The widespread failure to enforce EU law on animal transport

An analysis of reports by the Food and Veterinary Office of the European Commission

Summary

Analysis of reports by the Food and Veterinary Office (FVO) of the European Commission shows that many Member States are failing to enforce Council Regulation 1/2005 on the protection of animals during transport. This failure is widespread, commonplace and involves important provisions of the Regulation which, if enforced, would lead to substantial welfare improvements. Poor enforcement of Community legislation in this field has been a serious problem for many years.

Regulation 1/2005 and Regulation 882/2004, which lays down how official controls should be carried out in this field, provide a good architecture for achieving effective enforcement. The tools are there; they are simply often not being used.

Compassion in World Farming has analysed 19 reports regarding 14 Member States published in 2009-2010 by the FVO. These reports reveal that competent authorities frequently:

- fail to detect deficiencies in journey logs
- fail to require transporters to rectify deficient journey logs
- approve unrealistically short estimated journey times with the result that the rest stops that are obligatory for long journeys are neither planned nor carried out
- fail to enforce the requirement that animals must be given food, water and rest during long journeys; in some cases the animals do not receive any rest stop, in other cases the rest stop is much shorter than required by Regulation 1/2005.

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• fail to enforce the provisions regarding minimum space allowances
• do not enforce the provisions requiring additional vehicle standards for journeys exceeding eight hours
• fail to enforce the prohibition on the transport of unfit animals.

In addition, the FVO reports show that many Member States fail to provide penalties that are effective, proportionate and dissuasive and do not have clear arrangements whereby Member States of transit or destination, when they find breaches of the law, report them to the Member State of departure so that it can take steps to prevent recurrence.

The FVO reports show that some Member States have taken positive steps to improve enforcement, e.g. the Czech Republic, Italy and Romania though serious problems remain even in these countries. Overall, however, it is clear from the FVO reports that very substantial improvements are needed in the level of enforcement of many Member States.

**Key areas of poor enforcement**

**Journey log deficiencies including approval of unrealistically short estimated journey times**

Officials in Member States of departure often do not properly check journey logs. Article 14(1)(a)(ii) of Regulation 1/2005 requires the competent authority to carry out appropriate checks to verify that the journey log “is realistic and indicates compliance with this Regulation”. Article 14(1)(b) stipulates that when the outcome of these checks “is not satisfactory” the competent authority shall “require the organiser to change the arrangements for the intended long journey so that it complies with this Regulation”.

The requirement to check that the journey log “is realistic” is crucial. Paragraphs 1.4 & 1.5 of Chapter V of Annex I to Regulation 1/2005 provide that after 24 hours of travel in the case of pigs and horses, after 29 hours of travel in the case of sheep and cattle and after 19 hours of travel in the case of unweaned animals “animals must be unloaded, fed and watered and be rested for at least 24 hours”. Council Regulation (EC) No 1255/97 (as amended by Regulation 1/2005) requires this rest period to take place at an approved control post.

An essential aspect of the system established by the legislation is that the journey log must provide a realistic estimate of the journey time so that the competent authority is able to assess whether the animals must be unloaded at a control post for a 24 hour rest period.

Officials who check journey logs must satisfy themselves that (i) the estimated journey time is realistic and (ii) that a 24 hour rest stop at an approved control post is planned in cases where the journey will exceed 24 hours in the case of pigs and horses, 29 hours in the case of sheep and cattle and 19 hours in the case of unweaned animals.

Reports by the FVO show that:

• some Member States authorities accept journey logs with unrealistically short estimated journey times. As a result the rest stops that are obligatory for long journeys are neither planned nor carried out.
• important parts of the journey log are often left blank and, despite this, officials stamp the journey log as being satisfactory.
• in some cases no journey log at all is provided for journeys over eight hours.

Examples of these problems can be found in the following FVO reports:
FVO report on Spain, 2008
The FVO reported that in both Aragon and Castilla y Leon all the journey logs reviewed by the FVO team were unsatisfactory. Journey logs were approved although not all the required information of section 1 had been filled in and even though the journey times indicated were unrealistic. On one occasion the actual journey took up to three times longer than indicated in the plan.

FVO report on Spain, 2009
Officials who were responsible for the day to day control of journey logs were not sufficiently knowledgeable in assessing the feasibility of the journey logs.

The deficiencies reported by the FVO regarding Spain’s failure to implement the provisions regarding journey logs are particularly serious. We are disturbed to learn from the FVO report that:

- In Extremadura, all five journey logs reviewed indicated that these had been approved by the CA even though the transporter had indicated unrealistic journey times. In particular two journey logs for transport to the south of Italy would have required an average speed of 107 km/h to complete the journey in the time indicated.
- In Castilla y Leon the authorities did not take any action in cases where significant information was missing from journey logs.
- For transport of sheep from Castilla y Leon, two journey logs indicated unfeasible journey times. One was equivalent to an average driving speed of 135 km/h and the other 101 km/h, but these had still been approved by the competent authority (CA).
- Three out of four consignments of horses from Castilla y Leon which were reviewed by the FVO indicated unfeasible journey times.

The FVO concluded that control of journey logs continues to be poorly implemented. They stressed that CAs continue to approve journey logs for consignments of animals going on long distance transport despite completely unfeasible journey times being indicated by the transporters.

FVO report on Belgium, 2009
In the assembly centre visited a number of journey logs examined from different countries were found to be “deficient, incomplete and unrealistic e.g. no times for departure or arrival stated and planned journey times indicated would have required speeds of approximately 115 km/hour”.

FVO report on Bulgaria, 2009
In one region visited by the FVO checks on journey logs were not performed. Important details were missing and there were several inconsistencies in some of the journey logs examined by the FVO.

FVO report on Bulgaria, 2010
Official checks on journey logs are insufficient to ensure compliance with Regulation 1/2005.

FVO report on France, 2009
- For two out of three consignments of horses to Puglia and to Sicily from Ain district there were no journey logs, although the journeys were longer than eight hours.
- Authorities approve short estimated times for the transport of cattle and pigs to Sicily.
• In one district a representative of the CA declared that they do not carry out checks on the journey logs.
• All the Vétérinaires sanitaires met by the FVO stated that they do not perform checks on journey logs.
• Eight journey logs for pigs checked in one district did not indicate in section 1 of the log the number of animals, the estimated total weight of the consignment and the total space provided.
• Eight journey logs concerning consignments of bovine animals from districts in the North-West of France to Greece, showed unrealistic journey times, incomplete planning and missing details.

FVO report on Lithuania, 2009
“The FVO report states that “the officials reviewing journey logs had failed to ensure that they were realistic for the proposed journeys”. The FVO noted that in certain cases returned journey logs stated that the journeys had in fact taken much longer to complete than the planned times; for example, pigs to Latvia were routinely transported for eight hours more than planned and calves to the Netherlands for eight hours over the planned time.

FVO report on Romania’s horse trade, 2009
The FVO found that Official Veterinarians were stamping journey logs as approved even when they were incomplete and inconsistent and when they failed to indicate an estimated journey time or when the estimated journey time was unrealistic.

FVO report on Romania, 2009
The FVO reported that adequate training and guidance material had been provided by the central CA but that, despite this, checks on journey logs at the assembly centre visited by the FVO were not well documented and were inconsistent. The FVO concluded that “deficiencies with serious consequences were still present in the implementation of these controls [on transport] at county level”.

The veterinarian at the assembly centre visited by the FVO was familiar with most of the requirements of Regulation 1/2005 relating to permitted journey times with the important omission of the requirement for a 24 hour resting stop at a control post for adult sheep travelling more than 29 hours. The FVO also stated that health certificates had been issued for transports of over 40 hours with no provision made to rest the animals as required by Regulation 1/2005.

FVO report on Italy, 2010
Journey logs seen at a slaughterhouse in Lombardia had been incorrectly completed and were missing details of departure times, planning and rest stops. No enforcement action had been taken by the Official Veterinarian who had also signed section 3 of the journey logs as satisfactory.

The FVO reviewed the journey logs in three slaughterhouses in Sardinia accompanying consignments arriving from other Member States which had been judged as satisfactory by the CA. In 12 out of 16 cases the FVO found deficiencies in journey logs or journey times that had not been detected by the CA.

FVO report on Luxembourg, 2010
In all six journey logs reviewed by the FVO team, section 1 was not fully completed and indicated unrealistic journey times, but the CA had accepted and stamped them.

**FVO report on Poland, 2010**

Regarding transport of unweaned calves, a major deficiency persists in the inadequate checks at departure, in particular on the watering and feeding intervals, journey times and resting periods. The authorities approve unrealistically short estimated times for the transport of calves to Italy and Spain. In some cases there is no journey log at all. The FVO concluded that “journey times and resting periods for unweaned calves were not respected”.

**Failure to enforce the requirement that animals must be given food, water and rest during long journeys**

The FVO reports show that Member States often fail to enforce the requirement that animals must be given food, water and 24 hours rest after 24 hours travel in the case of pigs and horses, 28 hours travel in the case of cattle and sheep and 18 hours travel in the case of unweaned animals. In some cases no rest break at all is given; in other cases the rest break is much shorter than required by Regulation 1/2005.

The failure to give the legally required breaks for food, water and rest can arise because:

- the transporter gave an unrealistically short estimated journey time in the journey log and this was not detected by the CA, or
- an accurate estimated journey time was given and a 24 hour stop was planned in the journey log but in fact the vehicle did not stop at all for the 24 hour rest break or stopped but for less than the required 24 hours.

The reports cited above provide many examples of Member States accepting unrealistically short estimated journey times which results in animals not receiving the legally required breaks for food, water and rest. The following FVO reports also highlight the fact that these rest breaks are often not provided:

**FVO report on Belgium, 2009**

Some consignments of calves which have completed long journeys from other Member States may get as little as one hour rest before being reloaded and sent on another journey.

**FVO report on France, 2009**

Animals were rested for less than 24 hours in the case of 44 of the 55 consignments stopping at a French control post in the first eight months of 2008.

**Unfit animals are frequently transported**

Chapter I of Annex I to Regulation 1/2005 prohibits the transport of unfit animals.

**FVO report on Spain, 2008**

Checks at unloading, and actions taken subsequent to problems being detected, are still not sufficient to deter transporters from transporting unfit animals.

**FVO report on Spain, 2009**

The FVO reported that:

- Cows with serious injuries had regularly been transported to a slaughterhouse in Castilla y Leon. The CA had not initiated any sanctions in relation to these infringements.
• In Extremadura, an arthritic lamb was seen in one of the slaughterhouses visited and the Official Veterinarian indicated that it was common to have such lambs arriving at the slaughterhouse. The CA however had reported that they had detected no violations of animal welfare during transport in 2008. This is just one example of several indications in the FVO report of inaccurate reporting by the Spanish authorities.

The FVO concluded that:

• In Extremadura the CA has given insufficient attention to addressing the issue of the transport of unfit animals.
• The high numbers of cows with serious injuries which are transported for slaughter in Castilla y Leon represents a significant welfare problem.

FVO report on Bulgaria, 2009
Animals that were not fit for the journey have been transported. Although it was a small number of animals, steps have not been taken to prevent further incidents.

FVO report on France, 2009
It is clear from the FVO report that the transport of unfit animals to abattoirs continues to be a serious problem in France. The report concludes that the actions taken by France have been insufficient to address this recurrent problem.

FVO France, 2010
The FVO report concludes that the transport of unfit animals to slaughterhouses “is an enduring problem in France”.

FVO report on Portugal, 2009
Unfit animals are being regularly transported to slaughter.

FVO report on Italy, 2010
No enforcement action had been taken by AUSL (the Local Health Units) against private veterinarians who had signed false or misleading certificates stating that animals were fit to be transported when this was clearly not the case.

FVO Lithuania, 2010
Unfit animals are being regularly transported to slaughter in breach of Regulation 1/2005 and this had not even been considered as a non-compliance by the veterinarians at the slaughterhouse visited by the FVO. None of the veterinary staff at that slaughterhouse had received any formal training on the requirements of Regulation 1/2005 nor did they know that the transport of unfit animals is in breach of the Regulation.

Failure to enforce the provisions requiring additional vehicle standards for journeys exceeding eight hours
Chapter VI of Annex I to Regulation 1/2005 lays down additional vehicle standards for journeys exceeding eight hours.

FVO report on Spain, 2008
In both Aragon and Castilla y Leon:

• the checklists for the inspection and approval of means of transport were based on repealed legislation and requirements introduced by Regulation 1/2005 were missing. In March 2008 the regional Aragon CA issued a note requiring the re-inspection of all
means of transport to verify their compliance with Regulation 1/2005, but at the time of the FVO mission little progress had been made.

- The amount of space available for animals was overestimated on the approval certificates for the vehicles. The FVO stated that all of the certificates of approval granted by the CA indicated an unrealistic amount of space available for animals.

The FVO concluded that the provisions of Regulation 1/2005 on the approval of means of transport have not been satisfactorily implemented.

**FVO report on Spain, 2009**
In both Castilla y Leon and Extramadura, the CA lacked the knowledge to assess the capacity of vehicles’ ventilation systems.

**FVO report on Bulgaria, 2009**
Certain vehicles had been approved for long journeys even though they did not meet the Regulation’s requirements for such vehicles. The approval certificates for a number of vehicles contained “inaccuracies and inconsistencies”.

**FVO report on Bulgaria, 2010**
The system for approval of long distance means of transport is not effectively administered by the CA. As a result vehicles that do not meet the requirements for long journeys are approved for such journeys. Calves were transported in a vehicle which had a certificate of approval for long distance but it did not comply with the relevant requirements of Regulation 1/2005.

**FVO report on UK, 2009**
A CA official noted no deficiencies on two trucks even though the FVO team found that both trucks had no water in the tanks.

**FVO report on Poland, 2010**
The watering devices on the means of transport seen by the FVO were unsuitable for unweaned calves, and there was no equipment on board to feed the animals during the mid-journey rest.

**FVO report on Romania, 2010**
A vehicle seen by the FVO was approved for long distance transport despite its failure to comply with a number of the requirements of Regulation 1/2005.

**Permitted stocking density is often exceeded**
Chapter VII of Annex I to Regulation 1/2005 lays down minimum space allowances.

**FVO report on Spain, 2008**
The FVO reported overstocking of vehicles. In Aragon the CA had accepted a space allowance of 0.13 $\text{m}^2$ for lambs of 23 kg, whereas the minimum requirement in Regulation 1/2005 is between 0.20 to 0.30 $\text{m}^2$ depending on the conditions.

**FVO report on Spain, 2009**
The FVO reported that all four consignments of horses from Castilla y Leon which were reviewed by the FVO provided only half the minimum space allowance which should be provided.

**FVO report on Bulgaria, 2009**
Horses were transported on long journeys without respecting the requirements concerning minimum space allowances laid down in Regulation 1/2005.
Insufficient headroom

Paragraph 1.2 of Chapter II of Annex 1 to Regulation 1/2005 provides that “Sufficient space shall be provided inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals when they are in a naturally standing position, without on any account hindering their natural movement”.

The provision of insufficient headroom is a common problem.

**FVO report on Lithuania, 2009**
The competent authority took no action when bovine animals were transported with insufficient headroom - even though this had been repeatedly observed.

**FVO report on Czech Republic, 2010**
The CA did not ensure the provision of sufficient head space during the transport of unweaned calves; the back of several calves touched the ceiling.

**FVO report on Romania, 2010**
The central CA did not provide any clarification on what is sufficient headspace to ensure that there is adequate ventilation when the animals are in a naturally standing position, as required by Regulation 1/2005.

**Requirement to inform other competent authorities of infringements**

Article 26 of Regulation 1/2005 stipulates that, where a CA establishes an infringement, it must notify the CA that granted the authorisation to the transporter or the certificate of approval of the means of transport and, where appropriate, the CA that issued the driver's certificate of competence. Article 26 also provides that a CA of destination that finds that a journey took place in breach of the Regulation must notify without delay the CA of the place of departure. The purpose of these provisions is to enable the relevant CAs to take steps to prevent recurrence of similar breaches in future.

FVO reports show that these provisions are frequently ignored and that CAs which discover infringements often do not report them to the other relevant CAs as required by Article 26. Examples of these problems can be found in the following FVO reports:

**FVO report on Belgium, 2009**
Irregularities in a journey log accompanying a consignment of animals arriving at an assembly centre from another Member State had been noted by the CA but had not been communicated to the Member State of origin.

**FVO report on France, 2009**
- on a number of occasions France has failed to reply to requests for information by Italy
- a representative of one local CA visited by the FVO stated that when shortcomings concern transporters authorised in other Member States, no action is taken and no communication is sent to the relevant CA.
- In Isère district one joint check with the Gendarmerie was organised in 2007 and two in 2008. Out of 38 means of transport checked, 19 presented one or more non-compliances (50%). Nine of them had been authorised in another Member State and ten in France. There was no evidence of any action taken, nor had the other Member
States’ CA been informed, contrary to the provisions of Article 26 of Regulation 1/2005.

**FVO report on Romania, 2009**
All requests (nine) to Romania from other Member States in 2009 for follow up investigation of transport deficiencies had been conveyed to the County Animal Welfare Service by the national contact point but the counties had not responded to these requests for action.

**FVO report on Spain, 2009**
There was inadequate follow-up of complaints from other Member States.

**FVO report on Malta, 2010**
Most of the journey logs for consignments arriving from other Member States had not been properly filled in, and several indicated travel times which were not in compliance with Regulation 1/2005. No actions had been taken by the Official Veterinarian in Malta and these deficiencies were not reported to the country of departure.

**Sanctions and enforcement actions**

Article 25 of Regulation 1/2005 stipulates that the penalties provided for infringements must be effective, proportionate and dissuasive. Article 54 of Regulation 882/2004 provides that when the CA identifies non-compliance with EU rules for the protection of animal welfare “it shall take action to ensure that the operator remedies the situation”.

It is clear from the FVO reports that in some cases no penalties are imposed and that in other cases the penalties imposed are too low to be dissuasive. Moreover, some Member States have no effective powers to impose penalties on transporters from other Member States. Examples of these problems can be found in the following FVO reports:

**FVO report on Hungary, 2008**
The FVO report states that “In relation to Animal Welfare, no enforcement action was taken in nearly all cases evaluated. Sometime corrective actions were requested but no proper follow up took place. The only exception concerned joint inspections carried out with the Police where sanctions were applied. Nevertheless the CA has no legal power to collect fines on the spot, meaning that in practice it is quite difficult to sanction foreign transporters”.

**FVO report on Bulgaria, 2009**
The amount of the fines that can be imposed is not effective, proportionate or dissuasive in relation to commercial transport of significant numbers of animals.

**FVO report on Portugal, 2009**
Sanctions have not been effective to dissuade operators from transporting unfit animals.

**FVO report on Romania’s horse trade, 2009**
The FVO concluded that “Imposing sanctions remain a low priority for the CA on these issues as only one case resulted in a fine and the CA were unable to demonstrate that further legal measures had been taken. The fine was relatively low when compared with the amount of trade from this AC [assembly centre]”.

**FVO report on Spain, 2009**
Animal welfare infringements are invariably classified as light and/or fines are rarely dissuasive. Sanctioning procedures have only been used in limited circumstances and,
because of the low levels of fines imposed, do not, in themselves, bring about corrective action.

In Castilla y Leon, the Provincial CA is responsible for issuing authorisations of transporters. The file for a particular transporter operating on long journeys included communications from the CAs in other Member States of previous infringements of the transport rules. There were four cases from 2005 which indicated that serious infringements had been detected in Italy and a fine of €3000 imposed in one of these cases. Three reports from Italy in 2007 indicated continuing infringements and there were six in 2008. Two cases of serious infringements in 2008 by the same transporter had been reported by the Slovenian CA. In October 2008 the Italian CA had informed the Spanish CAs of their intention to temporarily prohibit this transporter from transporting animals on its territory.

Despite these repeated infringements the CA issued an authorisation to this transporter contrary to Article 10(1)(c) of Regulation 1/2005 which prohibits the granting of an authorisation if serious offences concerning the protection of animals have been committed in the three previous years. The implications of subsequent offences had also not been considered by the CA in relation to the possibility of suspending or withdrawing the authorisation.

**FVO report on France, 2010**
The long procedure for penalties, generally combined with relatively low fines leads to sanctions not being dissuasive despite the requirement in Article 55 of Regulation (EC) No 882/2004 that sanctions must be dissuasive. In one case a fine of just €135 was imposed for the transport of two unfit animals to a slaughterhouse.

**FVO reports referred to in Compassion in World Farming’s analysis**

**Belgium, 2009**: DG(SANCO) 2009-8255 - MR FINAL. Final report of a Specific Audit carried out in Belgium from 4 to 13 May 2009 in order to evaluate the implementation of rules on animal welfare in the context of a general audit.

**Bulgaria, 2009**: DG(SANCO) 2009-8263 - MR FINAL. Final report of a mission carried out in Bulgaria from 16 June to 24 June 2009 in order to evaluate the implementation of rules on the welfare of laying hens and the protection of animals during transport.

**Bulgaria, 2010**: DG(SANCO) 2010-8383 - MR FINAL. Final report of a Specific Audit carried out in Bulgaria from 26 to 30 April 2010 in order to evaluate the implementation of controls for animal welfare on farms and during transport in the context of a general audit.

**Czech Republic, 2010**: DG(SANCO) 2010-8384 - MR FINAL. Final report of a Specific Audit carried out in the Czech Republic from 01 to 10 June 2010 in order to evaluate the implementation of controls for animal welfare on farms and during transport in the context of a general audit.

**France, 2009**: DG(SANCO) 2009-8245 - MR FINAL. Final report of a mission carried out in France from 20 April to 24 April 2009 in order to evaluate the implementation of rules on the protection of animals during transport.

**France, 2010**: DG(SANCO) 2010-8390 - MR FINAL. Final report of a Specific Audit carried out in France from 01 to 12 February 2010 in order to evaluate the implementation of controls for animal welfare on farms and during transport in the context of a general audit.
Hungary, 2009: DG(SANCO) 2009-8346- FINAL. Report of the General Audit carried out in Hungary in 2008 in order to evaluate the control system put in place by the competent authorities.

Italy, 2010: DG(SANCO) 2010-8388 - MR FINAL. Final report of a Specific Audit carried out in Italy from 15 to 26 March 2010 in order to evaluate the implementation of controls for animal welfare on farms and during transport in the context of a general audit.

Lithuania, 2009: DG(SANCO) 2009-8252-MR FINAL. Final report of a Specific Audit carried out in Lithuania from 24 November to 03 December 2009 in order to evaluate the implementation of controls for animal welfare on farms and during transport in the context of a general audit.

Luxembourg, 2010: DG(SANCO) 2010-8385 - MR FINAL. Final report of a Specific Audit carried out in Luxembourg from 11 to 15 January 2010 in order to evaluate the implementation of rules on animal welfare on farms and during transport in the context of a general audit.

Malta, 2010: DG(SANCO) 2010-8386 - MR FINAL. Final report of a Specific Audit carried out in Malta from 12 to 15 January 2010 in order to evaluate the implementation of controls on animal welfare on farms and during transport in the context of a general audit.

Poland, 2010: DG(SANCO) 2010-8387 - MR FINAL. Final report of a Specific Audit carried out in Poland from 23 February to 24 March 2010 in order to evaluate the implementation of controls for animal welfare on farms and during transport in the context of a general audit.

Portugal, 2009: DG(SANCO) 2009-8242 - MR FINAL. Final report of a Specific Audit carried out in Portugal from 2 to 11 December 2009 in order to evaluate the implementation of rules on animal welfare on farms and during transport in the context of a general audit.

Romania, report on horse transport, 2009: DG(SANCO) 2009-8256 - MR FINAL. Final report of a mission carried out in Romania from 25 to 29 May 2009 in order to evaluate the implementation of animal health and animal welfare rules in respect of trade in horses.

Romania, 2009: DG(SANCO) 2009-8269 - MR FINAL. Final report of a mission carried out in Romania from 07 to 11 September 2009 in order to evaluate the implementation of rules on the welfare of laying hens and the protection of animals during transport.

Romania, 2010: DG(SANCO) 2010-8389 - MR FINAL. Final report of a Specific Audit carried out in Romania from 26 to 30 April 2010 in order to evaluate the implementation of controls on animal welfare on farms and during transport in the context of a general audit.


Spain, 2009: DG(SANCO) 2009-8284 - MR FINAL. Final report of a mission carried out in Spain from 23 March to 3 April 2009 in order to evaluate the implementation of rules for the protection of animals during transport and at the time of slaughter or killing.

UK, 2009: DG(SANCO) 2009-8268 - MR FINAL. Final report of a Specific Audit carried out in the UK from 02 to 18 September 2009 in order to evaluate the implementation of rules on animal welfare in the context of a general audit.