ANIMAL TRANSPORTS

– Background paper –

December 2020
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1. BASIC PROBLEM

Every year, over one billion poultry and 37 million live cattle, pigs, sheep, goats, and horses are transported across borders within the EU and to and from third countries. Animal transports often cause massive animal welfare problems due to excessively long transport times and very poor transport conditions. The animals are crammed tightly together in the transporters for days and weeks. They suffer from enormous heat or cold, thirst, hunger, stress, and fear. Animal transports are not only carried out by road, but also by sea. For days and weeks, the animals have to stand in cramped conditions on the ships. Completely exhausted animals that are lifted off board with the help of a crane have been documented regularly since the early 1990s. Many of the animals do not survive the transport and die a terrifying death on their journey across the Mediterranean.

Especially animals intended for slaughter are frequently transported for several days or even weeks, resulting in serious injuries and cruel deaths. But live animal exports are not limited to animals sent for slaughter. Breeding animals make up a considerable amount of live animal transport to third countries – a large share of them being pregnant heifers, that are transported for several thousand kilometres for days and weeks. Premature births frequently happen during transport. Many destination countries do not apply animal welfare standards and it is not possible to build up breeding populations of European high-performance breeds. The animals that survive the hell ride are milked for one lactation period after the birth of their calf. After the lactation period, i.e. when the period during which the cows give milk, is over and the animals are no longer of any use, a cruel death awaits them.

Since 2007, the EU Animal Welfare Transport Regulation (Regulation (EC) 1/2005) for the protection of animals during transport has been in force1. However, it does not adequately protect the animals and urgently needs to be revised.

When certain conditions are fulfilled on the vehicle, it is already permitted, for example, to transport pigs for 24 hours without a break and cattle for 29 hours with only one hour’s break, as well as to repeat these periods as often as desired, so that the animals are being on the road for days or weeks. Actually, cattle must be unloaded after 29 hours at a certified control post (resting station) for at least 24 hours. But as there are hardly any control posts in third countries, the animals often spend the requested breaks on the trucks, instead of being unloaded. Since 2007, the Commission has received approximately 200 reports of infringements of the Regulation (EC) No 1/2005, so that the call for stricter rules on animal transport has continued – including from the European Parliament – that issued a motion for a resolution.²

From July to December 2020, Germany held the Presidency of the EU Council. It has been shown that in the Corona crisis animal welfare is even less guaranteed than usual. Minister Julia Klöckner took first steps by addressing animal transport in an informal Council meeting. But further steps are needed to address the devastating conditions which animals are exposed to during transport to third countries and to and work out solutions, that are in line with animal welfare objectives. The EU animal welfare transport regulation must be revised in the interest of animals, so that particularly cruel and long animal transports to third countries are no longer possible.

Although the European Court of Justice³ has decided in 2015 that EU animal welfare rules on animal transport apply beyond the EU borders until the final destination, there is solid evidence that this is not respected. Member States would have to take much stronger action and stop issuing transport approvals if compliance with current legislation cannot be guaranteed.

2. ACCIDENTS

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Time and again, dramatic accidents and tragedies occur during animal transport, both by road and by ship, resulting in thousands of animals dying miserably. Animal transporters on the road tip over because they are overloaded, or the drivers are overtired. In the summer months, especially poultry and pigs often die during transports, because it is too hot in the vehicles. But animals also die in winter because watering troughs freeze, or the animals cannot survive the cold.

In November 2019, a ship carrying 14,000 sheep capsized off the Romanian coast. Together with its partner ARCA, FOUR PAWS was able to save 180 of the 14,000 animals, while the other sheep died. Recent findings suggest that the ship was overloaded.

3. TRANSPORT BY SHIP

In the summer of 2019, hundreds of sheep had already died in agony on a ship transport loaded with 66,000 animals. On their way to the Persian Gulf, the animals were mercilessly exposed to heat of up to 47°C on open deck. A recent report from the European Commission\(^4\) has officially confirmed serious animal welfare shortcomings during sea transport. The report concludes that, for several reasons, animal welfare is not guaranteed during transport by ship. The vessels on which the animals are transported are not suitable, the personnel who would have to inspect the vessels for suitability often lack the technical expertise and are understaffed. In addition, the report states that weather conditions are not sufficiently considered, leading to serious animal welfare problems. The report states that 54% of the vessels transporting animals from EU ports are licensed in countries (flagged) blacklisted in 2015 for poor performance (high risk to maritime safety) and only 24% of the listed vessels are flagged under the “white list”. According to the report the approval of vessels is done by competent authorities who are not trained to decide upon the suitability of vessels. It is also confirmed that out of the existing 13 Exit EU ports, only 6 have facilities nearby to accommodate animals in case of an emergency or delay. But even these do not have capacities for the necessary quantity of animals (e.g. one facility is capable to

\(^4\) https://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=137
accommodate 600 animals but there are loadings of 6000 animals arriving). The following graph shows the routes the animals are sent on.

Source: Overview Report "Welfare of Animals Transports by Sea" [2020], European Commission

Examples of recent accidents on the sea:

- Example 1 – Nov. 2019: Queen Hind capsized with 14,000 sheep on board of the vessel. Together with its partner ARCA, FOUR PAWS was able to save 180 of the 14,000 animals, while the other sheep died over days (suffocated, drowned). No vet euthanized them. Recent findings suggest that the ship was overloaded.

- Example 2 – summer 2019: 70,000 sheep on vessel for weeks in the Persian Gulf, exposed to heat on deck up to 47 °C. Hundreds of sheep died.4

- Example 3 – Sept. 2020: Gulf livestock vessel carrying 6,000 cattle and 43 crew members sank – all of them died.5

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4 https://www.theguardian.com/environment/2020/feb/03/secret-decks-found-on-ship-that-capsized-killing-thousands-of-sheep
4. ROAD TRANSPORTS

The DG Sante report\(^4\) on the Welfare of Animals exported by road states that it is difficult to ensure animal welfare, as the export of animals from the EU to non-EU countries is complex and generally involves many actors and countries. The report states that this creates risks for the welfare of the animals. Particularly high temperatures are the main cause of animals suffering during transports due to the absence of cooling systems in livestock vehicles. The authorization of transports without considering this limitation and without taking into account weather conditions at the border and at the place of destination contributes to the perpetuation of this problem. The report states that most transporters do not meet applicable EU rules when they leave the Union.

Frequently, incorrect information is given, and applicable law is systematically undermined. For example, some of the transport durations given are implausible, and most of the time there is no information on control posts (resting stations) in third countries, where e.g. cattle have to be unloaded and provided for every 29 hours for at least 24 hours. This lack of information is also due to the fact that there are no certified control posts in third countries that meet EU standards. However, according to the European Court of Justice [2015]\(^5\) the unloading and feeding of animals is required at the time intervals laid down in the EU Regulation and applies until the place of destination, even if it is in a third country. As a result, there is a systematic failure to comply with current legislation. Moreover, in the transport documentations often only one or two drivers are designated to carry out the transport, although the current law requires at least three or more drivers to comply with the specified breaks for drivers.

\(^4\) https://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=136

Examples of recent incidents during transports by road:

- Example 1: Transport of cattle, standing at the Bulgarian-Turkish border for 13 days on Bulgarian territory. No unloading of the animals at a near control post. No infringement or sanction procedure happened consequently.10
- Example 2: Transport of pregnant heifers (6-7th month of gestation) from Germany to Uzbekistan (6,000 km), 205 hours in total, of which the animals stayed 118 hours on the transporter without being unloaded. The transport lasted from 13.02.2019 (Emsland, DE) until 22.09.2019, ending in Fergana, Uzbekistan.11
- Example 3: 320 hours from DE to Eritrea in 2020 – with no control post mentioned in the journey plan – are approved by the competent authorities.
- Example 4: Transport plans Germany to Iran in 2020 – with e.g. only 9 hours journey time in the documents and with only one control post – are approved by the competent authorities.

5. NUMBERS

Every year, over one billion poultry and 37 million live cattle, pigs, sheep, goats, and horses are transported across borders within the EU and to and from third countries. In 2015, European countries transported a total of almost 1.4 billion live animals within the EU. Member States also exported almost 238 million live animals across EU borders to third countries in the same year.

11 https://www.zeit.de/2019/10/tiertransporte-tierquaelerei-tierschutz-landwirtschaft
Approximately 3.5 million sheep and goats, 4.3 million cattle, 33.4 million pigs, and 1,000 million poultry were traded alive between EU countries in 2018. Belgium, Ireland, Greece, Spain, France, and Italy exchanged more than 1.8 million head of cattle. The reason behind over 70% of animal transfers within the EU was the production cycle in the case of cattle and pigs, and slaughtering in the case of sheep and goats.  

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6. **LIVE ANIMAL TRANSPORT IN GERMANY AND RECENT DEVELOPMENTS**

In 2019, almost 70,000 mostly pregnant cattle were transported from Germany to distant third countries such as Algeria, Iran, Lebanon, Libya, Kazakhstan, Uzbekistan, Azerbaijan, Turkmenistan, Tajikistan, Russia, or Turkey. The following is an overview of German cattle exports from 2019 to selected third countries:

<table>
<thead>
<tr>
<th>Third country</th>
<th>Number of cattle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>6,878</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>1,230</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>553</td>
</tr>
<tr>
<td>Lebanon</td>
<td>4,139</td>
</tr>
<tr>
<td>Morocco</td>
<td>7,063</td>
</tr>
<tr>
<td>Russia</td>
<td>31,747</td>
</tr>
<tr>
<td>Turkmenistan</td>
<td>523</td>
</tr>
<tr>
<td>Turkey</td>
<td>2,544</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>8,009</td>
</tr>
</tbody>
</table>

In particular pregnant heifers (i.e. female cattle that have not yet given birth to a calf) are exported from Germany to third countries. Unweaned calves are first transported within the EU, e.g. to Spain, and then after a few months of fattening are also exported to third countries.

In 2019, some German states, including Hesse, Bavaria, and Schleswig-Holstein, have already banned by decree exports to 17 third countries by decree in 2019, which are considered to be high-risk countries from an animal welfare point of view. In 2020, Russia was added to this list, as Russia the country has officially confirmed that it has not having any control posts. As the operators have the freedom to choose from which federal state the animals are to be sent to the third country, they have sent the animals to those federal states which still approve exports to

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*Request of the European Commission to Germany’s Live Animal Exports in 2019*
third countries. As a result, some of the animals were travelling even longer than before. This means that bans by individual federal states do not help the animals much: an uniform overarching stop must be put in place.

A. FOUR PAWS TAKES LEGAL ACTION

After FOUR PAWS had taken legal action in a total of 21 cases in four federal states in June 2020, and media reports on this topic had increased significantly, all other federal states approving animal transports to third countries finally issued corresponding decrees to make third country exports stop or hard to approve. As long as these decrees are valid, animal transports to third countries are actually not dispatched from Germany, or the requirements of the respective decrees must be complied with.

Nevertheless, the concern that the transports will now reach the EU’s external border and be sent to third countries from there is more than justified. Putting an end to the cruel long-distance transports is therefore more than necessary on EU level. Germany has repeatedly stressed that the EU must tackle the issue of animal transports and that a cross-European approach is needed. Germany holds the Presidency of the EU Council from July to December 2020 and must use this position to work for a revision of EU Regulation 1/2005 in line with animal welfare requirements, so that long-distance transport to third countries is no longer possible.

B. SINGLE FEDERAL STATES STOP THIRD COUNTRY EXPORTS

Each federal state has veterinary offices responsible for approving the transport of animals over eight hours. They must check that the entire transport to the country of destination complies with the EU animal transport regulation. Based on information from reports and opinions showing that animal welfare problems are common in third countries both during transport and at slaughter, some veterinary services have stopped approving transports to certain third countries. They have also been concerned of making themselves liable to prosecution for aiding cruelty to animals by granting approval to animal transports in full knowledge of the conditions under which they are
transported, kept, and slaughtered. In response, the German federal states of Bavaria, Schleswig-Holstein, and Hesse issued a decree in 2019 to stop transports to 17 high-risk countries outside the EU. In view of the controversial legal situation, they wanted to provide clarity for competent veterinary authorities.

C. LIST OF HIGH-RISK ANIMAL WELFARE STATES

High-risk animal welfare states are countries where there is a high likelihood that animals will be treated and slaughtered in a cruel manner. In addition, there are currently no suitable control posts in third countries that meet EU standards. Therefore, it is not possible to guarantee that the animals can rest and are supplied with food and water at the prescribed intervals. In 2019, the Bavarian Ministry of Environment issued a list of 17 countries where there is considerable doubt that animal welfare standards will be consistently met during transport to the animals’ destination: Egypt, Algeria, Armenia, Azerbaijan, Iraq, Iran, Kazakhstan, Kyrgyzstan, Lebanon, Libya, Morocco, Syria, Tajikistan, Turkey, Tunisia, Turkmenistan, Uzbekistan.

In the meantime, all German federal states that approved transports to third countries have stopped or severely restricted animal transports to these countries. Russia is a new addition that was added in 2020, as the Federal Ministry of Food and Agriculture has stated that there were no approved control posts there. According to the Russian authorities, at least one control post is supposed to exist after all. However, there is no official certification system in place to ensure compliance with EU Regulation 1255/97 setting out the requirements for control posts. The information provided by the operators and, in the case of Russia, the Russian authorities has so far been relied upon. However, the Russian authorities do not control compliance with EU standards, but set different standards, e.g. regarding animal health requirements. It will also be necessary to ensure, through a booking system, that control posts in third countries can receive sufficient numbers of animals at the planned date and are equipped to supply them according to
EU regulation 1255/97. The system therefore has to be structured in the same way as for control posts within the EU, which can be accessed on the Internet, including addresses and equipment.¹³

7. “BREEDING ANIMALS”

Germany exported almost 70,000 breeding cattle to third countries in 2019. The “purpose” of breeding cattle should actually be to build up own herds in the destination countries. But instead of this, the imported so-called breeding animals are usually milked for a while after they have given birth to their calf and then slaughtered without prior stunning. This has been documented in numerous cases. There is considerable doubt that the importing countries build up own breeding populations. High yielding cattle as those being kept in Germany need special concentrated feed and lots of water to produce an immense amount of milk. The animals are not adapted to and have not been bred for the hot climatic conditions of most of the importing countries. As they suffer from a lack of feed and water their milk yield is low. This is one of the reasons why they are usually killed after one lactation. Instead of building up a breeding herd, animals are constantly being imported. The official declaration as “breeding animal” is therefore obviously a fake.¹⁴ A current report by the German Animal Welfare Association and a publication of the Bundestierärztekammer also underline this.¹⁵ FOUR PAWS assumes that it is generally cheaper to always buy additional animals than to build up an own breeding population and care for the animals’ needs. This is also proven by the continuing high export figures.

¹⁴ http://www.djgt.de/system/files/244/original/190507_DJGT_Stellungnahme_Tiertransporte.pdf
8. SPECIAL ROLE OF CALVES

Unweaned calves (calves that are still dependent on suckling milk) are transported over long distances at the age of two weeks without being able to be provided with food in a way that is appropriate for their age. The calves suffer from thirst and hunger and regularly die during or after the long journey. The animals need milk or milk substitutes. However, such feeding is not possible on the transport vehicles. At best, water can be supplied there, but even this is not guaranteed, as the drinkers are almost never designed for calves, but for adult animals. Every year, around 650,000 calves are exported from Germany to other EU countries, of which around 65,000 are exported to Spain. From Spain, they are again exported, this time to third countries, after a few months of fattening, as the current documentation by Manfred Karremann – “Tiertransporte grenzenlos” – shows.1

9. DOCUMENTATIONS

Since the late 1980s, filmmaker Manfred Karremann has been documenting the cruel conditions at the ports of loading, for example in Lebanon. Cattle that can no longer walk are unloaded from the ship with the help of a crane, hanging on one leg, dangling in the air. One cannot imagine the incredible pain and fear these animals must suffer. But it gets even worse: these tormented animals are then transported even further to be slaughtered without prior stunning. Animal welfare is not a priority in the destination countries. It is unbelievable how cruelly these animals die. And these are animals that come from European farms (e.g. Germany and Austria).

Even if the destination is not directly a third country, but a place within the EU, it is possible that the animals will end up in a third country. This has been demonstrated, for example, by a case of 30 breeding cattle that were brought from Bavaria to Slovakia in May 2019. Slovakia was indicated as the country of destination of the transport. Four days later a freighter took the 30 cattle on board in the Spanish port of Tarragona and brought them to Libya, one of the 17 third countries

for which Bavaria has imposed an export ban for animal welfare reasons. This case shows that the authorities often do not understand what ultimately happens to the cattle. This is despite the fact that, as in this case, Bavaria is one of the German federal states which are trying to stop such farm animal exports. Therefore, an EU-wide export ban on animals to third countries is necessary, otherwise it will be impossible to follow where the animals end up.

In February 2019, a transport of pregnant heifers from Emsland to Uzbekistan (6,000 km) was documented by the animal welfare organisation Animals’ Angels. The animals had been on the road for nine days (205 hours) and had been standing on the truck for the last five days (118 hours non-stop) without being unloaded and cared for⁹. This violates the EU regulation 1/2005, which is much too lax to protect the animals from suffering anyway. However, not even these regulations are being complied to. The documented examples do not show an individual case, but the rule. Infringements during long-distance transports are commonplace.

Source: „Jenseits der Schmerzgrenze“ ZEIT, February 2019

⁹ https://www.zeit.de/2019/10/tiertransporte-tierquaelerei-tierschutz-landwirtschaft
10. SLAUGHTER OF ANIMALS IN THIRD COUNTRIES

Meanwhile, there are countless documentations showing that the animals are subjected to the worst tortures during these transports and at their destination. An article published in April 2020 in the official German vet magazine “Amtstierärztlicher Dienst und Lebensmittelkontrolle” by the lawyer Dr. C. Maisack and the veterinarian Dr. A. Rabitsch, proves that the animals are cruelly killed in the destination countries.¹⁰

The methods of restraining the animals as well as the killing methods were documented by NGOs in several slaughterhouses in Egypt, Jordan, Lebanon, Morocco, and Turkey and are summarised in the article. They are unimaginably cruel and do not meet the international standards of the World Organisation for Animal Health [OIE].¹¹ The killings are carried out by cutting the throats without prior stunning. The animals are tied together at the legs, tendons are cut, and the eyes are stung to make them defenceless. The agony of the animals lasting for minutes or even up to half an hour has been documented. All high-risk animal welfare countries to which animals are exported from e.g. Germany are members of the OIE and must actually comply with the animal welfare standards. However, the numerous documented immobilisation and killing methods prove the opposite: animal welfare controls to meet OIE standards are completely lacking or obviously non-existent.

11. LEGAL SITUATION

The EU regulation on the protection of animals during transport VO (EC) 1/2005 regulates the conditions under which animals may be transported. A distinction is made between transports lasting less than eight hours and those lasting longer than eight hours. All transports longer than eight hours are considered long-distance transports. Both short and long-distance transports

¹⁰ C. Maisack und A. Rabitsch: „Tiertransporte von Rindern und Schafen in Tierschutz-Hochrisiko- Staaten gehen weiter“, Amtstierärztlicher Dienst und Lebensmittelkontrolle 27. Jahrgang 1/2020 translation available in: [https://media.4-paws.org/78/b/a/78ba7160a67dc1c4f71572ad442cb7c0b62510e6/Tiertransporte-EN--full-web.pdf](https://media.4-paws.org/78/b/a/78ba7160a67dc1c4f71572ad442cb7c0b62510e6/Tiertransporte-EN--full-web.pdf)
¹² [https://www.oie.int/about-us/our-members/member-countries/](https://www.oie.int/about-us/our-members/member-countries/)
are subject to certain conditions that must be respected. For long-distance transports there are certain requirements regarding the equipment of the vehicles. Moreover, break times during which the animals have to be unloaded and cared for must be respected and the entire transport process must be documented with a navigation system.

In addition to the EU-wide regulations, member states also have national regulations on the transport of animals, but these only apply in their own country. In Austria and Germany, exports to third countries are commonplace. In 2015, the European Court of Justice ruled that the transport requirements must be met up to the place of destination, even if it is a third country.

12. ACTORS AND RESPONSIBILITIES

There are basically three main actors responsible for ensuring that animal welfare requirements are respected during an animal transport: the operator, the transport company, and the veterinary authority approving the transport, as well as the veterinary authorities responsible for inspecting the animals at the control posts along the route.

Operators of long-distance transports are often breeding companies that buy animals from farmers [e.g. dairy farmers] when they are already pregnant. They then take the animals to assembly centres where they are quarantined for four weeks before being transported to the country of destination.

The transport companies are often specialised in animal exports. Sometimes the operators are the transport companies themselves. Both operators and transport companies may be based in the exporting country, but not necessarily. The transport companies are often foreign companies from Poland, Hungary, or Latvia. As foreign transport companies often transport at lower prices, they are increasingly booked. The lower price is often at the expense of animal welfare, once again.
The veterinary authorities have the task of carrying out a thorough examination of the transport planning and implementation. They are responsible for ensuring that no transport is allowed to leave where it is clear from the outset that the animals will be subjected to pain and suffering and that the EU transport regulation will not be respected.

13. PROCEDURE: TRANSPORT PLANNING, IMPLEMENTATION, AND CONTROL

No animal transport may be carried out without dedicated documentation of the planning of the transport or documentation of the transport. Exact retrospective checks of transports lasting more than 8 hours can be carried out by the competent veterinary authority, requesting the TRACES (Trade Control and Expert System) documents, the driver’s logbook (journey log) and the transporter’s navigation data. These documents must be available at the responsible operator’s premises and at the transporter’s premises. The transport planning must be checked for plausibility by the veterinary authority, i.e. it is checked whether the legal requirements are met. The veterinary authority must also check entries of route descriptions and control posts, for example by using Google Maps and taking into account weather forecasts and predicted traffic jams (for example at border crossings). Based on the validated TRACES documents and the journey log, it is possible to see to what extent a transport operation has already been illegally approved, whose planning was implausible within the meaning of EU Regulation 1/2005. In some cases, for example, journey times are far too short or a port or an assembly centre is specified as the final destination, although this may not be the case, as the final destination must be the place where the transport ends. A transport for which it is already apparent in the transport planning that implausible information has been given, may not be approved by the official veterinarians and the journey log may not be stamped. In addition, the declared destination also reveals to the official veterinarian which slaughter methods the animals are most likely to expect at the destination.
A.  **TRACES (Trade Control and Expert System)**
TRACES is a database system which records all animal traffic within the EU and to and from the EU. It is a veterinary and animal welfare network that monitors the transport, import, and export of products of animal origin and live animals. TRACES records, among other things, the person responsible for the transport, the previous and subsequent owners of the animals and the ear tags of all animals for identification. The TRACES documents must document all transport planning by the operator, which must be checked for plausibility by the official veterinarian. Control posts, duration of transport, place of destination, ear tag numbers of the animals, etc. must be clearly indicated. The TRACES documents must, in principle, be submitted to the competent authority together with the journey log at least 48 hours before the planned start of the transport.

B.  **JOURNEY LOG**
According to the EU Transport Regulation No. 1/2005, a journey log must be kept on long journeys. It must be available before approval and must be carried along and filled in continuously during the journey (e.g. unforeseen incidents such as traffic jams, accidents, technical problems with the vehicle, etc.). Also, the departure and ending times of the transport, the place of departure and destination as well as all intermediate stops where the animals have rests (control posts) and/or are unloaded and cared for, must be entered. The journey log must accompany the animal transport during the entire journey until arrival at the destination and must be kept for at least three years and presented to the authorities upon request.

C.  **NAVIGATION DATA**
According to Regulation 1/2005, since 2009 all means of road transport for long animal transports must be equipped with a navigation system. During the entire transport, electronic data must be regularly recorded and transmitted to a server (position of the vehicle and the temperatures inside the vehicle). In addition, the vehicles must be equipped with an alarm system to alert the driver in the event of extreme temperatures, such as >30°C. In addition, the opening and closing of the loading flaps and the axle load weight of the vehicle must be recorded electronically. The
latter serves, for example, to check whether the animals have been unloaded at the control posts. The entire transport duration, including resting times, is thus recorded electronically. This data must be downloadable by the transporter (operator) at any time during the journey and must be handed to the competent authority on request.

14. BURDEN OF PROOF OF THE OPERATOR AND RESPONSIBILITY OF THE VETERINARY AUTHORITY

[extract in translation from Maisack and Rabitsch (2020 – see footnote 19)]

“The organiser of an animal transport must prove to the official veterinarian the existence, the official approval, and the proper equipment of the control post at which they want to unload, feed, water, and rest the animals. The transport must not be cleared without this proof. This is already shown by the wording of Art. 14 para 1 [a], [iii] of the EU Animal Transport Regulation: Accordingly, if the information in the journey log submitted by the organiser is realistic and must lead to the conclusion that the transport complies with the provisions of this Regulation, it means that it is up to the organizer to provide full evidence to the official veterinarian responsible for handling that the individual control post exist, where they are exactly, that they are approved by the country in which they are located, and that they fully meet the requirements of Council Regulation (EC) No. 1255/97 applicable to such stations (including those in third countries). The transport must not be cleared in case of any doubt. This can also be seen from Annex II Section 1 Nos. 7 and 8 of the EU Animal Transport Regulation: Accordingly, if the organiser thereafter declares by his/her signature in section 1 of the journey log that he/she has “taken appropriate measures to ensure the well-being of the animals in accordance with the EU Animal Transport Regulation of the Council during the entire journey time”, this means that he/she “guarantees” compliance with all provisions of this regulation, including Annex I, Chapter V, on all transport sections with their signature. They thus guarantee, for example, that, when transporting adult cattle, the animals arrive at an “control post within the meaning of Regulation (EC) No. 1255/97” (Art. 2 [h] of the EU Animal Transport Regulation), i.e. a control post, at the latest 29 hours after the start of loading, that they are unloaded, fed and watered, and that they can then rest there for at least 24 hours.
Any doubts about the correctness of this guarantee declaration will be borne by them and will prevent the transport from being cleared as long as it cannot be completely remedied. This is also the view of the German government [cf. BMEL, “Tierschutz darf nicht an Grenzen enden” (“Animal welfare must not end at borders”) dated 28 May 2018: “It must be ensured that the animals are adequately cared for according to our animal welfare standards during the transport and that breaks are adhered to”].

The organiser must provide the following evidence:

1. The specification of the geographic data and exact address of the individual control posts.
2. A certificate issued in an EU language by the authority responsible for the control post that unloading and adequate (corresponding to the requirements of Regulation EC No. 1255/97) care of the transported animals is permitted and possible there.
3. Proof of reservation (i.e. a declaration by the owner of the control post that the station is reserved for the intended number of animals at the time of arrival specified in the transport planning).

If the certificate from the competent authority does not document compliance with the requirements of Regulation (EC) No. 1255/97 or does so only incompletely, the transport cannot be processed.
15. IMPLAUSIBLE TRANSPORT PLANNING

Frequently, incorrect information is given, and applicable law is systematically undermined. For example, some of the times given are implausible and most of the time there are no entries for control posts in third countries where e.g. adult bovine animals must be unloaded and supplied for at least 24 hours every 29 hours. This lack of information is also due to the fact that there are no control posts in third countries which meet EU standards. However, the unloading and supply of animals is required at the time intervals laid down in the EU Regulation and applies until the place of destination, even if it is in a third country. As a result, there is a systematic failure to comply with current legislation. Often only one or two drivers are specified, although the current law requires at least three or more drivers to comply with the specified break times for drivers.

16. MISSING CONTROL POSTS

The certified control posts that exist in the EU are available online\(^2\). All EU-approved control posts are listed with their address, capacity, and equipment. The equipment in turn provides information on which animals can be cared for at each station (for example, whether or not milking equipment is available). Such a list does not exist for third countries, so there is no overview of suitable EU standards for non-EU countries. Therefore, any transport to a third country that requires a resting period and thus unloading of the animals, is illegal if no certified control posts are available. On basis of this legal analysis the Netherlands stopped all transports that require a stop in a third country in 2020\(^3\).

In April 2020, an official letter from Russia to the Federal Ministry of Food and Agriculture confirmed that there are no control posts in Russia that meet EU standards. As a result, in May 2020, the Netherlands first stopped all animal transports to third countries which require a 24-hour break.

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\(^2\) [https://ec.europa.eu/food/sites/food/files/animals/docs/aw_list_of_approved_control_posts.pdf](https://ec.europa.eu/food/sites/food/files/animals/docs/aw_list_of_approved_control_posts.pdf)

Regulation (EC) 1/2005 and Regulation (EC) 1255/97 set out certain requirements for control posts. They must meet EU standards and, for example, have solid walls, bedding, drinking devices and possibilities to feed the animals. Furthermore local veterinary care must be ensured. In 2019, Madeleine Martin, the animal welfare officer of the German state of Hesse and three other official veterinarians travelled on one of the main Russian routes of animal transport in order to inspect it and reported that no adequate control posts existed on the route.24

17. CRITICISM AND DEMANDS

Despite documentaries published continually for 30 years showing that animals are subjected to the worst tortures, and despite the knowledge that legal provisions are regularly broken, animal transports continue to take place. Although there are now stops or severe restrictions imposed by some Member States such as The Netherlands and most of the German federal states, these are being circumvented by the transport of animals to these third countries via other EU countries. EU rules are far from adequate to ensure the protection of animals during long journeys.

The EU is a community of values and must rather ensure that animals are not treated as goods or property. Although animals are considered sentient beings in the 2007 Lisbon Treaty25, they are not treated as such. The horrible suffering caused by long-distance animal transports must be ended immediately. The European Union must stop third country animal exports via all EU Member States with immediate effect. Subsequently, third country exports of live animals must be banned, and a maximum transport duration of 8 hours must be set in place. To reduce the number of animals that are transported, it is also important to reduce the number of animals that are produced in the European Union, rethink EU funding and payments and tackle problems that come with specialisation. Instead of live animals, meat and genetic material such as semen could be exported.

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25 http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0005.01/DOC_19
18. ALTERNATIVES

As a general rule and whenever possible, the transport of meat should be preferred instead of live animal cross-border transports. Exports of breeding animals should be replaced by the export of genetic material such as breeding semen. A fundamental structural change is needed to promote alternatives to live animal transport and solutions. Within the EU, transport time must be kept to a minimum and regional solutions for slaughter must be established. Instead of a market concentration on individual large slaughterhouses, a decentralised network of slaughterhouses should be established. This would ensure that the animals are slaughtered at the nearest suitable place.

In order for structural change to succeed, the EU must change its entire funding policy. Agricultural policy must head for the reduction in the number of animals. The export-oriented meat industry must return to local and regional structures and focus on dual purpose breeds, as well as local breeding, fattening, and slaughtering. The strong orientation towards global export and the concentration on a few mega-farms must come to an end.

Alternatives may be:

- Transport of meat and/or breeding semen instead of live animals, so that pregnant breeding heifers are no longer sent on transports.
- Establishment of local fattening structures so that calves are no longer sent abroad for fattening.
- Establishment of cow-bonded calf rearing structures, so that calves of 2 weeks of age would no longer be sent on transports.
- Promotion of extensification programmes, i.e. the European Commission must ensure that fewer animals are “produced”, which is the only way to tackle the root cause of the problem.
19. COMMITTEE OF INQUIRY

In June 2020, the establishment of a Committee of Inquiry (COI) into animal transport was adopted in the EU Parliament by an overwhelming majority of 605 votes out of 689. The COI needs to investigate the already known shortcomings: is it a lack of will on the part of the Member States and/or the Commission to remedy the shortcomings or is it a lack of means to ensure compliance with animal welfare? The role of the COI must be to draw a conclusion and demand consequences. The COI must make it clear that the Commission is not fulfilling its role and must therefore demand immediate consequences. It appears that compliance with 1/2005 is not enforceable and must therefore be amended to ban long-distance transports and third country exports. If there are real obstacles, these must be identified, and solutions found. In general, alternatives should be used (see above).

Sanctions: Infringement proceedings for Member States

- who are unwilling to comply with EU rules
- who are unwilling to ensure that competent authorities stop authorising shipments that are illegal and unlikely to be authorized
- who are unwilling to control retrospectively what authorities agree to and how they carry out controls
- who do not comply with their control obligations because they never or hardly ever carry out on-the-spot checks of animal transport themselves
20. PROMOTING POSITIVE EXAMPLES

Member States that ensure animal welfare during transport or find solutions and ways to eliminate animal transport should be encouraged and their example followed. Some Member States have already taken action and stopped or made it more difficult to export to third countries (e.g. the Netherlands and the vast majority of the German federal states). However, bans by individual Member States are of no use when animals are moved to and from other Member States. A recent example is Hungary: a hub for third country exports. An EU-wide ban on exports to third countries is the only viable way to prevent this.

21. FOUR PAWS DEMANDS

➢ End of long-distance animal transports
➢ Export ban on live animals to third countries
➢ Transport ban to countries that do not even comply with OIE standards
➢ Maximum transport duration of 8 hours (4 hours for poultry)
➢ Ban of transports of unweaned animals
➢ Ban of animal transports by sea
➢ Slaughter of animals at the nearest slaughterhouse
➢ A revision of the EU Transport Regulation 1/2005 to make cruel long-distance transports of live animals end
➢ No approvals of animal transports by veterinary authorities, where it is already apparent from the transport planning that animal welfare regulations cannot be met
➢ No approvals of animal transports when temperatures are < 5°C or > 30°C
➢ Strengthening controls on live animal transports
➢ More sanctions in case of infringements
➢ Transport of meat and semen instead of live animals
➢ Own livestock breeding in third countries instead of importing breeding animals from the EU
22. CONCLUSION

From an animal welfare perspective, it is unacceptable to transport animals for weeks. Even if the already very weak EU rules on transport were respected, such long journeys are not feasible in terms of animal welfare. They are only lucrative because they are carried out at the expense of the animals. Experience has shown that enforcement and compliance with animal welfare rules is impossible on journeys through many countries, many of these journeys including transports by sea. There are too many parties involved, and it is completely unclear who is responsible and who can be charged in case of infringements. Non-compliance with the EU animal transport rules is a regular occurrence, and it is really gross violations that cause considerable suffering to animals. The solution cannot be to tighten small screws, but to think big: animal welfare is not guaranteed during long-distance animal transport (>8h) and exports to third countries. Therefore, these transports must be banned and replaced by alternatives.