



23 May 2020

Commissioners Wojciechowski and Kyriakides
European Commission
B-1049 Brussels, Belgium

Marija Vučković
President of EU Agriculture Council
Rue de la Loi 175
B-1048 Brussels, Belgium

Please reply to:

Olga Kikou
Compassion in World Farming
Place du Luxembourg 12,
Brussels B-1050, Belgium
Email: olga.kikou@ciwf.org

Dear President of the Agriculture Council and Commissioners Kyriakides and Wojciechowski

Commission overview reports on the welfare of animals exported by sea and road

The two recent Commission overview reports on live exports to non-EU countries by sea and road reveal a disturbing picture of:

- widespread non-compliance by exporters with EU animal welfare laws particularly once the animals leave the EU
- regular failure by Member State (MS) authorities to enforce the legislation that is intended to protect animals during long export journeys.

The situation revealed by these two reports is so bad that live exports by sea and road should be immediately suspended until the Commission and MS have rectified all the problems revealed by the reports.

Exports by road

The report on exports by road states that **most transporters do not meet EU rules on the protection of animals during transport after leaving the EU**, even though the Court of Justice ruled in the *Zuchtvieh* case that Regulation 1/2005 must be complied with all the way through to the destination in the non-EU country.

Under the *Zuchtvieh* ruling a MS of departure must not approve a journey log for exports to non-EU countries unless it indicates that the provisions of Regulation 1/2005 including those on 24 hour resting periods “will be complied with, including for the stages of the journey which are to take place in the territory of third countries”. However, the Commission road report 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.**

Both reports show that **animals are often transported when the maximum temperature permitted inside the trucks of 30°C is exceeded**. The road report refers to the border between Bulgaria and Turkey where it says that between 15 June and 15 September temperatures surpass 30°C most days and yet “this is where livestock vehicles spend many hours waiting to clear their animals.”

The road report reveals **serious deficiencies with TRACES** in particular that MS that have authorised a transporter and so have primary responsibility for ensuring it operates in compliance with the law cannot access data for journeys done by their transporters when their own country is not the place of departure. The report states: “Thus, **the national competent authorities are partially blind to the activities – and overall level of compliance – of the operators for which they are responsible**”.

Exports by sea

The sea exports report reveals a range of serious welfare problems and non-compliances in the sea stages of exports. The road journey from the place of departure to the sea port can be problematic. The report states 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**. This increases the likelihood of animal welfare problems when the animals arrive at the port.”

Regulation 1/2005 requires livestock vessels to have a certificate of approval which lasts for a maximum of 5 years and also to be inspected before each loading. The report reveals that **the required checks on the safety of the vessels and their suitability for carrying animals are not carried out properly**. The checks are often carried out by staff who are not suitably qualified and do not have the experience to assess the necessary technical systems (e.g. ventilation, water pumps, drainage) on board vessels. The report states there is evidence that authorities in at least four MS approved and/or permitted the use of substandard vessels in 2017-2018.

The report shows that the **authorities permit animals to be loaded onto the ship even when pre-loading inspections of the ship reveal deficiencies**. The report notes that veterinary officials at EU exit ports “are subject to intense pressure from exporters to approve shipments (including the threat of potential legal action if an export is stopped or delayed)”.

Regulation 1/2005 requires the authority at the sea port to inspect the animals before loading onto the ship to ensure they are fit to continue their journey. The report shows that “**Checking the fitness of the animals is generally a weak point and is not being properly carried out**. The reports adds that **records of these checks “are in many cases poor or do not exist”**.”

The report shows that **neither the exporters nor the MS authorities are giving any proper consideration to the animals’ welfare during the sea journeys themselves**. The report states “neither the Member States nor the Commission have information or statistics on the health and welfare state of the animals during sea journeys”.

Shockingly, the report reveals that it is **unclear who is legally responsible for, and can be held to account for, the wellbeing of the animals during the sea part of the journey**. It adds “There is currently no routine feedback from third countries, transporters or ships’ Masters on the condition of animals during the sea journey nor on the conditions in which they arrive at destination.”

Even in the MS where the report finds some good practices there can be breaches of legislation as seen in this recent footage at <https://www.youtube.com/watch?v=IBW69b5tvA4>

Poor quality rating of many EU approved livestock vessels

We have updated and expanded the information included in the Commission’s sea report. Three factors are important in assessing the quality of a ship.

Most (55%) livestock vessels approved in the EU are licensed in countries black-listed for poor performance under the Paris Memorandum of Understanding (MOU) i.e. they are considered a high risk in relation to maritime safety. Only 30% of the vessels are flagged under the "White List".

All vessels are required to have a designated company which is responsible for implementing the requirements of the International Safety Management code. 52% of the companies responsible for EU approved livestock vessels are listed as having low or very low performance level by the European Maritime Safety Agency.

A Recognized Organization (RO) is a body which develops and applies technical standards for the design and construction of ships and which carries out surveys and inspections on board ships. Each vessel is required to have a RO. Only 26% of the livestock vessels authorised in the EU have a RO ranked as high performing under the Paris MOU.

Conclusion

It is clear that many exporters and MS are paying little attention to achieving compliance with Regulation 1/2005. The Court of Justice ruling that live exports must comply with Regulation 1/2005 right up to the destination in the non-EU country is being almost completely ignored. Once animals leave the EU they enter into a legal void where no or little attempt is made to comply with the law on welfare during transport or to safeguard the animals' well-being.

We welcome the Commission's courage in publishing reports that are so critical of the way in which the EU live export trade is conducted. Everything points to a multitude of shortcomings and non-compliances over a long period of time, systematic failure to address these serious problems, immense suffering for animals and all this while exports are on the increase and are presented as a solution to the livestock sector's overproduction.

We urge the Commission and the MS to take urgent steps to address the non-compliances and other shortcomings revealed by the reports.

The Commission's own reports show a multitude of deficiencies. These are the Commission's reports, not those of NGOs. Shouldn't the Commission take its own reports seriously? Live exports should be halted until the deficiencies revealed by the Commission reports have been rectified.

Finally, we welcome the revision of the legislation on welfare during transport proposed in the Farm to Fork strategy. We urge the Commission and the MS to:

- take measures that support the transition away from live animal transport towards the transport of meat, carcasses and genetic material
- ensure that key animal welfare issues and especially cruel transports are addressed by the revision of Regulation 1/2005.

Yours sincerely

Animal Aid, Isobel Hutchinson, Director
Animal Welfare Foundation, Iris Baumgärtner, Vice-Chair
Animals International, Gabriel Paun, EU Director
Animals' Angels, Julia Havenstein, Vorsitzende
Compassion in World Farming, Peter Stevenson, Chief Policy Advisor
Compassion in World Farming EU, Olga Kikou, Head of Office
Deutscher Tierschutzbund, Frigga Wirths, Scientific Officer for Farm Animals
Dier&Recht, Robyn Pees
Dierenbescherming, P. van den Berg, Program manager farm animals
Djurens Rätt, Benny Andersson, CEO, Djurens Rätt
Djurskyddet Sverige/Animal Welfare Sweden, Åsa Hagelstedt, Secretary General
Ethical Farming Ireland, Caroline Rowley, Director
Eyes on Animals, Lesley Moffat, Director
Four Paws, Pierre Sultana, Director European Policy Office

GAIA, Ann De Greef, Director
Igualdad animal (Animal Equality Spain), Silvia Barquero, Directora Ejecutiva
ISPCA, Dr Andrew Kelly, Chief Executive Officer
L214, Brigitte Gothière, Director
La Fondation Droit Animal, Éthique et Sciences (LFDA), Nikita Bachelard, Chargée d'affaires et de relations publiques
mensch fair tier, Simone Forgé
Otwarte Klatki, Bogna Wiltowska, Director of Investigations
PATAV, Plataforma Anti Transporte de Animais Vivos, Constança Carvalho, Spokesperson
PETA, Elisa Allen, Director UK
PROVIEH, Jasmin Zöllmer, Leitung Hauptstadtreferat und Politik
Sloboda Zvierat, Silvia Canova
Svenska Djurskyddsöreningen, Johan Beck-Friis, Secretary General
The Humane League UK, Pru Elliott, Head of Campaigns, UK
Tierärzte für verantwortbare Landwirtschaft e.V., Veterinarians for conscientious farming and agriculture, Karl Pfizenmaier
Tierschutzbund Zürich, Iris Baumgärtner, Vice-Chair
Varkens in Nood, Robyn Pees
Verein gegen Tierfabriken, Martin Balluch
WELFARM – Protection mondiale des animaux de ferme, Ghislain Zuccolo, Director