion; downers with problems to get up; animal with trapped leg: incapable to move without pain(...); length of journey and surface area not taking into account the young age of animals (...); ventilation was not turned on by the drivers during stop; insufficient bedding already soaked with excrements, no extra bedding to add, as a result the anti-slip floor lost its properties and could become source of more injuries; number of drinkers insufficient for the number of animals, only few animals could reach them because of overcrowding and slippery floor; drivers did not plan extra stop to water animals (during driving the water system was turned off) despite high temperatures; transport absolutely unprepared to feed animals).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf<sup>95</sup>](#) (e.g. p. 70: The requirement of the European Court of Justice Decision C-424 that the entire journey should be observed until the final destination, is presently not enforceable and thus competent authorities should not authorize these journeys).
- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf<sup>96</sup>](#) (e.g. p. 5: we found: animals showing some of the clinical phases of heat stress; animals already exhausted; downer bulls (unable to get up by themselves); significant injuries (some broken horns); sheep transports in overcrowded conditions; sheep transports with no space for the animals to stand in a natural position; vehicles with no bedding at all (consequently, several vehicles had their animals all covered with their own faeces), and water and ventilation systems turned off during the long waiting time; p. 6: many vehicles spent over 4 hours there with the animals onboard. Sometimes we observed more than 10 vehicles parked at the same time at this unofficial waiting zone, without any facilities for animals at all. The animals waited for hours in the sun, without shadow and without water or mechanical ventilation system turned on. During this long waiting time the drivers were waiting inside the bar without checking the welfare of their animals).

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<sup>93</sup> Annex document number 9.

<sup>94</sup> Annex document number 13.

<sup>95</sup> Annex document number 10.

<sup>96</sup> Annex document number 11.

**CHAPTER X: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE CHECKS TO BE CARRIED OUT****MANDATE POINT 2.10**

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the checks to be carried out laid down in the Regulation (EC) No 1/2005:*

- Article 15(2),
- Article 21.



The Regulation requires that competent authorities perform compliance checks at all stages of the journey. The checks are to be performed according to multi annual national control plan (MANCP) of each Member State, they should be non-discriminatory and focus on animals, means of transport and accompanying documents. Checks required under Article 14 have been discussed in Chapter IX (see [Mandate point 2.9](#)). Checks at exit points required under Article 21 have been to a large extent analysed in chapter XIV (see [Mandate point 2.14](#)). Checks of fitness at place of departure (Article 15.2) have been largely covered in Chapter VII (see [Mandate point 2.7](#)). In this chapter we would like to focus on remaining points of Article 15, because they have not been included in any other points of the Mandate<sup>97</sup> and their importance for animal welfare cannot be overestimated (see [Mandate point 2.9](#) and [Mandate point 2.14](#)).

In line with Article 15.1 and 15.4 of the Regulation, competent authorities can use records of movements of the means of transport obtained through the satellite navigation system (SNS) mandatory for all long-distance road transport vehicles approved for domestic Equidae, except registered ones, and domestic bovine, ovine, caprine and porcine (Art.6(9)).

These records provide precious information on the real timing and route, and as such can be used to monitor compliance, fine for violations, but predominantly prevent breaches during transport. Unfortunately, competent authorities rarely use them, and when they do, it is mostly for retrospective checks. This is caused by two deficiencies of the Regulation:

- First, the Regulation does not establish the exact time frame for the transporter to provide the SNS records, thus official checks en route using SNS data are not always possible (drivers say they do not have the interface and refer the competent authorities to the company office). As a result, the violating transporter may have enough time to manipulate SNS data before sending them to the authorities for verification. As a result, some violations go unnoticed, but more importantly, it is not possible to prevent them.
- Second, the Commission failed to provide detailed instructions to Member States regarding the requirements that SNS systems must comply with. As a result, the companies are using a wide range of systems, some of them very difficult to read. This makes thorough checks by competent authorities very difficult, as they do not have any training in how to read these data. Moreover, their understanding and analysis take a lot of time, making this very precious tool futile for checks during the journey.

<sup>97</sup> 2020 06 12 B-9-2020-0191\_EN animal transport mandate. Annex document number 46.

Some Member States such as Denmark and some federal states in Germany refuse to approve Journey Logs (see [Mandate point 2.17](#)) if they do not obtain login data to the SNS system of a specific animal consignment. Most Member States, however, are satisfied with receiving data from the SNS after the journey upon request – and their competent authorities rarely ask for it, also because they do not know how to read data from SNS systems.

During our investigations we found many cases of non-compliances with the Regulation where competent authorities failed to perform their duties of thorough checks, taking relevant action and reporting. Most notorious problems are:

- Authorizing Journey Logs that are not compliant with the Regulation;
- Performing scarce or superficial checks at Exit Points (export to third countries) and not applying the requirements laid down in Article 21;
- Performing insufficient checks at place of departure and place of destination.

**Please note that insufficient checks, be it due to unawareness, negligence or intentional omission of shortcomings, lead to increased suffering of animals – the longer the journey, the greater the risk. The sheer number of repetitive violations documented and reported for several years by AWF|TSB alone, prove that the checks by competent authorities remain insufficient and inefficient.**

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf](#)<sup>98</sup> (e.g. p. 17: We observed road transports (..) in breach of Regulation 1/2005, but those problems were not detected or addressed by the competent authorities; p. 69: The inspected vessels (...) are poorly designed and maintained and with constructions posing many risks for the safety of the animals. The reasons for this are (...) also the lack of re-inspections at the exit points (...) in some ports the level of inspection of the different stages of transport by road and sea is very low. The conditions during road transportation to the Ports and the fitness of the animals for further transportation are not under thorough and regular supervision. Additionally, the mandatory inspection of the vessels prior to the loading of the animals is not always performed).
- ✓ [Report\\_20190208-13\\_Animal welfare overboard\\_Rasa Port \(HR\).pdf](#)<sup>99</sup> (e.g. p. 4: (...) the official veterinarians are usually doing the inspection of the animals only in the zone between the road vehicle and the short gangway loading ramp, making impossible the detection of an unfit animal before it will be loaded on the vessel. p. 5: The veterinary authorities in charge of this border exit are not sufficiently staffed to supervise and inspect the compliance with the Regulation of whole operation of the loading on a vessel. (...) The road transport of animals to Rasa are also often in breach of Regulation 1/2005, but those problems are not identified or addressed by the competent authorities, simply because the conditions of the road transportation are not inspected).
- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf](#)<sup>100</sup> (e.g. p. 3: The veterinary authorities in charge of the border exits are not sufficiently staffed to supervise and inspect the compliance with the Regulation of whole operation of the loading on a vessel, which should include the inspection of the vessel itself; the conditions of road transport; journey times; fitness for transport and the loading onto the vessel. Additionally, the documentation of hundreds of animals needs to be checked).

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<sup>98</sup> Annex document number 10.

<sup>99</sup> Annex document number 12.

<sup>100</sup> Annex document number 11.

- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf<sup>101</sup>](#) (e.g. p. 9-11: Violations of the competent authority at the place of departure).
- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf<sup>102</sup>](#) (e.g. p. 104: General findings related to exports from Bulgaria: use of inadequate vehicles with a risk of injuries (legs caught); p. 22: The outside temperature was 39°C and the ammonia level inside the truck was very high. The downer bull was trampled by other bulls and vocalizing in pain).
- ✓ [Dossier\\_20160623-29\\_Live animal transport to Turkey\\_Doomed Journey Part II.pdf<sup>103</sup>](#) (e.g. p. 21: table showing examples of average waiting time at border; p.27: During our inspections, we saw several journey logs where the Bulgarian official veterinarians had written: "Journey time exceeded! Planning not adhered to! Due to the complicated epizootic situation in Bulgaria, the animals continue the journey in accordance with Art. 23 of Reg. 1/2005." Apparently, they relied on Article 23 on a regular basis. Article 23 is designed to permit exceptions during real emergencies; Article 23.2 (d) should not be used systematically to allow dozens of non-compliant consignments to continue to their destination in Turkey on a daily basis).
- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf<sup>104</sup>](#) (e.g. p. 7: our teams have once again come across other significant animal-welfare issues not directly related to heat stress or long standstill times on the border. We inspected some vehicles that should not have an approval for long distance transport and should not have been approved at the place of departure).

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<sup>101</sup> Annex document number 13.

<sup>102</sup> Annex document number 1.

<sup>103</sup> Annex document number 2.

<sup>104</sup> Annex document number 6.

## CHAPTER XI: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE OBLIGATION OF MEMBER STATES' COMPETENT AUTHORITIES TO, IN CASE OF INFRINGEMENTS, TAKE SPECIFIC MEASURES AND NOTIFY THE INFRINGEMENTS

### MANDATE POINT 2.11

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the obligation of Member States' competent authorities to, in case of infringements, take specific measures and notify the infringements, laid down in the Regulation (EC) No 1/2005:*

- Article 26.



The Regulation provides different tools to competent authorities to communicate and report the results of their official controls and actions taken. Article 26 specifies different cases in which competent authorities must notify other competent authorities, specifically ones who issued the transporter's authorization, the certificate of competence for drivers or the certificate of approval of means of transport, competent authorities of place of departure, etc. The article also provides legal basis for competent authorities to withdraw transporters' authorizations or approvals of means of transport, to subject the transporter to additional checks, and to require the transporter to remedy breaches found and prevent them in the future.

The roles and responsibilities of competent authorities involved in the transport procedures are very much interconnected. For example, poor vehicle approval by competent authority A affects competent authority B who approves a transport with the use of the badly designed, but approved, vehicle, and this in turn affects work of competent authorities C and D who perform checks en route and at place of destination or exit points. The Regulation provides for different ways in which competent authorities can report infringements found during official controls:

- Filling out Section 5 of the Journey log,
- Entering outcome of checks in the TRACES system,
- Reporting through the system of national contact points.

Unfortunately, competent authorities reluctantly use these measures. The unwillingness of competent authorities to communicate about shortcomings of their peers' work and/or to report infringements found during their checks contributes to continued animal suffering and a false image of well-managed animal transport situation in the EU. This is also one of the main reasons why year after year we document the same breaches of the Regulation and the related suffering. Moreover, failure to report violations also takes away the power of other competent authorities to react upon them.

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 products (referred to hereafter as OCR) gives even greater legal power to competent authorities on performing official checks and taking action. The OCR will override many articles from the Regulation (Art. 21 and Art.15(2)). These changes will take place on 14 December 2022 or earlier if the delegated act is adopted. However, without a radical shift in how competent authorities report and counteract violations, new law itself will not change the number of bad practices and infringements.

**Please note that violation of this provision is indirect harm inflicted on animals: thanks to deficient reporting, consequences of infringements remain a minor cost to business, thus some companies continue transporting animals in cruel conditions, blatantly ignoring the Regulation.**

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>105</sup>](#) (e.g. p. 3: several companies repeatedly transport lambs in a way that is a breach of the Regulation (EC) No 1/2005, in some cases even despite numerous police controls and fines. This unacceptable practice can be explained by the lack of notifications between the authorities from the member state of destination and the member state of departure, and the fact that the penalties applied (..) have not been effective, proportionate and dissuasive and therefore have not led to significant improvements of enforcement of the Regulation; p. 23: problems observed in transports of lambs on the route to Italy are not incidental in nature, but regular, since the infringements were observed in every inspected road vehicle. (..) despite inspections performed by authorities and fines imposed by them, repetitions of various violations of the Regulation (EC) No 1/2005 by the same transporter companies were observed in the course of four years of investigations, and no measures have been taken by these or other competent authorities to solve the problem efficiently; p. 24: authorities at the place of destination frequently do not inform the competent authorities at the place of departure about infringements found, and they continue with the failure to implement measures to remedy the breaches or prevent the recurrence of infringements; p. 22: Despite fines through the police and complaints to the competent authorities, various repetitions of violations of the Regulation (EC) No 1/2005 were observed in the course of the years from 2016 to 2019 by the same transporter companies).
- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf<sup>106</sup>](#) (e.g. p. 91, 109-111: Despite complaints to the relevant Ministry the Bulgarian transport companies PIMK and Maria Express carried animals repeatedly in extremely bad conditions; p. 87-90: Despite complaints to the relevant Ministry the Hungarian transport company Agrarcoop transported animals over years in conditions causing undue suffering to them).
- ✓ [Dossier\\_20160623-29\\_Live animal transport to Turkey\\_Doomed Journey Part II.pdf<sup>107</sup>](#) (e.g. p. 104, 109, 131-135: Numerous complaints since 2011 have not stopped the Bulgarian transport company PIMK to continuously transport animals in extremely bad conditions, having dead animals onboard).
- ✓ [Report\\_20170809\\_EXT\\_Live animal transport to Turkey\\_Doomed Journey Part III.pdf<sup>108</sup>](#) (e.g. p. 14-16: Numerous complaints since 2011 have not stopped the Bulgarian transport company PIMK to continuously transport animals in extremely bad conditions, having dead animals onboard).

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<sup>105</sup> Annex document number 8.

<sup>106</sup> Annex document number 1.

<sup>107</sup> Annex document number 2.

<sup>108</sup> Annex document number 3.

## CHAPTER XII: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE OBLIGATION OF THE COMPETENT AUTHORITY TO PREVENT AND TO REDUCE DELAY DURING TRANSPORT

### MANDATE POINT 2.12

*Investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the obligation of the competent authority to prevent and to reduce delay during transport, and the appropriate measures to be taken in such case, laid down in the Regulation (EC) No 1/2005:*

- Article 22.



The Regulation in its Article 3.f requires that all necessary arrangements are made to ensure that animal welfare is not compromised due to – among others – any unnecessary delays. Such delays most frequently occur when the planning of the journey does not take into consideration the maximum allowed working time of drivers laid down in Regulation (EC) 561/2006 (discrepancies between the two regulations are nicely described in *“Zur Beachtung der Lenk- und Ruhezeiten der Fahrer im Zusammenhang mit Langstreckentransporten von Tieren”*<sup>109</sup>). Other factors frequently omitted in planning are prolonged border crossing times or waiting times in ports, at slaughterhouses, in traffic jams, due to extreme weather conditions, etc. Article 22 stipulates that competent authorities are responsible for preventing or reducing delay and suffering caused by unforeseeable circumstances. Therefore, in the events of prolonged waiting times and delays at EU border crossings, delays of vessel loadings in Ports, competent authorities must have contingency plans to carry out necessary measures. Still, in Ports and at EU exit points we observe recurring problems with delays of up to several days that remain unsolved by the authorities

**Please note that Article 22 should be always related to Article 3.f. A lot of delays are easily foreseeable and preventable by proper route planning and feasible contingency plans. There is no excuse for lack of contingency plans to remedy the suffering of animals.**

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf](#)<sup>110</sup> (e.g. p. 16: The Bulgarian authorities should have applied Article 22 in order to remedy the suffering of the animals that had been denied entry into Turkey; p. 9-10: The time for the border crossing was also observed for 48 trucks. A truck from Czech Republic was stuck for 11 days with cattle onboard inside the border. They year before a consignment of 500 fattening bulls from the Czech Republic, loaded on 22 trucks, got stuck for almost a week inside the Turkish border due to unknown shortcomings. According to transporters involved, 112 bulls died inside the trucks).

<sup>109</sup> [http://www.rabitsch-vet.at/fileadmin/user\\_upload/LRZ-VO\\_TT-VO\\_RabitschWessely.pdf](http://www.rabitsch-vet.at/fileadmin/user_upload/LRZ-VO_TT-VO_RabitschWessely.pdf)

<sup>110</sup> Annex document number 5.

- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf<sup>111</sup>](#) (e.g. p. 57: During our one-week-investigation in 2015, we inspected 86 livestock trucks in total (at the Turkish border and at the customs in Istanbul and Ankara). We documented the waiting times in Kapikule of 63 trucks (No Man's Land and Petline). These trucks had to wait for clearance on average for 17 hours. 15 of these trucks waited more than 24 hours (24%), five even more than 48 hours (8%). One truck waited five days inside the border, parked in full sun with temperatures up to 40°C; p. 34: In the evening of the 30th of November, the bulls were unloaded for a 24 hours rest at the old vet station in Kapikule. They had been waiting in No Man's Land for seven days, tightly confined inside the vehicle. Neither the Bulgarian nor the Turkish authorities were willing to take responsibility for the animals. The return of the animals to the EU was prohibited by the competent Bulgarian Ministry due to epizootic concerns. On the 1st of December, the transport through Turkey to Iraq was finally allowed, but under special conditions: the truck was sealed and the drivers were required to transit Turkey as fast as possible and not to stop for more than one hour).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>112</sup>](#) (e.g. p. 14: Despite Article 3.a of the Regulation the transports (...) avoided the fastest route on the highway and used national roads, which caused exceeded maximum journey times).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf<sup>113</sup>](#) (e.g. p. 49-52: Italian buffalos that are considered non-indigenous species of animals were not allowed to enter Egypt. All the animals had to wait on the vessel to get permission to unload. Unloading started (...) 75 hours after arrival at port. Animals were exposed to high temperature and humidity (...). All this suffering could have been avoided just by knowing – and appropriately responding to the fact that – buffalos cannot be exported to Egypt. The Italian buffalos (...) were returned to Rasa port. (...) The vessel arrived at Rasa (...). [but] The buffalos could not be unloaded from the vessel due to sanitary restrictions. On 24th October 2016, the vessel departed to Istanbul (Turkey) (...) and then continued the journey to Lebanon. The vessel arrived in Lebanon on 4th November 2016).
- ✓ [Report\\_20190208-13\\_Animal welfare overboard\\_Rasa Port \(HR\).pdf<sup>114</sup>](#) (e.g. p. 5: in Rasa port, there are serious problems of long standstill times (...). Animals must wait for hours in the sun until the loading on a vessel starts. The vehicles park and wait for very long time in areas not prepared for the animals. The port does not provide any shadow or stables to unload the animals.; p. 6: The vessel had to wait more than 24 hours before being able to start the journey direction to Israel since last animals were loaded the day before; p. 9: On 12.02.2019 the livestock vessel still waits at anchor outside Rasa port until 15:00 (UTC), waiting for Phoenix I. Meaning that since the last animals were loaded, the vessel waits 18 hours before starting the journey direction Israel).
- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf<sup>115</sup>](#) (e.g. p. 3: The standard practice in Cartagena Port is that (...). the road vehicles carrying animals from European countries are arriving and parking in front of the Bar-Restaurant El Gato 2 (...). The animals wait for hours in the sun until loading of the vessel starts, while the drivers wait inside the bar. (...) Inside the Port the vehicles first have to wait in a line for their turn to get on the scale (...). Later on, the vehicles spend even more hours in the waiting zones before they finally can unload animals to be reloaded onto the vessel).

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<sup>111</sup> Annex document number 1.

<sup>112</sup> Annex document number 8.

<sup>113</sup> Annex document number 10.

<sup>114</sup> Annex document number 12.

<sup>115</sup> Annex document number 11.

## CHAPTER XIII: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE TRANSPORTATION OF UNWEANED ANIMALS

### MANDATE POINT 2.13

*Investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the transportation of unweaned animals, laid down in the Regulation (EC) No 1/2005:*

- *Annex I, Chapter V, point 1.4 (a).*



Unweaned animals can be transported for more than 8 hours on a road transport vehicle only if additional requirements for long journeys are met. In this respect, the Regulation stipulates that road vehicles used for commercial transport of animals for more than 8 hours must hold an authorization under Article 18(2) of the Regulation (see [Mandate point 2.3](#)). To get the approval for transport of domestic bovine, ovine, caprine, swine, and equines, the road transport vehicle must fulfil requirements of Chapter VI of the Regulation, where more detailed requirements connected to vehicle design (partitions, roof, ventilation, water supply and satellite navigation system) are listed.

Each animal transported on a long journey must have access to water (Annex I, Ch. VI, Art 2.1) and the water system on board of the means of transport must be appropriately designed and positioned for the transported animals to be watered on board of the vehicle (Annex I, Ch. VI, Art. 2.2). According to Article 3(h), during the transport animals must be offered feed and water and the opportunity to rest, appropriate to their species and age, and due regard shall be paid to the need of animals to become accustomed to the mode of feeding and watering (Annex I, Ch. III, Art 2.7). In reality this means that either the trucks for unweaned animals must be equipped with systems allowing for suckling, or before transport unweaned animals must be individually taught how to use the system installed on a specific truck that will transport them – absolutely impracticable.

Unweaned animals have got specific physiology: they ingest feed by suckling only, and their digestive tract is incapable of digesting hard feed - thus their survival depends on access to appropriate liquid feed. Obviously, these animals cannot use the same watering systems as adult animals of the same species (see [scientific opinion of Dr Michael Marahrens, Institute for Animal Welfare and Animal Husbandry<sup>116</sup>](#)). Therefore, watering devices used for adult animals cannot be considered suitable for unweaned animals and milk or milk replacers cannot be offered on board a truck.

As members of Eurogroup For Animals<sup>117</sup> we participated in work of the Animal Transport subgroup, specifically in the working group that specialized on transport of unweaned calves in the age of 2 to 5 weeks, as this is the age at which most of the unweaned calves are transported. At the same time, they are the most vulnerable, as they are in a stage of the so-called immunological deficiency. The conclusions of the subgroup's work were sent to the European Commission, but the Commission refused to accept them (see [20200610\\_Letter sent to Commission reg unweaned calves sub-group<sup>118</sup>](#)).

<sup>116</sup> Annex document number 22.

<sup>117</sup> <https://www.eurogroupforanimals.org/>

<sup>118</sup> Annex document number 21.

In light of the above, all transport of unweaned animals causes prolonged thirst and hunger and as such brings about unnecessary suffering (see [AWF|TSB Fact sheets: Long-distance transports of unweaned calves and lambs<sup>119</sup>](#)).

Moreover, owing to lack of clear definition of weaned/unweaned in the Regulation, the animals that should be considered as unweaned are often mixed in consignments with slightly older ones, and shipped together as adults. We frequently see transports of very young animals approved as weaned, with some of them clearly younger and smaller.

**Please note that transport of unweaned animals in line with the Regulation remains impossible with currently available solutions. Beside suffering huge stress related to being moved on a strange, noisy environment of a truck to another strange environment of a fattening farm, these youngest animals are deprived of the most basic freedom – freedom from thirst and hunger.**

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>120</sup>](#) (e.g. [p. 3](#): the loading densities are much too high (..) and that some animals transported are very young, so young that they cannot be supplied according to their needs; [p. 7](#): road vehicles full of young lambs, which were bleating during the whole journey, which indicates stress, and in most cases hunger and thirst. (...) According to the documents, numerous lambs are indicated as two months old; however (..) in several cases the animals were likely even younger; [p. 20](#): The lambs (...) where either younger than six weeks or looked visually small (< 18 kg) which led to the suspicion that the animals were not weaned yet and thus still on a milk diet. In all of the cases, the unweaned animals were treated as weaned animals. Often, weaned, and unweaned lambs were transported together.
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf<sup>121</sup>](#) (e.g. [p. 1](#): the animals cannot be provided with liquid feed in the vehicle. Consequently, unweaned animals regularly suffer from hunger during long distance transport; [p. 7](#): Many of them cannot cope with transport and arrive dead at their final destination; [p. 8](#): None of the transport vehicles was equipped with drinking devices other than metal nipples for pigs (...). Mostly the metal nipples were in a position they could not be used by the animals. None of the transporters supplied the animals with liquid or feed after 9 hours of transport. Many of them exceeded the maximum allowed journey times of 19 hours and the planning of the journey was unrealistic. In one transport the calves were loaded in overcrowded conditions. Headspace was a general problem in all the transports observed; [p. 14](#): At least two calves are trampled by others and not able to defend themselves to get back up. (...) The drinking system is not suitable for young calves. None of the calves is observed drinking and many of them give behavioural and physiological signs of dehydration. The team also observes poor treatment during unloading; weak calves being dragged by their legs and lifted by their tails. Two calves in the back trailer are not able to get up or walk on their own at all. One calf collapses shortly after unloading; [p. 32](#): we observed unweaned calves and lambs showing signs of distress due to cold weather conditions, lack of space, trapped legs, and separation from familiar animals and from fear. We have seen weak calves and downers during transport and at destination and even dead animals were observed upon arrival. (...) unweaned calves and lambs are not able to utilize the drinking devices. (...) None of the transports had any special system to at least warm liquids up and none offered electrolyte or milk replacer; [p. 34](#): We

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<sup>119</sup> Annex document number 14 and 15.

<sup>120</sup> Annex document number 8.

<sup>121</sup> Annex document number 7.

observed shivering calves being transported from Lithuania to Spain in winter. Restless behaviour has also been observed (..) when there was not enough surface area for the animals to lay down and rest; p. 37: a transport of very young lambs from Poland to Italy that lasted more than 25 hours. The animals were not fed and only some of them had access to water. The drinking devices were not adequate for them and most lambs had no clue of how to use them.

- ✓ [Report\\_20181019-20\\_Long distance transport of unweaned calves from PL to ES.pdf<sup>122</sup>](#) (e.g. p. 4: The young animals are very thirsty and hungry, as they have not received any liquid ever since they left the assembly centre in Poland. They are mooing loudly, and many are observed licking and biting the bars or walls of the truck. Several try to suck our fingers or to drink milk from each other. (..) the animals do not know how to properly use the metal drinking nipples, which are designed for pigs.

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<sup>122</sup> Annex document number 9.

## CHAPTER XIV: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE TRANSPORT OF LIVE ANIMALS BY THE SEA, INCLUDING THE LOADING PRACTICES AND THE STRUCTURES ON VESSELS

### MANDATE POINT 2.14

*Investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the transport of live animals by the sea, including the loading practices and the structures on vessels, laid down in the Regulation (EC) No 1/2005:*

- Article 19,
- Article 20,
- Article 21,
- Annex I, Chapter II, point 1,
- Annex I, Chapter II, point 3,
- Annex I, Chapter III, point 1,
- Annex I, Chapter IV.



When animals are transported by sea, the vessel needs to be certified under Article 19 (see [Mandate point 2.3](#)). Before loading, the competent authority needs to perform a pre-loading inspection (Art. 20 of the Regulation) to determine whether the vessel is authorized for the type (species and category) of animals to be transported, whether animal compartments are well maintained, whether food and water arrangements are of good quality and sufficient quantity for the type of animals transported. Additionally, the competent authority needs to determine if the water, drainage, electricity, fire safety, and ventilation systems are in good working order. If results of the preloading inspection are satisfying and the animals are fit to continue the journey, the competent authority allows the loading of the animals.

Animals are exported to third countries from EU ports; therefore, the ports are considered an external EU border, therefore competent authorities in ports also run checks as the exit point (Art. 21). Similar to checks at the place of departure (see [Mandate point 2.9](#) and [Mandate point 2.17](#)), also at the exit point competent authorities need to verify, among others, the validity of the transporter's authorization (both for journey by sea and by road), fitness of animals to continue the journey and to establish whether the journey of the animals exceeds 8 hours. Where the final destination of the animals is in a third country, the competent authority shall verify if the third country has signed European Convention for the Protection of Animals during International Transport.

During our investigations, we have found the following, recurring problems:

- Transport of unfit animals; competent authorities are not always present during the loading of vessels; therefore, unfit animals are not identified. This problem is further aggravated by the fact that not all ports have animal housing facilities or organized service to euthanize unfit animals and dispose of the carcasses.
- Due to insufficient knowledge of veterinary competent authorities regarding technical requirements for systems on vessels, during the pre-loading inspections not all deficiencies are identified.
- In some Member States even if severe deficiencies are found, loading of animals on a vessel is still allowed. We believe that this is caused by lack of efficient contingency plans on how to act in this situation. This lack of contingency plans is a problem both on the side of competent authorities and the transporter by the sea.

- No transporter is in fact authorized to transport animals by sea. As a result of our investigations, we exposed that in reality there are no authorized transporters for sea transport (Art. 5(1)). The consequences for animal welfare are the following:
- No legal person that the competent authority can act against when violations of the Regulation are found;
- No contingency plan. If a transporter wants to be authorized under Article 11.b (for long journeys), they must present, among other documents, also contingency plan that is subject to checks by competent authorities;
- Lack of training of the staff. It is an obligation of the transporter to entrust handling of the animals to appropriately trained personnel (Art. 6.4) (see [Mandate point 2.16](#)).

The Commission performed different audits to assess the transport of animals by sea. Please see [the Summary of the Audits on animal welfare during sea transport](#)<sup>123</sup>. and see [DG Health and Food Safety\\_2019-6835\\_OVERVIEW REPORT - Welfare of animals exported by sea](#)<sup>124</sup>. Still, same violations are documented all the time by NGOs.

**Please note that sea transport may last several days. When it is in breach of the Regulation (as is usually the case), especially when preceded by violating long-distance road transport (e.g. Lithuania – Croatia – Israel) and with deficient official checks en route, it results in great suffering leading to deaths on board of the vessel or after arrival. Besides animal suffering, sea transport contributes to pollution of the Mediterranean with animal faeces accumulated during journey and illegally discarded dead bodies**<sup>125</sup>.

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf](#)<sup>126</sup> (e.g. p. 7: The ship Holstein Express arrives at Haifa's Israel Shipyard port and offloading starts around 4 a.m. on 31.07.2019. (..) The temperature measured inside the trucks during the offloading was 37.5 degrees).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf](#)<sup>127</sup> (e.g. p. 8: The majority of vessels (...) were originally car ferries and cargo ships (..). Animal behaviour and animal needs were not sufficiently incorporated into the ship design and many of them were overhauled several times according to the trial and error principle; p. 11: The fleet carrying animals from EU ports has an average age of 35 years. (...) Beside mechanical breakdowns on these livestock vessels, there can be a failure of the ventilation system or the water delivery; p. 13: about 5,200 sheep died during the sea transport from Midia to Aqaba. (...) the dead animals were free from diseases, but they died during the journey from thirst and starvation. In Aqaba, the shipment was denied entry. (...) Eventually, the sheep had been on the vessel for more than three weeks; ; p. 17: Animals are often transported for one or two days to the Ports, loading takes one to three days, the sea transport time between 5-17 days, one day for unloading in the Third Country and the minimum of another day for transport to the destination makes an average estimated travel time of nine to 20 days. p. 20: very steep gangways exceeding the maximum 26 degrees required for cattle; p. 23: The handlers and drivers were often seen poking and prodding through the open bars of the truck to force the animals to leave the truck; p. 23: The loading is stressful for the animals and (..) it takes one to three days for them to calm down; p. 24: there is no time for a proper inspection

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<sup>123</sup> Annex document number 18.

<sup>124</sup> Annex document number 17.

<sup>125</sup> 20200318\_Letter to EMSA\_livestock sea transport\_AWF. Annex document number 44.

<sup>126</sup> Annex document number 13.

<sup>127</sup> Annex document number 10.

for fitness for transport. Especially when the animals are loaded directly from the road vehicle onto the vessel, which is the procedure in most of the ports, there is no possibility for a thorough inspection of the animals. (...) During each loading animals were observed with nasal discharge and respiratory problems. (...) The health condition of these animals decreased rapidly during the sea journey due to the changes in climate (temperature, humidity) and dust particles in the air. We observed extreme suffering and death of those animals; p. 28: The vessel is generally of poor design and condition. The ramps to the lower decks for cattle are very steep, exceeding the inclination of 26°, some of them very rusty and not maintained. There is no automatic water system(..). The pipes are very rusty, so are the animal compartments; p. 33: This deck has no automatic water system, and the animals have to be watered manually. The lighting is not efficient for a proper inspection of the animals, and ventilation is reduced; p. 46: On the second day (...), some of the animals (...) started to show signs of respiratory infection and diarrhoea. On the third day (...) seven animals were showing signs of respiratory distress (...). Two of them died during the night (...). On the fourth day (...) one died on deck 3. One more animal died on the fifth day (...) and two animals showed bloated rumen. One Italian buffalo and another animal died on the ninth day (...) while animals were waiting to be unloaded; p. 69: Only 24% of the vessels approved for the transport of live animals are flagged under the “white list”, representing so called “quality” flags. 54% are licensed in flag states ranked on the “blacklist”. 78% of the vessels are classified by no name Classification Societies. (...) There are significant risks to the welfare of animals caused by transporting them by sea and yet it is not required to have a veterinarian onboard to treat or humanely kill these animals. Moreover, once the animals are on board the vessel it is impossible for the Member State and EU authorities to monitor and influence the animals’ welfare, or compliance with the Regulation until the place of destination in the Third Country. There is no requirement for the further documentation of the journey from the EU exit point (Port) since the journey log is returned from the exit point to the place of departure)).

- ✓ [Report\\_20190208-13\\_Animal welfare overboard\\_Rasa Port \(HR\).pdf<sup>128</sup>](#) (e.g. p. 4: This assembly centre (...) is rarely used to accommodate animals for a rest period after road transportation and before the sea transport (...). Without the access to the stables, the animals must stay on board of road vehicles all the waiting time).
- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf<sup>129</sup>](#) (e.g. p. 5: we found: animals showing some of the clinical phases of heat stress; animals already exhausted; downer bulls (unable to get up by themselves); significant injuries (some broken horns); sheep transports in overcrowded conditions; sheep transports with no space for the animals to stand in a natural position; vehicles with no bedding at all (...), and water and ventilation systems turned off during the long waiting time in all the vehicles inspected; p. 6: many vehicles spent over 4 hours there with the animals onboard. Sometimes we observed more than 10 vehicles parked at the same time at this unofficial waiting zone, without any facilities for animals at all. The animals waited for hours in the sun, without shadow and without water or mechanical ventilation system turned on. During this long waiting time the drivers were waiting inside the bar without checking the welfare of their animals; p. 9: some of the employees are handling them incorrectly and with unnecessary violence, especially two young men. (...). They are using the electric cattle prods intensively on almost all the animals. (...). one of the young workers, who is even prodding the animals when it is counterproductive for the loading process).

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<sup>128</sup> Annex document number 12.

<sup>129</sup> Annex document number 11.

## CHAPTER XV: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE MEANS OF TRANSPORT

### MANDATE POINT 2.15

*Investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the means of transport, laid down in the Regulation (EC) No 1/2005:*

- *Annex I, Chapter II, point 1,*
- *Annex I, Chapter II, point 2,*
- *Annex I, Chapter II, point 5.*



To be allowed to transport live animals, means of transport must comply with certain provisions laid down in the Regulation. The provisions of point 1, Chapter II, Annex I of the Regulation apply to all means of transport (road, sea, rail, and air). These provisions are very general and ensure that only basic requirements are met, such as the safety of the vehicle: that it does not cause injury to the transported animals (adequate flooring, loading ramps, partitions, preventing from escaping); that it protects the animals from weather conditions (high and low temperatures, rain, snow, wind); that maintaining health of the animals is possible (sufficient number and size of side doors); that there is enough headroom so that animals can stand in a natural position and adequate circulation of air is allowed (see [Mandate point 2.2](#)); that disinfection is possible and proper quality of air is guaranteed.

If animals are transported on a journey of more than 8 hours or more than 10 nautical miles, the means of transport need to comply with additional requirements that are verified by competent authorities before issuing a certificate of approval for the means of transport under Article 18 (road transport) or Article 19 (sea transport) (see [Mandate point 2.3](#)). If animals are transported in crates/containers and the crates are then loaded on a means of transport (e.g. poultry on road transport vehicles), the crate itself must also comply with the requirements.

Consequences of issuing approvals for inadequate means of transport are dire for the animals. AWF|TSB has got extensive evidence of suffering on inadequate road transport vehicles quoted abundantly in this document. To illustrate the same for sea transport, let us refer to two accidents widely reported by media. In November 2019, Queen Hind livestock carrier sank off the Romanian port of Midia. Divers working in accident area discovered secret decks with extra animals. Very probably the overloading caused the capsizing. CEO of GSP Offshore said that *“There are decks not included in the cargo plan, they are undeclared. It is the problem of the authorities to find out why they were loaded and why they were not included in the cargo plan. It is a big question. There is a much larger load than over 14,000 sheep.”* It is evident from this case that the required pre-loading inspection (see [Mandate point 2.14](#)) was deficient since the authorities did not detect such a huge overloading of the vessel. On 20 May 2015, 13,000 sheep were loaded in Midia, Romania, on TRUST 1, a Tanzanian vessel which - according to our information - is a cargo ship. After a sea voyage of 8 days, the vessel arrived in destination (Jordan) where about 5,200 sheep were found dead. They were free from diseases and died during the journey from thirst and starvation. The ship was denied entry in Jordan. Refusing the shipment seriously impaired the welfare of sheep that were still alive; the authorities should have allowed the remaining animals to be un-loaded. Since then the vessel tried to get rid of the animals (both dead and alive).

This year a French Shipping and Environment NGO called Robin des Bois published a report targeting 106 ships which it believes should be scrapped for safety reasons. Many of these ships are livestock vessels operating in Europe, such as Phoenix III, Sarah M, Barhom II, Brita K, Omega Star, Neader A/Naera A, Etab,

Lady Maria (approved in Romania); Equality, Freedom, Fidelity, Blue Moon I, Barhom (approved in France); Nabolsi I, Bruna, Hannouda-O, Spiridon II, Suha Queen II (approved in Spain) and Alondra and Sarah M (approved in Ireland)<sup>130</sup>.

Despite the requirements, during our work we keep documenting numerous violations of the basic requirements for the means of transport both by road and by sea. Not all of them result in such sadly spectacular catastrophes, but none of them should happen within a supposedly well-functioning system.

**Please note that failure to follow these requirements means absolutely unnecessary suffering that could have been prevented, had all the parties involved (transporter, competent authority approving the vehicle and competent authority approving the transport) exercised due diligence. For example, wounds caused by insufficient height or poor construction/maintenance of vehicle should never happen – and they happen too often.**

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf](#)<sup>131</sup> (e.g. p. 7: We documented four consignments (...) where the vehicle had poorly designed or badly installed partitions that posed a significant risk of injury to animals during transport).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf](#)<sup>132</sup> (e.g., p. 19: road vehicles with significant gaps between the partitions and the side wall and/or the partitions and the floor which posed a high risk of injury to the lambs. (...) there were no partitions at all on the first deck. In another case, the partitions were not properly fixed, which even increased the risk of injury (...) AWF|TSB detected two lambs with their heads stuck between the side wall and the partitions. Also (...) a lamb with the head completely stuck between two compartments due to inadequate partitions was documented).
- ✓ [Report\\_20181019-20\\_Long distance transport of unweaned calves from PL to ES.pdf](#)<sup>133</sup> (e.g. p. 7: The lateral protection (safety barrier) on the ramp between lorry and trailer has not been fixed properly and falls down onto the calves, which risk getting injured. Moreover, the animals also risk falling from the ramp).
- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf](#)<sup>134</sup> (e.g. p. 9: Means of transport was allowed to go despite the fact that it was posing a risk of injury for animals in the form of broken metal bar (...). The injury and suffering did happen: a calf had its leg stuck over there and could not liberate it. (...). The vet should have refused to load the animals on such vehicle, or, at the very least, leave the compartment with broken metal bar empty).
- ✓ [Report\\_20190208-13\\_Animal welfare overboard\\_Rasa Port \(HR\).pdf](#)<sup>135</sup> (e.g. p. 7: the gangway ramp of the vessel has a very steep angle which makes easy loading impossible, and consequently, we see some animals slipping and jumping).

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<sup>130</sup> The full list can be found on pages 35-43 of <https://robindesbois.org/wp-content/uploads/shipbreaking59.pdf>

<sup>131</sup> Annex document number 6.

<sup>132</sup> Annex document number 8.

<sup>133</sup> Annex document number 9.

<sup>134</sup> Annex document number 13.

<sup>135</sup> Annex document number 12.

- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf](#)<sup>136</sup> (e.g. p. 19: The transit Member States (...) regularly fail to verify the conditions of transport by road; the fitness of animals is not supervised thoroughly or regularly. During our inspection we documented important breaches of Council Regulation (EC) No. 1/2005 related to road vehicles and welfare of the animals they had on board).

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<sup>136</sup> Annex document number 11.

## CHAPTER XVI: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE HANDLING OF ANIMALS, INCLUDING THE LOADING AND UNLOADING OPERATIONS

### MANDATE POINT 2.16

*Investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively the provisions concerning the handling of animals, including the loading and unloading operations, laid down in the Regulation (EC) No 1/2005:*

- *Article 3, second paragraph, point (e),*
- *Annex I, Chapter III, point 1.2,*
- *Annex I, Chapter III, point 1.3,*
- *Annex I, Chapter III, point 1.4,*
- *Annex I, Chapter III, point 1.6,*
- *Annex I, Chapter III, point 1.7,*
- *Annex I, Chapter III, point 1.8,*
- *Annex I, Chapter III, point 1.9,*
- *Annex I, Chapter III, point 1.11.*



In its general conditions (Art. 3), the Regulation legislates that animals must be handled by competent or trained personnel in a way not to cause any injury, fear, or unnecessary suffering to them. In Chapter III of Annex I the Regulation further specifies the loading practices and the handling of the animals during loading, unloading and on the transport vehicle. It also forbids specific handling practices that cause pain to the animals. Simple and obvious as they seem, these provisions are also frequently violated. During our work we have repeatedly observed the following breaches: use of inappropriate loading/unloading ramps (wrong ramp inclination, slippery floor of ramps, no side protection), use of inappropriate handling practices (applying pressure to sensitive body parts, improper use of the electric prods, suspending the animals by mechanical means, kicking and striking the animals, pulling by forbidden body parts: tail, legs, etc).

It should be noted that the Regulation does not specify requirements for training of the personnel or verification of their competence. As a result, again, there are huge differences between Member States regarding the amount of effort needed to obtain the certificate of competence required to transport animals, and regarding quality, content, and duration of training. As the direct consequence of drivers' and attendants' incompetence is the suffering of animals, the Regulation should be more precise in specifying its requirements in this respect. Moreover, certificates of competence should always have an expiry date to ensure continuous education of persons who are responsible for animals on board. Similar certificates should be required from the crew of livestock vessels operating from EU ports.

**Please note how easy it is, in case of these requirements, to avoid pain and injuries of transported animals. In case of violation, when injury happens, such animals travel with open wounds and/or body parts stuck between moving metal elements of the vehicle for long hours, usually until unloading.**

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>137</sup>](#) (e.g. p. 17: In addition to not checking the welfare conditions, some attendant/drivers (...) were handling the lambs very rough (..) during the unloading. They were screaming and hitting on the trucks, so that the animals which were able to run out of the road vehicle completely frightened and stressed; p. 23: A large share of this suffering is caused by the fact that the animals are loaded on four decks instead of on three decks only. (..) the economic incentive to load as many animals as possible on one road vehicle is put before the welfare of the transported animals).
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf<sup>138</sup>](#) (e.g. p. 8: None of the transporters supplied the animals with liquid or feed after 9 hours of transport; p. 14: The team also observes poor treatment during unloading; weak calves being dragged by their legs and lifted by their tails. Two calves in the back trailer are not able to get up or walk on their own at all. One calf collapses shortly after unloading in the corridor of the farm; p. 16: During unloading, the handling by the drivers of the Konrad truck is very rough, including forbidden practices like kicking and hitting; p. 26: The handling by the driver and the owner of the farm is very rough, including forbidden practices like pulling and twisting the calves' tails and ears).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf<sup>139</sup>](#) (e.g. p. 20: The handlers and drivers were often seen poking and prodding through the open bars of the truck to force the animals to leave the truck. Once on the gangway ramp, the animals are constantly pushed to continue. (...) Animal handlers were observed poking and prodding the animals. The animal in the back of the line wants to move forward to escape the rough handlers behind. We observed cattle in the middle of the raceway fall down and get trampled by the ones in the front and back, adding to the fear and chaos in the raceway; p. 21: Often the last animals are prodded intensively to make them push the animals ahead of them (..). We observed a bull stuck in between the others who could not move, but a driver was constantly prodding him. We observed him panting, roaring, and breathing with a wide-open mouth; p. 23: The loading is stressful for the animals and(..). it takes one to three days for them to calm down).
- ✓ [Report\\_20190208-13\\_Animal welfare overboard\\_Rasa Port \(HR\).pdf<sup>140</sup>](#) (e.g. p. 7: employees of port and crew members are handling them incorrectly and with unnecessary violence, especially during the loading of the young calves. The workers are running around, working under stress, and are getting more and more frustrated with the animals with every minute. They are using the wood cattle prods intensively and too tough on almost all the calves. Also, we observe during the loading of the adult bulls that the workers are using electric cattle prods intensively. The same workers were observed during the loading of Dragon, showing also an improper handling of the adults).
- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf<sup>141</sup>](#) (e.g. p. 9: some of the employees (...) are handling them incorrectly and with unnecessary violence, especially two young men. (...) The electrocution becomes a routine especially for one of the young workers, who is even prodding the animals when it is counterproductive for the loading process. Example of inappropriate

<sup>137</sup> Annex document number 8.

<sup>138</sup> Annex document number 7.

<sup>139</sup> Annex document number 10.

<sup>140</sup> Annex document number 12.

<sup>141</sup> Annex document number 11.

use of the cattle prod during the loading of *Freedom*: - When the ramp to the vessel was totally blocked, and animals could not move forward; - Three different electric prods used by three different workers at the same time on three different sides of the animal; - Use of the electric prods on sensitive areas of the animals such as their face. - Application of eight electric shocks within a period of 2 minutes to a disoriented bull. As a consequence, the bull falls down at least twice; p. 13: One of the downer bulls cannot get up in the middle of the ramp, and the young and nervous worker tries to make the animal stand up with different unacceptable techniques: several kicks, excessive use of electric shocks and twisting the tail of the weak animal. The second downer (..) collapses after unloading from the road vehicle. This time it is the driver (...) who tries to force the animal to stand up, using the same unacceptable techniques: kicks, electric shocks, strong blows with wooden sticks, and even making the rest of the animals trample the defenceless bull; p. 15: One of the young workers whom we saw during the unprofessional loading of *Freedom* and *Spiridon II*, gets even more frustrated and bored. Probably to alleviate his frustration, the young worker uses the electric prod all the time. Sometimes we see him playing with applying electric discharges on faces of the animals, even when loading is stopped, and the relaxed animals are quietly waiting in the corridor).

- ✓ [Report\\_20181019-20\\_Long distance transport of unweaned calves from PL to ES.pdf](#)<sup>142</sup> (e.g. p. 7: We observe that calves are hit with a white stick inside the truck and on the unloading ramp. One of the drivers is observed kicking an animal).
- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf](#)<sup>143</sup> (e.g. p. 5: drivers are clueless to manipulate the animals during the unloading, and just follow instructions (...) Two animals are found dead during the unloading of this vehicle).

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<sup>142</sup> Annex document number 9.

<sup>143</sup> Annex document number 13.

## CHAPTER XVII: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE ROUTE PLANNING AND THE JOURNEY LOG

### MANDATE POINT 2.17

*Investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the route planning and the journey log, laid down in the Regulation (EC) No 1/2005:*

- Article 5(4),
- Article 8,
- Article 14(1) points (a), (b) and (c),
- Article 21(2),
- Annex II.



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For long distance transport of certain domestic species (equines – except registered ones, bovine, ovine, caprine, and porcine) the Regulation requires carrying a document called Journey Log with requirements of Article 4 described in detail. The Journey Log consists of five parts.

The first part (Section 1 Planning), where the organizer describes the planning of each journey, is given to the competent authority at the place of departure (see [Mandate point 2.9](#)) to be verified and authorized. It is important that the competent authority checks if the route planning is realistic, for e.g. are suitable control posts for 24h rests booked along the route and is the booking confirmed. This part and its verification are of paramount significance for welfare of transported animals. Still, we very frequently see serious flaws here, with Journey Logs approved by competent authorities even though information is missing, e.g. length of planned stops (as a result it is impossible to check if the planning is realistic; it also makes checks during journey difficult) or space available for animals or weight of consignment (preventing verification if animals have got sufficient space). Competent authorities also frequently fail to verify whether the planning is realistic: they do not check temperature on the whole route, and/or do not check lengths of journey parts (as a result the organizers may get away with hiding drivers' resting times (see [Mandate point 2.12](#)) in artificially extended journey parts, or get approval for journeys over the maximum allowed limit), and/or do not verify if the planned route is the fastest one. Demanding access to SNS system of each consignment before approval of a Journey Log would facilitate work of competent authorities regarding checks during the journey, but more importantly it would help prevent many violations (see [Mandate point 2.10](#)).

The second part of the Journey Log (Section 2 Place of departure) describes the actual situation in the place of departure. It shows the time of loading of the first animal which is considered as the beginning of the transport (vital for calculation of transport time). It is very rare that time planned for the journey to begin on corresponds with the time when first animal entered the vehicle. To verify allowed transport times, some Member States use an average estimated time to load/unload cattle, which is added to the time of travel itself. Other Member States use the actual time when the first animal was loaded. The transport times were already heavily discussed in the past when welfare of animals was legislated by the Council Directive 91/628/EEC, later overtaken by the Regulation. Already in 2006, the verdict of the European Court of Justice in court case C-300/05<sup>144</sup> clearly explained that the time of loading and unloading of the animals is part of the journey. As far as we were informed, the Commission sent a letter to all Member States explaining that the time of loading and unloading should indeed be included in the journey time, but like other similar letters, this one has no legal power either, and therefore the Member States use it at their own discretion.

<sup>144</sup> Judgment of the court (second chapter) 23 November 2006. Case C-300/05. Annex document number 43.

This contributes to the breaches of sincere cooperation (see [Mandate point 2.20](#)). Here too we have seen stamps of competent authorities confirming incorrect time of beginning of transport, which clearly leads to violations (illegally extending the journey) and unnecessary suffering.

Section 3 of the Journey Log (Place of destination) is to be filled out by keeper in place of destination or by competent authority in exit point if the animals are leaving the EU. In such cases the exit point is not the actual place of destination by definition (which says that place of destination is where animals are unloaded and stay for at least 48 hours or are slaughtered – Art. 2(s)), but is a place where the consignment leaves the EU and continues the journey in a third country where the Regulation is not in force. Nevertheless, up to their final destination, the animals must be transported according to the plan submitted for approval (Section 1), as determined by the ECJ ruling in case C-424/13<sup>145</sup>.

Section 4 of the Journey Log (Declaration by transporter) is filled out by the attendant (person directly in charge for welfare of the animals that accompanies them during the journey – see Art. 2(c)). According to instructions from Section 1 of the Journey Log (Planning), the attendant takes care of the animals' needs (feeding, watering, resting, bedding, welfare checks) during the entire journey and enters required data in the section 4. This data is then used to verify whether the feeding/watering/resting times legislated by Chapter V, Annex I of the Regulation were respected during the journey.

Section 5 of the Journey Log (Anomaly report) is to be used by competent authorities to report any violations found during checks. Unfortunately, we rarely see it used, as a result of which violations are repeated, and false image of compliance is created (see [Mandate point 2.11](#)).

The Journey Log and the corresponding tachograph readings and SNS data must be kept by the transporter for at least 3 years. These documents can be used by competent authorities to do retrospective checks (see [Mandate point 2.10](#)). It is of utmost importance that the information provided in the documents is realistic.

During our work we found the following repeated infringements:

- Route planning not realistic (not taking into account weather conditions, realistic driving times, drivers' working times, waiting times at borders, the existence of control post etc);
- Information in Section 1 is missing (e.g. weight of consignment, lengths of planned stops, licence plates of vehicle, etc). or wrong (border crossings or addresses in residential areas entered as place of destination, weight of consignment matching maximum load allowed on roads, but not matching the number and age of animals, total surface area of a vehicle provided instead of surface area available for animals in a specific transport, etc);
- Competent authorities authorise Journey Logs without checking whether route planning is realistic and compliant with the Regulation, whether all information has been provided and if information provided is correct;
- Planning in the Journey Log does not include the authorized transporter for the sea part of the journey;
- Time of departure entered in point 3 of the Section 2 does not correspond to real time of departure;
- Section 3 is filled in incorrectly, the infringements are not reported;
- Section 4 of the Journey Log is not realistic – data entered by keepers are not accurate;
- Section 5 is rarely filled in by competent authorities after violations are found.
- We also found that many transporters authorized for long-distance transport (above eight hours) had faulty contingency plans or they did not have it at all. This is especially true for transporters who export animals to third countries (in case of long delays on borders the transporters failed to apply the contingency plan to safeguard animal welfare).

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<sup>145</sup> *Judgment of the Court of Justice in the Zuchtvieh case\_2015. Annex document number 57.*

**Please note that majority of these shortcomings open door for manipulations during transports, as a result of which animals suffer unnecessary pain of e.g. transport time longer than necessary or allowed, adverse weather conditions, overcrowding, etc.**

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf<sup>146</sup>](#) (e.g. p. 5: Kapikule or Edirne was indicated as the place of destination[although it] was not the place of destination (...), since animals are not staying there for 48 hours (...) After 2-3 hours, the animals were carried on further to their destination, some in Turkish trucks, but the majority in the same trucks that carried them to Kapikule; p. 14: Some vehicles also had approvals with wrong indications of square metres. False data was also found in section 1 of the journey logs, indicating wrong surface area in the vehicle approval; p. 15: The competent authorities of the places of departure (...) should not have approved journey logs (...) as the temperatures were expected to be over 30°C in Turkey and along the route. They knew that due to the long and unpredictable delays at the border the length of the journey cannot be minimized and compliance with the Regulation cannot be guaranteed; p. 16: The weather conditions had not been taken into account by any of the competent authorities at the point of departure).
- ✓ [Report\\_20190702-04\\_Live animal transport to Turkey\\_Doomed Journey Part VI.pdf<sup>147</sup>](#) (e.g. p. 3: the competent authorities of some Member States of departure continue to commit significant violations of the abovementioned Regulation 1/2005 while approving journeys to Turkey during the hottest months of the year. They do so fully aware that there is only one control post operating in Bulgaria and that there are long standstill times for cargo traffic on the Bulgarian side of the border and inside the Turkish border).
- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf<sup>148</sup>](#) (e.g. p. 10: Furthermore, in many cases, the total surface area available entered in documents was higher than in reality; p. 14: transports documented in March 2017 avoided the fastest route on the highway and used national roads, which caused exceeded maximum journey times; p. 16: data indicated in relevant documents was either missing (...) or not correct. In several cases the surface area indicated in the documents (...) was higher than in reality (...). The wrong data was used for the calculation of the number of lambs per road vehicle (...) Prosecco was indicated as a location for unloading the lambs although the control post there is not even approved for lambs. (...) unrealistic information was reported in the journey logs, and tachograph data could not be provided for the whole route (...). data in the INTRA certificate differed from the data in the journey log (age of the animals, route planning).
- ✓ [Dossier\\_2014-2016\\_Long distance transport of unweaned calves and lambs\\_The victims of the dairy industry.pdf<sup>149</sup>](#) (e.g. p. 8: Many of them exceeded the maximum allowed journey times of 19 hours and the planning of the journey was unrealistic; p. 10: the indicated time of loading in section 2 is 17:30, when in reality the calves were loaded at 12:30 EET; p. 39: FVO reports from Poland 2010 and Lithuania 2012 inform about non-realistic journey times and insufficient checks at departure, in particular on the watering and feeding intervals and resting periods. Our investigations confirm that this situation still remains).

<sup>146</sup> Annex document number 5.

<sup>147</sup> Annex document number 6.

<sup>148</sup> Annex document number 8.

<sup>149</sup> Annex document number 7.

- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf<sup>150</sup>](#) (e.g. p. 9: Approval of journey with temperatures on the route exceeding 30°C in EU and at destination; p. 9-10: In Section I (Planning) (...) the total space provided for the consignment (point 5.5) is 131 m<sup>2</sup>, which is unrealistic. A deck is roughly 30m<sup>2</sup> (...). Therefore, the entered surface area is a maximum surface area of the means of transport, and NOT the surface area provided for these particular animals; p. 11: We suspect that the total weight of consignment entered in the Journey Log was incorrect (too low). The calves were 3-5 months old, so their average weight should be higher than just 110 kg, namely about 150 kg. According to Directive 96/53/EG, the total weight of a vehicle cannot exceed 40 tonnes. The semitrailer itself usually weighs about 22 tonnes. Thus, the weight of calves should remain about 18 tonnes to comply with the Directive. We suspect that the total weight of consignment entered in the Journey Log was random, entered only to give an impression of complying with the Directive, and not representing the real weight of the animals transported).
  
- ✓ [Report\\_20190208-13\\_Animal welfare overboard\\_Rasa Port \(HR\).pdf<sup>151</sup>](#) (e.g. p. 4: This assembly centre [in port of Rasa] (...) is rarely used to accommodate animals for a rest period after road transportation and before the sea transport is started. (...) Without the access to the stables, the animals must stay on board of road vehicles all the waiting time).
  
- ✓ [Report\\_20180606-09\\_Animal welfare overboard\\_Cartagena Port \(ES\).pdf<sup>152</sup>](#) (e.g. p. 7: after hours of waiting outside the Port (...), the road vehicles went inside the Port to wait for their turn to load the animals on to the Vessel. At this last waiting stage in Cartagena, the vehicles first were weighed in the scale zone, and parked again with animals on board, because the infrastructure inside the port to unload animals is not used. The Port does not provide any shadow, and we cannot confirm that most of the animals received water or mechanical ventilation until they were inside the vessel. At times, there were more than fifteen vehicles waiting at the same time to start the unloading of their animals).

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<sup>150</sup> Annex document number 13.

<sup>151</sup> Annex document number 12.

<sup>152</sup> Annex document number 11.

## CHAPTER XVIII: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE PROVISIONS CONCERNING THE DUTIES AND OBLIGATIONS OF MEMBER STATES' COMPETENT AUTHORITIES

### MANDATE POINT 2.18

*Investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the duties and obligations of Member States' competent authorities, laid down in the Regulation (EC) No 1/2005:*

- Article 10,
- Article 13.



According to the Regulation, competent authorities need to perform certain duties before issuing an authorization to a transporter. To get authorized, a transporter needs to fulfil the requirements legislated in the Regulation (Art. 10 or Art. 11). The competent authority issues the authorization only if all requirements are fulfilled. This means that if a transporter is authorized for more than one species and category of animals and/or for multiple modes of transports (road, sea, air), they need to fulfil all the requirements for each type of animals and modes of transport.

The data base of all authorized type 2 transporters (with their name and authorization number) must be publicly available. This obligation covers all authorized transporters regardless of the mode of transport (by road, sea, air, or rail). Up till now only a few member states have their type 2 transporters registered for the transport by sea publicly available on the Internet. Moreover, art. 13.4 requires that consequences of serious or repeated infringements (withdrawal or suspension of transporter's documents and information on temporary ban for a transporter or means of transport from transporting animals in a Member State) are also listed in such database. According to our knowledge, this is not done, or only exceptionally.

During our investigations we found that different Member States use different criteria for issuing the authorizations and thus contributing to unfair competition (see [Mandate point 2.20](#)). We also have found that many authorized transporters for the long-distance transport above eight hours had a faulty contingency plan or they did not have it at all. This is especially important when the animals will be sent to third countries. As regards the transport of animals by sea, we documented that there were no approved transporters and that the staff handling the animals on livestock vessels was not sufficiently trained, as they did not know how to handle the animals without causing them unnecessary suffering, stress and pain (see [Mandate point 2.16](#)).

It is important to remark that most of our findings regarding sea exports has been confirmed by several audits carried out the Commission between 2018 and 2019.<sup>153</sup> These audits detected flaws in the identification of an organizer responsible for the entire journey; the identification of an approved livestock vessel; the identification of an authorized transporter for the livestock vessel; inadequate instructions for controls against all requirements of the vessel approvals and problems regarding journey not planned from a place of departure in the EU to place of destination in non-EU. The audits also confirmed that in some cases the system of inspection of vessels did not contribute significantly to decreasing risks for the welfare of the animals due to the structural conditions of the vessels. Article 10(c) limits the granting of authorisations only to transporters with "no record of serious infringements of Community legislation and/or national legislation on the protection of animals". As we have demonstrated (see [Mandate point 2.11](#)), failure of competent

<sup>153</sup> DG(SANTE) 2019-6835 - Overview report on welfare of animals exported by sea. Ares(2020)2217898. Annex document number 17.

authorities to report the infringements helps keep low quality, notoriously violating transporters running their business in the EU, and causing unnecessary suffering of animals.

**Please note that these shortcomings do not only hinder fair business of quality transporters, but do contribute to animal suffering, where violating transporters continue to use dilapidated vehicles with defective systems and undertrained staff only because this is cheaper.**

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Dossier\\_2016-2019\\_Long distance transports of lambs to Italy\\_The journey of Easter and Christmas lambs.pdf](#)<sup>154</sup> (e.g. p. 22: Despite fines through the police and complaints to the competent authorities, various repetitions of violations of the Regulation (EC) No 1/2005 were observed in the course of the years from 2016 to 2019 by the same transporter companies).
- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf](#)<sup>155</sup> (e.g. p. 91, 109-111: Despite complaints to the relevant Ministry the Bulgarian transport companies PIMK and Maria Express carried animals repeatedly in extremely bad conditions; p. 87-90: Despite complaints to the relevant Ministry the Hungarian transport company Agrarcoop transported animals over years in conditions causing undue suffering to them)
- ✓ [Dossier\\_20160623-29\\_Live animal transport to Turkey\\_Doomed Journey Part II.pdf](#)<sup>156</sup> (e.g. p. 104, 109, 131-135: Numerous complaints since 2011 have not stopped the Bulgarian transport company PIMK to continuously transport animals in extremely bad conditions, having dead animals onboard)
- ✓ [Report\\_20170809\\_EXT\\_Live animal transport to Turkey Doomd Journey Part III.pdf](#)<sup>157</sup> (e.g. p. 14-16: Numerous complaints since 2011 have not stopped the Bulgarian transport company PIMK to continuously transport animals in extremely bad conditions, having dead animals onboard)

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<sup>154</sup> Annex document number 8.

<sup>155</sup> Annex document number 1.

<sup>156</sup> Annex document number 2.

<sup>157</sup> Annex document number 3.

## CHAPTER XIX: FAILURE OF THE COMMISSION TO ENFORCE EFFECTIVELY THE REGULATION (EC) NO 1/2005 OUTSIDE THE UNION, IN ACCORDANCE WITH THE JUDGMENT OF THE COURT OF JUSTICE OF 23 APRIL 2015 IN CASE C-424/13

### MANDATE POINT 2.19

*Investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, Regulation (EC) No 1/2005 outside the Union, in accordance with:*

- *the judgment of the Court of Justice (Fifth Chamber) of 23 April 2015 in Case C-424/13.*



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According to the requirements of the Regulation, also in case of journeys part of which take place outside the territory of the EU, provisions of the Regulation must be followed on the whole route. This must be reflected in appropriate route planning (Section 1 of Journey Log) verified by competent authorities at the place of departure (see [Mandate point 2.17](#)). With their signature, competent authorities confirm that the organizer demonstrated that the journey would proceed according to the demands of the Regulation. The requirement to comply with provisions of the Regulation during the whole journey, also outside EU, has been confirmed by the ruling of the Court of Justice in Case C-424/13. In practice this means that whenever journey time (including likely border delays) reaches the maximum permitted by the Regulation (also for stages of journey in a non-EU country), Section 1 of the Journey Log (Planning) must specify places where the animals will be unloaded for a 24 hour rest. Such place must be an approved control post or a place that provides facilities equivalent to these of an EU approved control post.

For more detailed information please see [the recommendations to improve the development and exchange of coordinated actions regarding cattle exports to non-EU countries from the EU commission](#)<sup>158</sup> and see [AWF-TSB Fact sheet on cattle exports to third countries](#)<sup>159</sup>.

During our investigations we have proven that certain exports cannot be done legally:

- Long-distance exports in extreme temperatures (certain countries always exceed maximum allowed temperatures, e.g. transports to Turkey or Israel in summer, or exceed minimum allowed temperatures, e.g. transports to Siberia and Uzbekistan in winter). In case of exports to third countries, for example Turkey, due to nature of the transport and working times of Turkish veterinary authorities at the border, it is impossible to respect temperature limitations for animal transport. As we have proven during our last investigation there, despite the fact that most of the animal transports exit EU in the evening, when the temperatures drops to 25°C, they will have to wait until 9 a.m. of the next day for Turkish authorities to start working, therefore inevitably facing the highest temperatures on board of transport vehicles, since the average time of veterinary inspection in Turkey is at least 6 hours.
- Observing the journey times and resting periods in stages outside the Union. Stables where the animals are supposed to rest are either inexistent or do not meet the standards of the European control posts. This was proven by an audit of German veterinarians in Russia<sup>160</sup>. We have seen fictitious addresses in

<sup>158</sup> DOC/12452/2019. [https://ec.europa.eu/food/sites/food/files/animals/docs/aw\\_platform\\_plat-conc\\_exp-cattle-recom.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/aw_platform_plat-conc_exp-cattle-recom.pdf)

<sup>159</sup> AWF-TSB Fact sheet\_202009\_Long-distance of cattle\_exports to third countries. Annex document number 16.

<sup>160</sup> 20200617\_Letter to MS Ministers Stop exports\_AWF\_EonA. Annex document number 50.

city centres indicated as resting places for a consignment of a few trucks of cattle. This was also confirmed by DG(SANTE) - Overview report on welfare of animals exported by road<sup>161</sup> which reveals that “some MS are approving journey logs even though they are unable to check whether the third country resting point named by the exporter in the journey log even exists or to ascertain if it has the facilities to provide rest, feed and water for the animals”.

- On extremely long routes, reaching 7000 km and more, it is not possible to guarantee the shortest possible transport time at the same time respecting drivers’ resting times. Thus, safety of drivers themselves, animals and others on the roads is seriously affected.
- Respecting transport conditions is impossible after animals are reloaded on local trucks and continue their journey to the real final destination (usually the case after sea transport and when border towns are incorrectly entered as final destination).
- Lack of monitoring of the transport stages at sea and in what condition the animals arrive at their place of destination.
- Transport of animals on old and unsuitable vessels that do not meet the requirements of Council Regulation (EC) No 1/2005 and pose a risk to the animals.
- Sea transport with infringements of the MARPOL Convention on the protection of the marine environment due to the disposal of dead animals and manure in the Mediterranean. These violations have been reported to the Commission several times since 2017. This year AWF|TSB also informed EMSA about these serious environmental infringements<sup>162</sup>

Furthermore, since 2016, the NGO Animals International<sup>163</sup> has carried out over 50 investigations in the Middle East, North Africa and Turkey to uncover the brutal handling and slaughter practices after the animals (sheep and cattle) arrive in importing countries (Egypt, Jordan, Kuwait, Lebanon, Morocco, Palestinian territories, Qatar, Tunisia, Turkey, UAE). During slaughter, no distinction is made between animals for breeding, fattening or slaughter. In most of these countries there are no laws to protect the animals from extreme cruelty – as is repeatedly documented in Lebanon, Egypt, and Turkey. Slaughtering without anaesthetic is a routine, both in the street and in small and large slaughterhouses. Frequently ropes are attached to animals (often to one leg) to drag them from lorries and to hold them in place.

In some slaughterhouses and butcher shops, animals are stabbed in the eyes with pointed tools or fingers to immobilise them. In addition, a scientific report studying 90 slaughterhouses in Turkey, conducted by Dr Ellen Eser, found inappropriate handling of the animals in most of the slaughterhouses<sup>164</sup>. This kind of handling is prohibited by the World Organisation for Animal Health guidelines (OIE Terrestrial Animal Health code).

**Please note that the Commission has been alerted several times over the last years by AWF|TSB about the welfare problems involved in the live exports from EU to third countries by road and by sea (see [Mandate point 2.1](#)).**

<sup>161</sup> DG(SANTE) 2019-6834 - Overview report on welfare of animals exported by road. Ares(2020)617395. Annex document number 19.

<sup>162</sup> 20200318\_Letter to EMSA\_livestock sea transport\_AWF. Annex document number 44.

<sup>163</sup> <https://www.animalsinternational.org/>. For more info regarding these investigations, please contact: [enquiries@animalsinternational.org](mailto:enquiries@animalsinternational.org)

<sup>164</sup> [https://elib.tiho-hannover.de/dissertations/esere\\_ss12;lang=en](https://elib.tiho-hannover.de/dissertations/esere_ss12;lang=en)

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FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Report\\_20190724-0803\\_Animal welfare overboard\\_Extreme suffering of LT calves exported to Israel.pdf<sup>165</sup>](#) (e.g. p. 7: The temperature measured inside the trucks during the offloading was 37.5 degrees).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf<sup>166</sup>](#) (e.g. p. 51: road vehicles used for these transports are often general cargo vehicles, without dividers, no bedding, and no protection from adverse weather conditions and are not according to the provisions of Regulation 1/2005).

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<sup>165</sup> Annex document number 13.

<sup>166</sup> Annex document number 10.

## CHAPTER XX: POTENTIAL BREACHES OF THE DUTY OF SINCERE COOPERATION ESTABLISHED IN ARTICLE 4(3) OF THE TREATY ON EUROPEAN UNION

### MANDATE POINT 2.20

*Investigate potential breaches of the duty of sincere cooperation established in Article 4(3) of the Treaty on European Union that are relevant to the scope of the inquiry; to that end, assess, in particular, whether any such breach may arise from alleged failure to take appropriate measures to prevent the operation of modes of transport in such a way that the identity of their ultimate beneficial owners is hidden from the institutions of the Union, competent authorities, and other intermediaries, and violations to Regulation (EC) No 1/2005 are facilitated.*



Animal transport, in particular long-distance animal transport, usually involves many different Member States. The member states can be involved:

- by the nature of the journey, animals are loaded in one Member State, transit others and finish the journey in the Member State of final destination); and/or
- by the number of parties involved; animals from one Member State may be loaded on the territory of another Member State and transported to yet another one by a transporter registered in a completely different country; and/or
- by the nature of the documents (certificates required by the Regulation 1/2005: for example, the transporter's authorization (under Art. 10 or 11) is issued by one Member State, the certificate of approval of means of transport (under Art. 18 or 19) is issued by another Member State and the certificate of competence for attendants under Art. 17(2) is issued by a third Member State.

In order to prevent the unnecessary suffering of the animals during the journey it is very important that all Member States interpret the provisions of the Regulation in the same way and implement them according to the same criteria. When Member States do not follow the same criteria when assessing the compliance with provisions of the Regulation, opportunities for unfair competition are created, as traders will prefer to apply for documentation with less demanding competent authorities (see [Mandate point 2.19](#)).

As an example, this year in Germany eight main exporting federal states stopped exports to third countries such as Turkey in order to safeguard the welfare of animals during transport. Still, the same German animals are transported to assembly centres in Hungary where after the prescribed quarantine they are again loaded and exported to Turkey, despite high temperatures. Export of animals in high temperatures should be forbidden by all Member States with no exception.

Unfair competition is also very much visible in case of certificates of approval of means of transport. Some Member States (do not issue certificates of approval of means of transport for long distance transport of unweaned animals as it is impossible to ensure proper watering/feeding of such animals on board of the vehicle (see [Mandate point 2.13](#)). As a result, a transporter with correctly issued certificate of approval (with animal category specified) cannot transport unweaned animals on long journeys, while transporters with more general approvals (approved for bovines as a general species) can “legally” transport unweaned calves

over 8 hours. Competent authorities are reluctant to override valid certificates issued in another Member State. They also have few tools to do so, except the power to temporarily ban a certain transporter from transporting animals on their own territory (Art. 26(6)). This power is rarely used by the Member States and therefore the transporters of less strict Member States are taking over the transport of unweaned animals regardless its illegality.

Another example is livestock vessel JULIA L.S (IMO: 7901693) built 40 years ago and sailing under the flag of Tanzania. In 2019 Portuguese authorities refused to load this vessel in port of Setubal due to serious non compliances, especially regarding the ventilation system and management of animals. Portuguese authorities even asked for a presence of a veterinarian during the transport of animals. The vessel left Portugal without animals and went to Romania. Only two days later Julia L.S. was allowed by Romanian authorities to load animals for export (just 1 day after the Queen Hind tragedy ([see Mandate point 2.15](#))). It is impossible that serious shortcomings identified by Portuguese competent authorities were repaired just in just two days in the port of Midia, where at the same time massive rescue operation for Queen Hind was undergoing. Still, in 2019 the same vessel Julia LS was allowed by authorities in Midia (Romania) and Koper (Slovenia) to normally transport animals to Turkey and Israel.

Besides the above-mentioned examples, we have witnessed numerous breaches of sincere cooperation, especially related to approval of means of transport (road vehicles and vessels), authorisation of transporters, approval of Journey Logs, trainings for certificates of competence for drivers, and export of animals to third countries. It is evident that despite work of the European Commission to constantly remind the Member States that Regulation 1/2005 should be correctly implemented, Member States are not implementing it in a harmonized way.

The main problem is that the requirements in the current Regulation are too vague, allowing Member States to interpret the requirements in different ways. Therefore, it is of vital importance that the Commission provides clear and legally based requirements to be followed by the Member States. The recommendations written by the Commission are not uniformly implemented because they are not legally binding. AWF|TSB will continue to monitor the transport of animals in high temperatures to provide evidence that despite all the recommendations written by the Commission, the suffering of animals continues.

**Please note that breaches of sincere cooperation duty also seriously affect the welfare of EU animals transported internally or exported to third countries.**

## CHAPTER XXI: FAILURE OF THE COMMISSION TO FACILITATE THE OIE MISSION AND FAILURE TO RESPECT THE UNION'S TRADE VALUES ENSHRINED IN THE 'TRADE4ALL' STRATEGY

### MANDATE POINTS 2.21 AND 2.22

*Investigate the alleged failure of the Commission to facilitate the OIE mission of implementing international standards on animal welfare during transport. And investigate the alleged failure of the Commission to respect the Union's trade values enshrined in the new EU trade strategy 'Trade4All', especially in relation to the horrendous transport practices documented in third countries, which are critical, not only from an animal welfare point of view, but also in terms of Food security and public Health.*



The Commission is proposing a new trade and investment strategy for the European Union, entitled 'Trade for All: Towards a more responsible trade and investment policy'. The new policy is based on the three key principles – effectiveness, transparency, and values.

The first preamble of the Regulation states that: “(...) in formulating and implementing agriculture and transport policies, the Community and the Member States are to pay full regard to the welfare requirements of animals”. Live animal export to third countries where the welfare standards are much lower, or in some cases inexistent, can never safeguard animal welfare. Even if the animals we export are intended for human consumption and hunger prevention, this does not justify exporting them live. Still, Europe exports animals for slaughter and for breeding. They are exported to war zones (such as Syria or Gaza) and to dry desert areas such as Eritrea, Lebanon, Israel, Turkey. These countries cannot provide enough food for the animals to breed and do not have a system in place that prevents unnecessary pain at the time of killing, as required by Regulation 1099/2009 in force in the EU. We believe that export of live animals to third countries is absolutely not in line with European values, and at the same time with one of the three key principles of the trade4all agreement – and should therefore be prohibited and replaced by export of carcasses.

In 2007 the OIE launched a global workforce development program for OIE delegates that designated a so-called National focal point working amongst other also on animal welfare. The national focal points should assist Delegates in fulfilling their responsibility to the OIE. The OIE in its Terrestrial code in section 7 chapters 1 to 4 addresses the welfare during transport (road, sea, and air). These specific requirements are similar to ones legislated in the Regulation, however during our investigations we have observed that the requirements (especially related to animal handling, loading and unloading procedures, competence of the staff handling the animals, design of the transport vehicles) are not in compliance with the OIE standards. OIE holds annual meetings where animal welfare is discussed, but during the recent years no great improvements have been observed in the field of animal transport in third countries. In the light of the above, more pressure should be exerted by the Commission on other OIE countries to consider and comply with OIE standards.

**Please note that as long as live animals are exported from the EU, they will be subject to inhumane treatment in their destination which could be avoided if the slaughter takes place within EU territory. The lack of welfare regulations in third countries is contributing to the suffering of animals.**

FOR REAL LIFE EXAMPLES OF REPEATED VIOLATIONS, DOCUMENTED AND REPORTED TO AUTHORITIES, PLEASE SEE:

- ✓ [Dossier\\_20160623-29\\_Doomed Journey Part II.pdf<sup>167</sup>](#) (e.g. p. 15-16: the veterinarian states that the cow has serious internal injuries from all the rough pulling by the men earlier. He says that she would not survive, and the best would be to kill her. The Turkish importer (...) wants to save the meat (...). A butcher is called to perform Halal slaughter on board a small truck. We try to prevent the cow from being loaded in this condition, but in vain. She collapses on the steep ramp (...). The butcher cuts her throat while fully conscious. The cow shakes and struggles for five long minutes before dying).
- ✓ [Dossier\\_2010-2015\\_Live animal transport to Turkey\\_Doomed Journey Part I.pdf<sup>168</sup>](#) (e.g. p. 57: in 2015, we inspected 86 livestock trucks in total (...). These trucks had to wait for clearance on average for 17 hours. 15 of these trucks waited more than 24 hours (24%), five even more than 48 hours (8%). One truck waited five days inside the border, parked in full sun with temperatures up to 40°C).
- ✓ [Report\\_20180716-24\\_Live animal transport to Turkey\\_Doomed Journey Part IV.pdf<sup>169</sup>](#) (e.g. p. 11: after already six days parked in the blistering heat, the vehicle with the animals was returned to the Bulgarian terminal of the border. (...) A transporter loaded with 41 water buffaloes was found being stuck inside the Turkish border terminal for 57 hours. On 21.07.18 our team found already one dead buffalo inside the truck, but still the transporter was not allowed to unload the animals at Kapikule stables (...) A consignment of Austrian breeding heifers on-board was parked in Kapikule, for 30 hours, due to Customs requirements. This is additional waiting time, after the Veterinary clearance and when the animals already entered Turkey).
- ✓ [Dossier\\_2014-2016\\_Animal welfare overboard\\_The lack of animal protection during sea transport.pdf<sup>170</sup>](#) (e.g. p. 46: On the second day (...), some of the animals (heifers and calves) started to show signs of respiratory infection and diarrhoea. (...). During the journey 9 animals died. (...). The animal carcasses were cut up and thrown into the sea far away from the coastline and waterways; p. 23: We observed bulls who got their legs caught through the railings or broke their horns on overhead structures).
- ✓ [Report\\_20130610\\_Slaughterhouse inspection\\_Hadimkoy \(TR\).pdf<sup>171</sup>](#) (e.g. p. 3: The slaughterer then stretches the head back and cuts the throat. (...) Immediately after the cut is made, the bull is hoisted all the way upwards until no part of his body is touching the ground, despite still being conscious. (...) an injured downer bull, who could not get up anymore. He appeared to have his hips broken. This truck did not drive to the side access door in order to unload the bull, instead unloaded at the ramp. Workers (...) used repeatedly an electrical prodder on all parts of the bull, even on his face, genitals, and the anus. A worker in a red overall poked his fingers in the eyes of the bull, but he could not move at all. In the end workers and drivers pulled the bull from the truck).
- ✓ [Report\\_20130612\\_Slaughterhouse inspection\\_Bursa \(TR\).pdf<sup>172</sup>](#) (e.g. p. 5: The slaughterer was often seen poking the eyeballs of the bovines about to be cut with his fingers, causing excruciating pain. The bovines would bellow out loudly. The slaughterer did this to “immobilize” the head during cutting).

<sup>167</sup> Annex document number 2.

<sup>168</sup> Annex document number 1.

<sup>169</sup> Annex document number 5.

<sup>170</sup> Annex document number 10.

<sup>171</sup> Annex document number 61.

<sup>172</sup> Annex document number 62.

- ✓ [Report\\_20130614\\_Slaughterhouse inspection\\_Gonen \(TR\).pdf<sup>173</sup>](#) (e.g. p. 6-7: The cow was lying down and seemed in pain. She could not get up (...). Several men entered the truck to try and get the cow to stand up to no avail. Even after she was electrically shocked 4 times (...) all she could do was cry out. Finally it was decided to drive her closer to the entrance of the kill floor and there, we were told, she would be taken out of the truck and slaughtered.(...) they cannot stun her on the truck as then her meat would not be fit to be sold for consumption. It would not be considered Halal).
  
- ✓ [Report\\_20140413\\_Slaughterhouse inspection\\_Aygüler Kazan \(TR\).pdf<sup>174</sup>](#) (e.g. p. 7: two bulls are hoisted subsequently, even though there is only one butcher ready to cut the animals. The bulls are being hoisted completely off the floor, not even allowed to touch the ground with their front legs. The weight of the Charolais bulls is between 800 and 900 kg and the bulls are screaming out in pain, while they are left hanging for two minutes before they are dragged (...) approximately 5 metres away to be cut there. (...) The knife that is used by the butcher is too short and it takes him over one minute to hack 4-5 times at the neck before a big enough cut is made and blood finally coming out. The bulls are not bleeding out efficiently and fast enough).

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<sup>173</sup> Annex document number 63.

<sup>174</sup> Annex document number 64.

## SUMMARY AND CONCLUSIONS

AWF|TSB have been consistently proving for over 10 years now that the Regulation 1/2005 fails to properly protect transported animals, and its loopholes lead to unfair competition within EU. This is caused by flaws in the Regulation itself, by the failure by the Commission to efficiently enforce it, and by implementation inconsistencies among Member States. All is needed is a few efficient steps to have the law already in place serving its purpose.

This document sums the problems on the route and shows that the COM has failed to efficiently protect animals in transport and safeguard consistent conditions for the involved parties in all Member States.

AWF|TSB believe that there is enough evidence now that the following changes are necessary:

- Regulation on animal transport must become more specific to avoid vague interpretations and differences between Member States (weaning age, temperature requirements, loading conditions, means of transport, etc);
- Long-distance transport of unweaned animals must not be allowed, as it is impossible to put it in practice without seriously impairing welfare of the youngest transported animals and without violating the provisions of animal transport legislation;
- Export of live animals to third countries must be replaced by carcass trade, as it remains impossible to guarantee that the Regulation is followed until destination. European Parliament already called the Commission *“to develop a strategy to ensure a shift from live animal transport to a mainly meat-and-carcass and germinal products trade, given the environmental and animal welfare and health impacts of live animal transport;”*<sup>175</sup> The requirement of the European Court of Justice Decision C-424 saying that the entire journey should be compliant until the final destination makes it clear that the Regulation is presently not enforceable during exports to third countries and thus competent authorities should not authorize these journeys;
- Regulations on animal transport and drivers’ working times must be harmonised to avoid suffering of animals and to guarantee safety on roads (right now either the Regulation is violated and animals suffer by being kept on board during drivers’ rest, or drivers break the law by manipulating tachographs to keep driving until destination, without doing their rest);
- FVO reports on Welfare of Animals Exported by Road<sup>176</sup> and regarding Welfare of Animals Transported by Sea<sup>177</sup> clearly confirmed what NGOs have been documenting and reporting for so many years: *“This international dimension makes it difficult to ensure a harmonised application of animal welfare rules; it creates risks for the welfare of the animals and poses challenges for the authorities involved.”*<sup>178</sup> As the results of FVO reports are really concerning, more audits on the subject are needed in Member States in order to identify the exact sources of breaches and to prevent them;

<sup>175</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2019-0132+0+DOC+PDF+V0//EN>

<sup>176</sup> DG(SANTE) 2019-6834 - Overview report on welfare of animals exported by road. Ares(2020)617395. Annex document number 19.

<sup>177</sup> DG(SANTE) 2019-6835 - Overview report on welfare of animals exported by sea. Ares(2020)2217898. Annex document number 17.

<sup>178</sup> DG(SANTE) 2019-6834 - Overview report on welfare of animals exported by road. Ares(2020)617395. Annex document number 19.

- Competent authorities must be reminded or encouraged to report all infringements, in order to give a true picture of the situation in their reports. All reporting channels should be used, including TRACES;
- TRACES system should be more accessible and connected with relevant registers (animal ID, transporters, etc). to serve as a platform for quick checks and violation prevention. It should allow to effectively track movements of animals from their place of registration to their death or export, thus preventing the illegal practice of assembly hopping. It should serve as a tool for checks on the road, allowing competent authorities (veterinary and road police) to quickly verify information on the transporter (especially in case of temporary bans) and the consignment itself;
- More inspectors are needed, both veterinary and road police, and fines imposed should be related to the additional profit gained by breaking of the law so as to constitute a noticeable loss for the organizers and transport companies. Otherwise they defeat their purpose and are not compliant with requirements of Art. 25 (The penalties provided for must be effective, proportionate, and dissuasive);
- Certificates of competence for attendants must be granted after a properly thorough, species-specific training, and for a limited time only. Currently there are ridiculous differences in the requirements of different Member States;
- Organisers, transporters, and competent authorities from the exporting Member States should not organize or approve any consignments when the weather forecast exceeds 30 °C or is under 0°C;
- Approval of means of transport, including vessels, should be harmonised as well. It is ridiculous that in some Member States the authorization of the vessel lasts a few hours and costs seven Euro and in other Member States the authorization process lasts at least 3 days and costs thousands of Euros;

In the light of the above, and in order to avoid distortion of competition between operators involved in the supply chain of animal trade and transport in the EU market, the EU Parliament should force:

- the European Commission to start infringement procedures ex Article 258 TFUE aimed at individual Member States;
- Member States to uniformly apply the Regulation and to apply effective sanctions for the violations.

## FOOTAGE

Please see the in the links below part of the footage from recent investigations carried on by the AWF|TSB teams, showing first-hand the main problems in animal transport.

- Short film: **The truth behind live animal transport**  
[https://www.youtube.com/watch?v=4lencEit1q4&feature=emb\\_logo](https://www.youtube.com/watch?v=4lencEit1q4&feature=emb_logo)
- Short film: **Long-distance Transport of Calves: The Unwanted**  
[https://www.youtube.com/watch?v=535bPe-1zpM&feature=emb\\_logo](https://www.youtube.com/watch?v=535bPe-1zpM&feature=emb_logo)
- Short film: **Death on board: European lamb transports**  
[https://www.youtube.com/watch?time\\_continue=244&v=RSQcoWc2n3U&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=244&v=RSQcoWc2n3U&feature=emb_logo)

1. Dossier\_2010-2015\_Live animal transport to Turkey\_Doomed Journey Part I.pdf
2. Dossier\_20160623-29\_Live animal transport to Turkey\_Doomed Journey Part II.pdf
3. Report\_20170626-0701\_Live animal transport to Turkey\_Doomed Journey Part III.pdf
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## CONTACTS

### **Animal Welfare Foundation e.V. (AWF)**

Basler Straße 115

79115 Freiburg i.Br.

Germany

Phone: +49 (0) 761 4787 340

Fax: +49 (0) 761 4787 310

[info@animal-welfare-foundation.org](mailto:info@animal-welfare-foundation.org)

[www.animal-welfare-foundation.org](http://www.animal-welfare-foundation.org)

### **Tierschutzbund Zürich (TSB)**

Kemppitalstrasse 29

8308 Illnau

Switzerland

Phone: +41 (0)44 482 65 73

Fax: +41 (0)44 482 65 76

[info@tierschutzbund-zuerich.ch](mailto:info@tierschutzbund-zuerich.ch)

[www.tierschutzbund-zuerich.ch](http://www.tierschutzbund-zuerich.ch)

**Note:** More footage, reports or complaints sent to Commission or Member States available on request.

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