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Please reply to:

Frans Timmermans, First Vice-President and  
Commissioners Hogan, Malmström and  
Andriukaitis,  
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Belgium

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Dear First Vice-President and Commissioners

### **Export of live EU animals to Middle East, North Africa and Turkey**

We are shocked to learn from the Civil Dialog Group (CDG) meeting on 30 November that there has been a huge increase in live cattle exports from the EU to the Middle East, North Africa and Turkey.

Commission data presented to the meeting show that the number exported to the Middle East, North Africa and Turkey in the first nine months of 2016 is more than double the number exported to this region in the whole of 2014 and 20% greater than the number exported in the whole of 2015.

We have informed the Commission many times of the immense suffering involved in this trade. We think it is a scandal that the Commission has not tried to end, or at least reduce, this cruel trade. Indeed the Commission appears to welcome the increase in live exports referring to it at the CDG meeting as a “positive trend”.

We have often sent you films and photos showing the extreme cruelty endured by EU cattle slaughtered in this region. We find it difficult to imagine how any Commissioner or official, seeing this suffering, would not feel compelled to take urgent steps to end it. You should not need arguments about Article 13 TFEU or the OIE international standards on welfare at slaughter or the incompatibility of these exports with the Commission strategy on responsible trade to motivate you. Common humanity and an adherence to European values should do so. Instead, the Commission has over many years failed to take any effective steps to reduce the suffering entailed in this trade.

**Turkey:** The new Commission data show that Turkey is the largest importer of EU live cattle. The Commission has often been informed about the protracted delays at the Turkish border and the cruel slaughter conditions in Turkey. It is common practice for a chain to be attached to a rear leg of cattle. The fully conscious animal is then hoisted up, dangling upside-down from one back leg, ready for slaughter. Despite this the EU exports increasing numbers of animals to Turkey.

**Lebanon:** The second largest importer of live EU cattle is Lebanon. We informed the Commission that after visiting Beirut’s main slaughterhouse in October 2014, Lebanon’s Agriculture Minister denounced the “cruelty with which the animals are killed”. The EU’s response has been to increase cattle exports to Lebanon by 30% between 2014 and 2015.

**Israel:** The third largest importer of live EU cattle is Israel. Some EU cattle exported to Israel are re-exported to Gaza and the West Bank. Films show EU cattle being roughly slaughtered on the pavement outside butchers’ shops in the West Bank.

The Commission has been sent film showing slaughter conditions in Gaza. This shows a bull being stabbed in the throat in a Gaza abattoir. Among the chaos a horse pulling a cart with a headless cow on it collided with the wounded bull as he dropped to his knees. The bull was repeatedly stabbed with a knife to bring him to the ground. Also in Gaza a cow whose throat has been cut open stands as long as she can. As the blood pours from her throat her back legs become weak and she struggles to keep them together. All her legs begin to shake before she finally collapses onto the concrete.

The EU's response has been to more than double cattle exports to Israel between 2014 and 2016.

**Libya:** Libya is the fourth largest importer. Exporting animals to Libya is irresponsible. The country is war-torn and without any effective authorities. It is most unlikely that any attempt will be made to ensure that slaughter is carried out in accordance with OIE standards.

### **Problems arising from fact that several Commissioners share responsibility for this issue**

When we write to all the Commissioners with areas of responsibility for the EU's trade in live cattle we only get a reply from Commissioner Andriukaitis. The other Commissioners argue that this trade is nothing to do with them.

Commissioner Hogan, you welcome increases in live cattle exports as being beneficial for the EU beef sector. In light of this you should accept shared responsibility for tackling the suffering involved in this trade.

Commissioner Malmström, you argue that this trade is nothing to do with you. The Commission's new trade strategy emphasises the need for the EU's trade to be responsible and consistent with European values. Exporting animals to countries where slaughter practices are unimaginably cruel and which make no attempt to slaughter in accordance with the OIE welfare standards is not consistent with European values. We believe that you too should not side-step your responsibility for ensuring that the EU's trade is conducted in accordance with the Commission's trade strategy.

### **Commission's failure to take any effective steps and the measures it should now adopt**

The Commission has to date ignored its obligation under Article 13 TFEU to "pay full regard to the welfare requirements of animals" in formulating and implementing EU policies on agriculture. The current policy of permitting – and even welcoming – a trade that routinely entails massive suffering clearly is paying no regard whatsoever to animal welfare.

The Commission has tried to circumvent Article 13 by arguing that this trade is part of the common commercial policy and so not covered by Article 13. This argument is untenable. The trade may be part of the common commercial policy but it is also part of EU agriculture policy. DG Agri regularly reports on the trade, refers to it in its publications and welcomes its contribution to the EU beef sector.

The obligation to pay full regard to animal welfare requires the Commission and the Member States to end the trade or at least ensure that exported animals are transported in accordance with Regulation 1/2005 and that slaughter in the importing country complies with the OIE standards. On 5 July 2016 the Parliament adopted its report on trade strategy. This "underlines the need to regulate the export of living farm animals in compliance with the existing EU Law and the [OIE] standards". The Commission appears to have done nothing to respond to the Parliament's concerns.

Commission letters regularly argue that it does not have the power to ban the trade. Our response has always been that it could propose a suspension or ban under Article 207 TFEU. By way of analogy, Regulation 1523/2007 banned the export of cat and dog fur under Article 133 TEC; this has been replaced by Article 207 TFEU. The Commission consistently chooses to ignore our argument and instead keeps asserting that it has no power to propose a ban.

Commission letters also regularly argue that a ban on the trade would fall foul of the WTO rules. We reply that recent decisions by the WTO Appellate Body have been supportive of genuine animal welfare objectives e.g. the decisions in *US – Tuna II (Mexico)* and *EC – Seal Products*. These cases would suggest that the EU may well be able to justify export restrictions under the WTO public morality

exception bearing in mind that slaughter conditions in the importing countries breach the OIE international standards on welfare at slaughter. The Commission never responds to our points. It just keeps asserting that the WTO rules prevent it from ending live exports.

We fear that the Commission simply does not want to end the trade and is using the arguments about its lack of Treaty powers and the WTO rules as a respectable excuse for its failure to act.

We have regularly urged the Commission to propose legislation akin to Australia's. This requires exporters to ensure that exported animals are slaughtered to OIE standards in the importing countries. The Commission has refused to propose such legislation.

We have regularly urged the Commission to help the importing countries to implement the OIE standards. In response the Commission has run one two-day workshop on slaughter in Lebanon and invited delegates from the Middle East and North Africa to attend a *Better Training for Safer Food* workshop in Italy. This is welcome but it falls far short of what is needed. It will take a lengthy period of sustained practical work to help countries in this region get to the point where the OIE standards are observed in practice, becoming embedded in the daily reality of slaughter operations.

In summary, EU live exports are being carried out in ways that breach the EU Treaty, EU law on the protection of animals during transport and internationally agreed standards on welfare at slaughter. The trade also ignores the European Court judgment in the *Zuchtvieh* case and the Parliament's report on trade. In addition, these exports runs counter to the Commission's strategy that requires trade to be consistent with European values.

Yours sincerely



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