

Written questions to Dr. M. Marahrens

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ANIT hearing of 1/02/2021 on Approvals controls data

No 1	QUESTION S & D
Maria Noichl Question 1	Certification What steps need to be taken in terms of certification and continuous auditing of transport companies, routes, and control posts in third countries (according to 1255/97)? Can the authorities rely on the information provided by the operators? How should the certifying process look like for ships and sea transports? Can you tell us a bit about the experiences you made during your scientific projects regarding this topic?
Answer	<p>According to, inter alia, Art. 14 of Regulation (EC) No. 1/2005 and to the Court of Justice of the EU (Case C-424/13, ruled that the provisions of Regulation 1/2005 continue to apply even when a consignment has left the EU apply until the destination is reached), the journey log must specify i. a. where the animals will be unloaded for a 24 hour rest. That place must be a control post or in third countries a place that provides facilities equivalent to those of a control post (Para 54 of Court's judgement), that means that the staging post in third countries provides facilities (and management) equivalent to those required by Council Regulation (EC) 1255/97. The organisers of third country transports of animals thus have extensive documentation obligations to prove a realistic route planning that meets the animal welfare requirements of Regulation EC No 1/2005 (see answer to question 2). However, the competent authorities must explicitly request this documentation, especially if they are not satisfied with the documentation already submitted by the organiser. Such a process ultimately led to the ruling of the European Court of Justice in the "Zuchtvieh-Case" (C-424/13).</p> <p>In each individual case, when handling third-country transports, the local competent authority in every Member State must check whether the information provided by the organiser on route planning, the accessibility of resting stations and their capacity and equipment is realistic and plausible and meets the requirements of the EU regulations. This is only possible in a reliable manner if the accessibility of the resting stations in third countries as well as their capacity, appropriate equipment and management are certified by an independent institution and if they are audited during operation.</p> <p>In the two EU "Control Post Projects", pilot certification procedures have been developed for both intra-EU Control Posts and hauliers carrying out long journeys within and outside the EU (http://www.controlpost.eu/controlpost/index.php/en/). According to an Animal Welfare assessment scheme eight Control Posts were renovated in the first project increasing their quality standards, biosecurity, work safety and efficiency of personnel and environmental sustainability. A pilot certification scheme was established (http://www.controlpost.eu/controlpost/index.php/en/project-1/cert) and performed in 13 Control Posts, and also handbooks, e-learnings and downloads for animal welfare assessment protocols developed.</p> <p>In the second project (http://www.controlpost.eu/controlpost/index.php/en/project-2) additional CP's were renovated, enlarged and also certified. On the basis of the scientific criteria defined in the previous steps of the project, a Certification Scheme for transport companies was also developed. This model was</p>

tested in 10 transport companies in three different EU countries. Additional handbooks on “Quality Transport” and “Certification Scheme” in different languages have been developed and published.

With the results of both EU projects, models for certification of control posts and resting stations within and outside the EU are available; they may have to be adapted to the requirements in the respective third countries. Unfortunately, the websites of both projects are no longer maintained, so that e.g. the catalogue of criteria for the certification of control posts and transport companies are no longer available. This can also be used for auditing the running operations; for this purpose, possible violations were classified in the categories "minor" or "major" violation or "knock out". The catalogue of criteria can be obtained from the project coordinator and also from the author.

According to the approval of vessels and ships the European Commission (DG Santé) said in the report on Welfare of Animals exported by sea: “With the exception of Ireland and Portugal, the systems in place to approve livestock vessels and to inspect them before each loading are insufficient to minimise the risks, which can negatively affect the welfare of the animals exported on livestock vessels. The main reasons for this are that other Member States competent authorities use staff that is not suitably qualified and experienced to assess the necessary technical systems on board vessels. They also do not allocate enough resources (time and/or personnel) to adequately carry out all the necessary tasks and not provide sufficient support to their officials working at the EU exit ports” (Ares(2020)2217898, <https://op.europa.eu/en/publication-detail/-/publication/fc8d71e4-93f5-11ea-aac4-01aa75ed71a1/language-en/format-PDF/source-130896440>). This means that not only the approval of transport ships for animals with EU-wide validity is insufficient or unqualified, but also the procedures in the export ports with the accompanying change of means of transport from road to ship transport is insufficiently coordinated and dangerous to animal welfare. This applies in particular to the lack of contingency planning when unforeseen events occur, such as the delayed arrival of a vessel or the occurrence of a technical malfunction in the vessel that compromises animal care and welfare.

Consequently, as with the control posts and resting stations, a uniform procedure for certification by independent bodies, including contingency plans, must be developed for the equipment, management and operation of (the few) EU export ports for animals. The criteria scheme required for this - which also includes auditing of day-to-day operations - should also be developed by an EU-wide expert group.

The requirements of Regulation EC No. 1/2005 apply throughout the EU and, in the case of export, also to the destination in the third country. In this respect, the minimum technical specifications to be required of and fulfilled by each means of transport should be defined according to a uniform standard for the approval of this means of transport. This applies to road and sea transport as well as to the transport of animals in containers. In practice, however, each vehicle for the long transport of animals is approved by local competent authorities with EU-wide validity, which increases the risk of heterogeneity. In order to achieve a more harmonised approval of transport vehicles, the competent authorities in Germany have developed a "Manual for Animal Transport" (https://www.openagrar.de/servlets/MCRFileNodeServlet/openagrar_derivate_00022144/Handbuch-Tiertransporte-2019-05-inkl-Anlagen.pdf) which contains a uniform standard. The fulfilment of the technical requirements is checked by a technical testing institution (TÜV, DEKRA), as the veterinary authorities are normally not competent to do so. However, they have to decide on the suitability of the equipment. A technical catalogue of requirements for road vehicles and vessels should be drawn up by a group of experts throughout the EU, similar to the certification of e.g. control posts or export ports. As an example, the technical requirements for the long transport of unweaned calves are given here: https://www.openagrar.de/servlets/MCRFileNodeServlet/openagrar_derivate_00030363/Empfehlung-Tierschutz-beim-Transport_2020-03-12_en.pdf.

Last but not least, a harmonised approach throughout Europe for the enforcement of Regulation (EC) No 1/2005 and the obligatory clearance of every long transport within the EU and to third countries by the competent authority present is considered urgently necessary. This will at least reduce the widespread "clearance tourism" between regions of competency within Member States and also between Member States. This harmonisation can best be achieved by an EU-wide implementing regulation to the amended Regulation (EC) No. 1/2005. This should include a regular training obligation for organisers, transporters and carriers and for members of the competent authorities.

No 2	QUESTION S & D
<p>Maria Noichl</p> <p>Question 2</p>	<p>Legal complaints and court decisions concerning third country exports of breeding cattle</p> <p>Some of the competent authorities in Germany have tried to refuse transport approvals because of implausible journey planning and due to animal welfare concerns. These rejections were based on decrees that were made by the respective federal state. Reacting on the rejected transports, the operators immediately filed a lawsuit. Administrative courts often judge in favor of the operators, ignoring existing animal welfare legislation, resulting in the continuation of approvals for implausible transports that are not in line with 1/2005.</p> <p>What steps must be taken to enforce 1/2005 and who is responsible for doing this? Do you believe the court decisions consider 1/2005 and animal welfare regulations sufficiently? How do current court decisions affect the approval process of long-distance transports?</p>
<p>Answer</p>	<p>This is a legal question for which I do have a limited expertise to answer. However, as I am co-author of the "Animal Transport Handbook", I have a lot to do with the implementation of the technical law on animal welfare during transport in enforcement and monitoring by competent authorities. The above-mentioned rulings are almost all issued by administrative courts for individual cases on the basis of administrative law, which only include specialised law to a limited extent. Thus, fundamental rulings are not possible. The individual case reference usually prevents a revision of the judgement if the clearance of the transport enforced by the first instance judgement has already taken place and the transport has been carried out. A correction through an appeal is therefore not possible and the second instance of the administrative jurisdiction rejects the appeal, here by the competent authority.</p> <p>Administrative law states that long transports in vehicles approved for this purpose are to be dispatched and approved by the competent authorities if the plausibility checks of the transport planning do not reveal any reasons for impediments. For this reason, a reliable plausibility check of the transport planning is fundamentally important for ensuring animal welfare during long transports, specifically to third countries, especially in seasons and regions with extreme weather conditions, but also for particularly vulnerable animal categories such as unweaned calves, lambs or goat lambs. A rejection by the competent authority of the journey log submitted by the organiser shall be carefully justified in each individual case on the basis of the results of the plausibility check.</p> <p>Nevertheless, in many cases there are partly fundamentally contradictions between the administrative court rulings forcing the competent authorities to handle long transports and the animal welfare law. Dr Christoph Maisack has already given examples of this to this committee, to which I hereby refer.</p> <p>A major problem here is, for example, the approval of vehicles for the long transport of cattle in other Member States. Only recently has the EU Commission demanded separate approval for the transport of unweaned animals of the bovine species in the transport vehicles required for this purpose, which are equipped to provide the calves with feed and liquits on board in accordance with the animals' needs (https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3914). Feeding and drinking coincide for this animal category. In Germany, vehicles for the long transport of unweaned calves are now only approved if they have an appropriate provisioning system for the feeding (Handbuch Tiertransporte, https://www.openagrar.de/servlets/MCRFileNodeServlet/openagrar_derivate_00022144/Handbuch-Tiertransporte-2019-05-inkl-Anlagen.pdf). However, administrative courts also require clearance of vehicles registered in other Member States for the transport of cattle. Here, the Commission is urgently called upon to ensure legal uniformity. This also applies to cattle exports for example to central Asian states that are no longer cleared in Germany for animal welfare reasons and have recently been transported via Hungary, for example. A quarantine period should also be considered to be part of the export or transport.</p>

No 3	QUESTION S&D
<p>Isabel Carvalhais (S&D)</p> <p>Question</p>	<p>A strong harmonized system of control and approvals across the EU is essential to ensure compliance and proper enforcement of the regulation and thus to guarantee the animal welfare during transport and a level playing field between operators. Given your experience, what are the weakest points of the current rules on approvals, controls and data collection provided in Regulation (EC) 1/2005, both on what concerns their implementation on the ground and their ability to ensure animal welfare during transport? What modifications, regulatory or others, would you propose to improve the current system?</p>
<p>Answer</p>	<p>Before approving the journey log the competent authority f. e. must be satisfied that the proposed resting place does provide facilities equivalent to those of a EU control post. It could, for example, request to see documents from the organiser on post's technical specifications. In addition, it could ask the competent authorities of the non-EU country or an approved international control and supervisory agency (as referred to in Commission Regulation 817/2010) for a report on the facilities and services provided by the resting post (EU-Platform on Animal Welfare, https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare/platform_conclusions_en). Organisers must submit a journey log which is realistic and indicates that the provisions of Regulation 1/2005 will be complied with, including for the stages of the journey which are to take place in the territory of non-EU countries. They must identify a place for the stop which either is a control post or provides facilities equivalent to those, that means that the resting post provides facilities equivalent to those required by Council Regulation (EC) 1255/97 and in particular that:</p> <ul style="list-style-type: none"> • it has suitable equipment and facilities available for the purpose of loading and unloading animals • it is able to provide sufficient clean water and sufficient and appropriate feed • the staff are competent to care for the welfare of the cattle and are able to load and unload them in a calm, unhurried and skillful manner and in compliance with Chapter III of Annex I to Regulation 1/2005 • a veterinarian will be available to check the animals are fit to continue their journey before being reloaded at the end of their stay at the premises. • The bedding in the vehicles is changed and water and feed supplies are replenished for the next transport section. <p>The resting station have to be approved by competent authorities in the third country, but, as already mentioned in the answer to question 1, comparability with intra-community control posts can only be ensured through certification and auditing. The requirements of Regulation (EC) No 1/2005 also apply irrespective of possible legislation in the third countries up to the destination of the transport (see final paragraph of the Court's judgment C-424/13).</p> <p>In recent years, route planning by the organisers, especially towards Central Asia (Uzbekistan, Kazakhstan, etc.), has been questioned by competent authorities in Germany, mainly in relation to the time needed to complete the route in accordance with the law and the availability of suitable rest stops. These doubts could up to now not be dispelled by the organisers, which is why in some Federal States in Germany these third countries were indexed alongside North African countries and those of the Middle East, and animal transports there were no longer cleared. However, we have a kind of "clearance tourism" between competencies that allow clearance from there. In my view, the "weakest point" is the lack of uniformity in the plausibility checks and their resilience and the clearance procedures of the competent authorities, not only within Germany but also within the EU. However, we have a kind of "clearance tourism" between competencies that allow clearance from there. In my view, the "weakest point" is the lack of uniformity in plausibility checks and their resilience and in the clearance procedures of the competent authorities, not only within Germany but also within the EU. The only way for the authorities - especially the clearing authorities - to monitor transport and animal welfare outside the EU is to have actual access to complete electronic data sets (incl. their download!) from the so-called navigation systems and their extensive evaluation, including temperatures and geo-positions on a common time axis. Especially in the case of "new" routes, this should already be done during the currently dispatched transports, if only to check the resilience of one's own plausibility check and to have a hard database for next clearances of transports. The clearance, monitoring, and evaluation procedures should urgently be harmonised throughout the EU by the Commission, if necessary by means of an implementing regulation.</p>

No 4	QUESTION RENEW
<p>RENEW</p> <p>Question 1</p>	<p>Final destinations: In transport plans very often ports or collecting points are given as final destinations. What qualifies as a “final destination” according to the 1/2005 – what are major infringements when it comes to final destinations in the transport planning and do you think wrong entries of “final destinations” are happening on a regular basis? Is the final destination verifiable for competent authorities and if not, what steps should be done to solve the problem? Is the information given by operators on transport plans transparent and what should be done if not?</p>
<p>Answer</p>	<p>Council Regulation (EC) No 1/2005, Art. 2 (s) defines the “place of destination”: the place at which an animal is unloaded from a means of transport and (i) accommodated for at least 48 hours prior to the time of departure; or (ii) slaughtered.</p> <p>In contrast, in Art. 2 (t) a “place of rest or transfer” is defined as any stop during the journey which is not a place of destination, including a place where animals have changed the means of transport, with or without being unloaded.</p> <p>In Art. 2 (j) a “journey” is defined as the entire transport from the place of departure to the place of destination, including any unloading, accommodation and loading occurring at intermediate points in the journey. The transport ends with the completed unloading of the animals at the place of destination (Art. 2 (w)).</p> <p>With this given definitions the competent authority at the place of departure is not able to enforce the Reg. (EC) No. 1/2005 after unloading of the last animal at the place of destination. The Regulation does not qualify the modalities of accommodation of the animals for at least 48 hours at the place of destination, thus the scope of the Regulation ends with the unloading of the last animal of the consignment at the place of destination. From the point of view of the competent authority at the place of departure, it is therefore not possible to distinguish between a place of transfer, possibly with a change of means of transport, and a place of destination. It is also not possible to ensure or monitor a minimum stay of 48 hours.</p> <p>As a consequence, it is to be demanded that, especially in the case of transports to third countries, either a slaughterhouse (for slaughter animals in the Traces certificate) or a traceable holding (for breeding animals or animals for production) is listed in the regulation as the verifiable (final) destination.</p>

No 5	QUESTION RENEW
RENEW Question 2	Plausibility controls and data: Are the information sources for plausibility checks such as weather forecasts etc. sufficiently used by the competent authorities and what additional tools (e.g. real time access to electronic transport data) and access to data for independent institutions would be needed to allow for better controls in future?
Answer	<p>The competent authority at the place of departure shall perform checks to verify the formal authorisations, approvals, and certificates etc. laid down in the EU-Regulation 1/2005. Also as stated in answers to previous questions the competent authority must check the plausibility of the journey planning of the organizer to verify the transport plan is realistic, and that the transport will be compliant to animal welfare rules given in the regulation.</p> <p>This plausibility check includes many factors like special demands of the species or category of animals transported, time of loading, distances of transport legs, road and traffic conditions, reachability of control posts, ferries, waiting times at borders, weather conditions, etc. To have an idea of time schedules for transport legs of actual transport plannings, the electronical data from former transports on the same or comparable route should be included into the plausibility check. This can give a realistic picture of e.g. the duration of the transport to the destination, but also of the control posts in between. It can also be used to determine the time needed for possible border crossings. In this way, it is also possible to correct the time duration of trip segments specified in the TRACES system, since the average speed stored there is too high.</p> <p>As already laid down in decrees of individual federal states in Germany, the competent authorities must be granted real time access to the original electronic data of the system manufacturers of navigation devices by the organiser or the transporter. This ensures access to data that cannot be manipulated. As already specified in decrees of individual federal states in Germany, the competent authorities must be granted real time access to the original electronic data of the system manufacturers of navigation devices by the organiser or the transporter, even during actual transports. This ensures access to data that cannot be manipulated. It should be ensured that this access enables the download of complete data sets during and after the completion of the transport, also for subsequent evaluation. Only in this way they can also be used for the clearance of subsequent transports. This also includes the comparison of the interior temperatures in the vehicle with the outside conditions predicted by weather reports in the transit and destination areas of the transports. A weather forecast provider should be agreed in the Member State to avoid differences in transport handling.</p> <p>The development of software for competent authorities to handle long and cross-border transports is still pending. This would, if applied EU-wide, largely harmonise clearance and the underlying plausibility check to verify route planning and also the monitoring of transports. Against this background, it should be borne in mind that the new "EU Control Regulation 2017/625" largely digitalises the exchange of information between authorities and also "legal subjects" such as animal transport organisers and companies.</p>

No 6	QUESTION GREENS-EFA
<p>Greens-EFA</p> <p>Question 1</p>	<p>Under which standards do plausibility checks currently take place and what would be necessary to guarantee a transport that meets animal welfare requirements? In particular when it comes to transports by sea and transports to third countries: are plausibility checks possible at all?</p> <p>Are plausibility checks carried out in a harmonized way? If not, what would have to be changed?</p> <p>Do you consider certification and regular auditing to be indispensable for the authorities of the member states to be able to work in accordance with the law?</p> <p>What measures could you envisage in respect to the areas of breeding and slaughter in relation to third countries?</p>
<p>Answer</p>	<p>As already stated in previous answers, there is no EU-wide standard existing for the control and monitoring of long and cross-border animal transports by the competent authorities. Many of the aspects to be monitored for the plausibility check and also during the cleared transports can be digitalised or are already available in digitalised form. The formats and transmission protocols of the electronic data are largely harmonised, so that they can be easily integrated into an evaluation software which should be available to every competent authority. However, access to the electronic data specified in Regulation (EC) No. 1/2005 must be requested and provided in each individual case. Such an approach would largely harmonise the enforcement of the requirements of the EU Regulation across the EU up to the final destination also in the third country (which has to be defined in a clear and verifiable way).</p> <p>With regard to the requirement for certification and regular audits, see question 1. I consider both to be an essential prerequisite for competent authorities to be able to enforce the Regulation in accordance with the law.</p> <p>In the Journey log and in the Traces certificate the purpose of the animals exported within the Community or to third countries is stated as: breeding, production (i.e. fattening) and slaughter. Within the EU, the conditions under which the animals are kept or slaughtered after completion of the transport can be traced, as both their keeping and slaughter are subject to Community animal welfare legislation. This is not the case in third countries, especially in North Africa, the Middle East and Central Asia, where there is usually no animal welfare law of their own and no enforcement that ensures minimum animal welfare standards. However, all these countries are members of the OIE and have agreed to the Terrestrial Animal Health Code, which in Chapter 7 defines the minimum standards for animal welfare during husbandry, transport and slaughter (https://www.oie.int/doc/ged/D10905.PDF). However, I have seen for myself and during training sessions for competent authorities in some of the mentioned third countries that these countries are very far away from implementing these standards even approximately. In the meantime, it has become clear through various reports from NGOs and also in the media that animal transports, in part animal husbandry and in particular also the slaughtering of animals take place far away from European animal welfare standards. The keeping and also breeding use (calving, milk production, insemination, rearing of calves) of breeding cattle from Europe is reported from third countries only in extremely rare cases. Only this places should be addressed as place of destination for exports of breeding cattle from EU to Third Countries. The annual reports of the IFCN (international farm comparism network (https://ifcndairy.org/)) also report only low, and in some cases even declining, milk production for many of the third countries receiving breeding animals, despite the large number of imported cattle.</p> <p>However, these areas are not to be regulated in connection with animal welfare law in the transport and export of animals to third countries. These actual aspects of animal welfare-friendly husbandry and slaughter are to be included in the trade contracts underlying exports.</p>

No 7	QUESTION GREENS-EFA
<p>Greens-EFA</p> <p>Question 2</p>	<p>Authorisations given to vessels transporting animals by sea is a specific matter. Controls are not always carried out properly.</p> <p>Maritime authorities and veterinarian authorities for instance don't always work well together, or work in a very isolated way, when they should obviously work together. Do you see any benefit in having a kind of specialized EU expert organ to improve sea transports (which is asked by some experts).</p> <p>Do you think such experts would be useful to carry out controls of vessels properly? Do you have any recommendation when it comes to control of vessels?</p>
<p>Answer</p>	<p>As already stated earlier (see question 1) the approval of vessels and ships is mentioned in the European Commission (DG Santé) report on Welfare of Animals exported by sea (Ares(2020)2217898, https://op.europa.eu/en/publication-detail/-/publication/fc8d71e4-93f5-11ea-aac4-01aa75ed71a1/language-en/format-PDF/source-130896440).</p> <p>This means that not only the approval of transport ships for animals with EU-wide validity is insufficient or unqualified, but also the procedures in the export ports with the accompanying change of means of transport from road to ship transport is insufficiently coordinated and dangerous to animal welfare. Consequently, a uniform procedure for certification by independent bodies, including contingency plans, must be developed for the equipment, management and operation of (the few) EU export ports for animals. This should also apply to the approval of vessels for the transport of animals, which requires in-depth technical expertise. This cannot be provided by the veterinary authorities that have approved so far. The (specialized) competent authorities in the ports have to be trained for the inspection of the vessels and also the animals inside in the day-to-day operations.</p>

No 8	QUESTION ECR
<p>Peter Lundgren</p> <p>Question</p>	<p>I recently payed attention to an abominable and shocking incident in Sweden that concerns animal welfare and not animal transport. It is still very important and show us the larger issue when it comes to animal welfare in the meat production in general.</p> <p>It recently discovered that a certified slaughterhouse in Southern Sweden had been torturing the animal in a sadistic way. The employees had kicked the animals in the head and beating them with a chain. Some of the pictures were so brutal that the news channel could not show them on TV. This film material is showing the same crime against animal welfare as the Swedish authorities shut down the slaughterhouse once before, but this time even more brutal than before. The fact that the slaughterhouse was allowed to re-open again after how they were treating the animals at the first place shows that the system is broken and the wellbeing of animals are not priority by the authorities. The owner of the slaughterhouse should had got the licence revoked for both running a business concerning animals and own animals for a lifetime, but also got convicted for grossly animal cruelty. The employees should of course also got convicted for grossly animal cruelty.</p> <p>How can we improve the controls to ensure that animals are not harmed during transport and what measures can we take to prevent animals from keep being harmed?</p> <p>What can we as politicians do legislatively to prevent animals abusers from torturing animals again after they have committed such heinous crimes?</p>
<p>Answer</p>	<p>In each sector of animal keeping, i.e. animal housing and husbandry, animal transport, and animal slaughter or killing (i.e. for disease control) specialized animal welfare regulations in the EU and also in every Member State is in place and enforcement. Animal abuse can be seen in each of this sectors, and each member state has own legal systems dealing with this kind of criminality. It is due to the competent authority to enforce the rules, but they cannot be everywhere at any time.</p> <p>In slaughterhouses in the EU it is established a kind of responsibility of the operator to supervise the operations at each stage of process from unloading from the transport vehicle to the end of the debleeding phase before processing is going on. This have to be done with Standard Operation Procedures for every worker at the place and is supervised by an Animal Welfare Officer. There are also methods for automatic monitoring of stunning equipment and (very) partly of stunning success. Additionally there is an intensive discussion about camera surveillance systems to be implemented in supervision of lairages and stunning systems.</p>

No 9	QUESTION THE LEFT – GUE/NGL
THE LEFT-GUE/NGL Question 1	What are in your view the main issues we're facing when it comes to the approval of vehicles and vessels for the transportation of animals, the controls of these transports and the data collected in the EU?
Answer 1	<p>The approval of means of animal transport in general and of vessels and road vehicles in particular should be based on a set of criteria and minimum standards developed by an EU-wide expert panel, as the technical requirements are based on a common legal basis. This expert panel should include veterinarians, technical engineers specialised in the relevant vehicle sector, hauliers, manufacturers, and members of competent authorities. This panel should also define the formats and technical aspects of the transmission of electronic data to be sent to the competent authorities. As the number of vessels approved by EU member state competent authorities is only around 75, the approval board may be a single one for the EU.</p> <p>All technical aspects shall be specified as part of the type-approval for each individual means of transport, which is deleted automatically in case of manipulation. The competent authorities should be EU-wide provided with a software solution for the evaluation of electronically data coming from transport means to be in line with the requirements of the EU-Regulation and also as a basis for future approvals of animal transports on the same or on comparable routes, based on a harmonized plausibility control.</p> <p>Regarding the controls of the transports and the data, I refer to the answer to the other questions.</p>

No 10	QUESTION THE LEFT – GUE/NGL
<p>THE LEFT – GUE/NGL</p> <p>Question 2</p>	<p>Plausibility controls and data</p> <p>Would you be able to elaborate on the roles of NGOs when it comes to controls and checks on the ground, in particular in third countries and at borders?</p> <p>Do you feel that their investigations can be considered as reliable source?</p> <p>How should enforcement be better guaranteed in future and where do you see the role of competent authorities in this regard?</p> <p>How important do you consider checks on the ground and who should carry these out?</p>
<p>Answer 2</p>	<p>As most third countries do not have legislation on animal welfare, there is no possibility of cooperation between the respective competent authorities in order to exchange findings on possible violations. As mentioned before, the OIE Terrestrial Animal Health Code is to be seen as a guideline and far away from being implemented as an animal welfare standard in this countries.</p> <p>Reports of violations of basic animal welfare requirements, which are qualitatively criminal offences in Europe, thus come almost exclusively from NGOs. These reports now have an almost expert status, as the surveys are usually carried out according to scientific criteria and the events and results are documented accordingly. The NGOs often work together with the police in member states and also third countries, sometimes they are included in trainings on animal welfare during transport (in many cases the implementation of roadside inspections).</p> <p>Against this background, at least the internationally active NGOs are to be regarded as reliable; indeed, they are regularly invited to participate in working groups on EU level, e.g. the EU's new animal welfare platform (see https://ec.europa.eu/food/animals/welfare/eu-platform-animal-welfare_en).</p> <p>Regarding the role of competent authorities I would like to refer on other answers on above questionings.</p> <p>Road side checks should be performed by trained police and veterinary officers in a mobile version along different motorways and also at the entrances of slaughterhouse premises. The communication between hauliers is very fast. In Germany, a vehicle may only be stopped by the police.</p>

No 11	QUESTION THE LEFT – GUE/NGL
<p>THE LEFT – GUE/NGL</p> <p>Question 3</p>	<p>Legal complaints and court decisions in Germany concerning calf transports</p> <p>Would you be able to tell a bit about recent court decisions concerning calf transports, e.g. the recent case in Baden-Württemberg? Why is it so hard or nearly impossible for competent authorities to enforce EU 1/2005 by rejecting long distance transports, even if these rejections are based on decrees made by the ministries in the federal state?</p>
<p>Answer 3</p>	<p>As mentioned before the court decisions made in Baden-Württemberg are judged by administrative courts according to administrative law. The Sigmaringen Administrative Court decision was presented in depth to this committee by Dr Christoph Maisack, to whom I hereby refer.</p> <p>The first instance Sigmaringen Administrative Court, which decides formally according to an existing approval, and accepted a planned transport duration of more than 21 hours as acceptable (Reg. 1/2005 foresees 19 hours as maximum), obliged the Veterinary Officer to stamp the journey log. This judgement ignores wide parts and substantial requirements of the technical law, the Reg. (EC) No. 1/2005, especially the requirements of Art. 3.</p> <p>The third instance, the Baden-Württemberg Provincial Administrative Court stated the valid approval of the vehicle for the transport of bovines, issued by another member state. It should be noted here that according to the "Handbuch Tiertransporte" (Animal Transport Manual), which has been established by decree in all German federal states as a guideline for the administrative action of the competent authorities for the enforcement of Regulation EC No. 1/2005, an appropriate feeding system on board has been required for the approval of vehicles for the long transport of unweaned calves since 2019 (https://www.openagrar.de/servlets/MCRFileNodeServlet/openagrar_derivate_00022144/Handbuch-Tiertransporte-2019-05-inkl-Anlagen.pdf). The court stated further, that the requesting of an approval of a vehicle especially for the transport of unweaned calves is not legal, as no vehicle meets these requirements. The court stated also, that the calves have to be unloaded for feeding after the first leg of transport (after 9 hours) into a control post. No control post in the EU is approved for this operation (see Regulation (EC) No. 1255/97). The regulation (EC) No. 1/2005 does not generally provide for the animals to be fed outside the vehicle after the first leg of the journey, but the necessary supply equipment and feed must be carried along.</p>

No 12	QUESTION THE LEFT – GUE/NGL
<p>THE LEFT – GUE/NGL</p> <p>Question 4</p>	<p>Transport to third countries</p> <p>Despite an increase of the amount of transports with live animals in the EU and the great risks for the welfare of these animals, the total amount of controls by national authorities Under Regulation 1/2005 decreased, while controls are essential to guarantee the welfare of animals during transport. In your opinion, what is needed to have sufficient controls?</p> <p>Could you elaborate a bit more on the role that veterinarians currently play in enforcement of the rules intra-EU, and since the EU exports millions of animals every year, also more specifically when animals are exported to third countries?</p> <p>Would you agree that if Regulation 1/2005 is interpreted correctly, approvals of transports to third countries with certain slaughter practices are not in line with existing EU legislation?</p> <p>Do you think that it's possible at all to meet the requirements of Regulation 1/2005 Regulation if there are no veterinarians, or not enough veterinarians, on board of a vessel to provide care to thousands of animals – for sometimes weeks on end?</p>
<p>Answer 4</p>	<p>As stated earlier, the approval of long transports of animals to third countries without the possibility of using certified and audited control posts at intervals that allow for a legal completion of the transport sections along the transport route is not permitted and not allowed under current animal welfare law. This is also the case if plausibility checks show that permissible transport times cannot be complied with in certain sections or if the outside temperatures do not allow compliance with the maximum and minimum temperatures inside the vehicles. The long transport of unweaned animals in vehicles not specifically approved for the transport of this category of animals is also not permitted.</p> <p>It is astonishing that while the EU carries out controls on the import of food of animal origin and also of animals in the exporting third countries to establish that the conditions of production and husbandry comply with EU law and standards, it does not control the handling of the animals and their whereabouts in the third countries to which they are exported from the EU. Any export of live animals to third countries should be banned as long as these countries do not at least comply with the requirements of the OIE Terrestrial Animal Health Code in a comprehensible manner. These are already below the EU standard.</p> <p>According to our own experience with the transport of breeding cattle by vessel (after a long journey to the Mediterranean port), not only the presence of veterinarians on board is to be required, but also the equipment of the vessel with an extensive on-board pharmacy, which is in proportion to the number of animals on board. The number of veterinarians should also be proportionate to the number of animals on board. According to the requirements of the EU Regulation, a person responsible for animal welfare and appropriately trained must be on board the vessel. These requirements can only be met by veterinarians who are also able and equipped to kill animals if necessary.</p>

No 13	QUESTION THE LEFT – GUE/NGL
<p>THE LEFT – GUE/NGL</p> <p>Question 5</p>	<p>Zoonotic diseases and transportation</p> <p>As Europe is facing multiple outbreaks of Avian Influenza A (H5N8), especially in Denmark, Netherlands, Germany, Ireland and France, and since animal transportation could indeed play a huge role in the spreading of zoonotic diseases, could you tell us what kind of controls are in place to prevent that risk?</p> <p>Are there some specific controls and/or data gathering put in place to face this situation, and are they sufficient in your opinion? If not, what would you recommend?</p>
<p>Answer</p>	<p>First of all, it must be stated here that the aforementioned avian influenza is not usually spread by animal transports, but initially by migratory birds and by the movement of people and goods on livestock farms. Avian influenza is also not a zoonotic disease. The same applies to African swine fever, which is also only spread to a minor extent by animal transports. Nevertheless, animal transport naturally plays a major role in the dissemination of animal diseases. This is taken into account when, for example, control posts and assembly centres are also certified and approved according to biosecurity aspects. In the previously mentioned EU projects on inspection bodies, each was certified not only according to animal welfare criteria but also according to criteria that guarantee a reliable biosecurity status. Regulation (EC) No. 1255/97 also provides for biosecurity requirements that must be fulfilled by the structural characteristics, but also during operation.</p> <p>In case of a contagious disease, normally all transport of animals within and out of restricted zones is prevented.</p>

No 14	QUESTION THE LEFT - GUE/NGL
<p>THE LEFT - GUE/NGL</p> <p>Question 6</p>	<p>Veterinarians working conditions</p> <p>During the last ANIT Public hearing on Enforcement of Regulation 01/2005 by the Member States and the Commission, Nancy De Briyne, Deputy Executive Director of the Federation of Veterinarians of Europe acknowledged that veterinarians often receive pressure to approve transportation regardless of the situation of the animals.</p> <p>Do you agree with this statement, and if so, could you please elaborate on these pressures: who/where are they mainly from? In what kind of situation or maybe in what kind of transportation (road, sea, air) are they more likely to occur?</p> <p>What would you recommend to ensure that the veterinarians are free to do their job and be sure that the animals are protected during transportation?</p>
<p>Answer</p>	<p>As I am not involved in the enforcement of animal welfare legislation in the area of animal transport or even animal slaughter, I cannot state anything about Nancy de Briyne's statement. In my current occupational situation, I am not exposed to these situations.</p>