

Request for the setting up a Committee of Inquiry to investigate alleged contraventions and maladministration in relation to the implementation by EU Member States and enforcement by the Commission of the Council Regulation (EC) 1/2005 on the protection of animals during transport within and outside the EU.

We, Members of the European Parliament, hereby request to set up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of EU law in relation to the implementation by EU Member States and enforcement by the Commission of the Council Regulation (EC) 1/2005 on the protection of animals during transport within and outside the EU.

Subject of the inquiry:

The inquiry aims at investigating alleged breaches of Union law and alleged maladministration in the application of Union law which appear to be the act of the Commission and public administrative bodies of Member States. In particular, the inquiry shall:

- Investigate the alleged failure of the Commission to enforce and of EU Member States to implement and to enforce effectively Council Regulation (EC) 1/2005 of 22 December 2004 on the protection of animals during transport and related operations. Recent investigations demonstrate that the majority of EU Member States violate the provisions of Council Regulation (EC) 1/2005. Systematic infringements were found in the inspected means of transport, originating from the majority of EU Member States. The high rate of non-compliances documented and the number of EU Member States involved constitute a strong indication that other EU Member States could be in breach of Council Regulation (EC) 1/2005 too. The infringements reported are related to: excessive maximum temperature inside the means of transport; resting times not respected; insufficient headspace; excessive stocking density; food and water not provided; dead animals inside the trucks; unacceptable waiting time at the border (up to several days); inappropriate use of coercive methods to load animals into trucks and vessels (e.g electric prods in the anus of animals, use of stick); transport of unfit animals; insufficient infrastructures at the border (e. g no shade, no water, no accessible control posts); unweaned animals inappropriately transported; exceeded maximum journey times; injured animals not provided with veterinary assistance; dehydrated as well as starving and exhausted animals; inappropriate means of transport (ill-equipped vessels and trucks); dysfunction ventilation and watering systems. Additionally, evidence demonstrates Competent Authorities' approval of illegal and unrealistic journey logs and failure to properly inspect all animals, means of transport and documents;
- Investigate the alleged failure of Member States' Competent Authorities to apply the administrative penalties and/or measures and to take appropriate action in case of transport of animals found in violation of Council Regulation (EC) 1/2005. Over the past years the Commission has been informed of the severe and systematic breaches that occur during the transport of live animals and also of the lack of appropriate checks on the part of the Competent Authorities. Furthermore, in 2016 the law firm Giacomini & Giacomini submitted a formal complaint to the Commission on behalf of Animal Welfare Foundation | Tierschutzbund Zurich (AWF | TSB) about the horrible conditions of live animals transported from the EU to Turkey;

- Investigate the alleged failure of the Commission to enforce and of the EU Member States to implement and to enforce effectively Council Regulation (EC) 1/2005 outside the EU, in line with the Judgement of the Court of Justice (Fifth Chamber) of 23 April 2015 in case C-424/13;
- Investigate potential breaches of the duty of sincere cooperation as established in Article 4(3) of the Treaty on European Union, relevant to the scope of the inquiry; to that end, assess in particular whether any such breach may arise from the alleged failure to take the appropriate measures to prevent the operation of means of transport that allow their ultimate beneficial owners to be hidden from EU Institutions, Competent Authorities, and other intermediaries, that allow the facilitation of violations to the Council Regulation (EC) 1/2005;
- Investigate the alleged failure of the Commission to facilitate the OIE mission of implementing international standards on animal welfare during transport and at the time of slaughter;
- Investigate the alleged failure of the Commission to be consistent with EU trade values as enshrined in the new EU trade strategy “Trade4All”, especially in relation to the horrendous transport practices documented in Third Countries, critical not only from an animal welfare point of view but also in terms of food security and public health;
- Make any recommendation that it deems necessary in this matter, including on the implementation by Member States of the above-mentioned Court of Justice judgment.

Detailed statement of the grounds:

In the past few years Animal Welfare Foundation | Tierschutzbund Zurich (AWF | TSB) and Animals International have collected evidence of recurring severe violations during the transport of live animals both within and outside the EU.

Despite the fact that Council Regulation (EC) 1/2005 aims to safeguard the welfare and health of animals during transport and prevent them from pain and suffering, these investigations consistently demonstrated significant infringements to the Regulation’s provisions, with detrimental effects on the health and welfare of animals transported.

Packed into overcrowded trucks and ships, the animals often have insufficient headroom meaning that they have to stand in unnatural positions sometimes for days on end; the heat inside the livestock compartment can be unbearable with animals desperately panting for air and water; often there is insufficient food or water provided and animals become so hungry and thirsty that they resort to eating their bedding, which is filthy with their excrement; animals suffering from exhaustion and hunger regularly collapse onto the floor putting them at risk of being trampled on by other animals. Recently, investigators also saw cattle giving birth on trucks nearby dead animals, fallen victim of the torturous journey.

As reported by the European Commission in 2016 *there is not a generalised use among EU Member States of sanctions such as suspension or revoking of licenses*, which in general are in any case too low to be dissuasive and effective.

During a 5 years investigation (2010/2015) AWF | TSB found that 70% of the trucks inspected at the Bulgarian/Turkish border (247 consignments out of 352 crossing the border) were in violation of Council Regulation (EC) 1/2005. The table below presents an overview of the number and origin of the trucks inspected, and the proportion of non-compliance observed in the period 2010-2015 by AWF | TSB.

Country of provenience	No of trucks inspected	No. of trucks in violation of Council Regulation 1/2005	Percentage of non-compliant trucks
Hungary	110	75	68%
Bulgaria	49	37	76%
France	38	34	89%
Germany	19	16	84%
Czech Republic	16	12	75%
Slovakia	30	21	70%
Austria	41	18	44%
Estonia	23	11	48%
Greece	11	6	55%
Lithuania	1	0	0%
Italy	6	6	100%
Netherlands	2	2	100%
Latvia	6	2	33%

Another 6-day investigation carried out in 2016 (23rd-29th June) by AWF | TSB, in collaboration with Eyes on Animals further confirmed the systemic nature of violations. Out of 200 trucks crossing the Bulgarian/Turkish border, 109 were inspected originating from. Austria (10 consignments), Czech Republic (18 consignments), Germany (46 consignments), Estonia (1 consignments), France (1 consignments), Italy (1 consignments), Hungary (9 consignments), Lithuania (3 consignments), Latvia (4 consignments) and Slovakia (16 consignments). All of them were found to violate one or more provisions of Council Regulation (EC) 1/2005.

In 2016, another nine vessels transporting animals from the EU to Third countries were inspected by AWF | TSB. Animal transports observed originated from Spain, Germany, Hungary, Slovakia, Bulgaria, Romania, the Netherlands, Lithuania, Estonia, and France and the vessels were approved in France and Romania. AWF | TSB's investigation report provides clear evidence that all consignments inspected were non-compliant with the Council Regulation 1/2005 provisions.

During another investigation carried out in 2016 in Croatia, Animals International found that in the Port of Rasa loading and unloading operations violated the provisions enlisted in Chapter III of Annex I of Council Regulation (EC) 1/2005. Evidence demonstrates that recurring problems exist during loading and unloading of animals. This includes the use of inappropriate flooring when loading animals into the vessel (steep and slippery ramps), as well as the abuse use of sticks and other coercive methods such as electric pod in the animal's anus to load them into the vessels.

In its judgement of 23 April 2015 in case C-424/13 the Court of Justice recalled that Council Regulation (EC) 1/2005 imposes obligations not only on transport of live vertebrate animals taking place entirely within the EU territory, but also on transport operations having their point of departure within the EU territory and their destination in a Third country. The Court of Justice clearly stated it is the Member States' Competent Authorities' duty to ensure compliance with

Regulation 1/2005 when they authorise journeys with destinations in Third countries. In such case the Court clarifies that Competent Authorities are required under Art 14 (1) to check that journey logs are realistic and indicate compliance with Council Regulation (EC) 1/2005. The evidence collected by AWF | TSB shows that the Competent Authorities of the countries from where the inspected trucks originated did not carry out their checks with the necessary diligence and that no proper measures were taken to prevent animals from suffering. So far, this Court of Justice ruling has been disregarded by EU Member States, and consignments of animals are routinely and systematically approved despite the absence or inadequacy of facilities in destination countries to ensure the correct application of the Council Regulation 1/2005 until the journey's end.

The Commission has been informed regularly by NGO's about the severe and systematic breaches that occur during the transport of live animals across Europe. In 2016 the law firm Giacomini & Giacomini submitted to the EC a formal complaint on behalf of AWF | TSB about the horrible conditions of live animals transported from the EU to Turkey.

Annex I: draft proposal for the setting up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of EU law in relation to the implementation transport of live animals within and outside the EU.