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ANIMALS' ANGELS

ANIMALS' ANGELS e. V. · Rehlingstraße 16 a · D-79100 Freiburg

Commission of the European Union
 SANCO, Unit D2 – Animal welfare and feed
 Attention of Dr. Denis Simonin
 Rue Froissart 101
 B - 1049 Brussels

21.6.07.2007

Request for a formal opinion

Protection of animals during transport - Calculation of the time of an animal transport journey within the meaning of point 1, Chapter V of Annex I to Council Regulation (EC) n. 1/2005

Dear Dr. Simonin,

Point 1, Chapter V of Annex I to Council Regulation (EC) No 1/2005 on the protection of animals during transport regulates after how many hours the animals must be watered, fed and rested in order to protect their welfare.

For a correct calculation of these times, it is essential to know whether the time for loading the animals at the place of departure and the time for unloading at the place of destination, is to be included.

In practice there might be considerable time delays between loading and the departure of the means of transport, as well as between the arrival of the means of transport at destination and the completion of unloading.

Animals' Angels is of the opinion that the times for loading and unloading are to be included in the overall calculation to determine when animals have to be watered, fed and rested within the meaning of point 1, Chapter V of Annex I to Council Regulation (EC) n. 1/2005 and argues as follows to justify this position:

- In its judgment dated 23.11.2006 (Case C-300/05) the European Court of Justice ruled that loading and unloading times must be included in the overall calculation. This ruling referred to the former Directive 91/628/EEC on the protection of animals during transport. However, as the pertinent provisions have remained unchanged in Council Regulation 1/2005, it would be reasonable to assume that also the interpretation remains unchanged.

- The European Commission's Scientific Committee on Animal Health and Animal Welfare in its report on the welfare of animals during transport (adopted on 11 March 2002) recommends that "An animal transport journey should be regarded as commencing when the first animal is loaded on to a vehicle and as ending when the last animal is unloaded." (page 95, point 2 of the report).

- The only reason why the form of section 2 of the journey log (Annex II of Regulation (EC) No 1/2005, concerning the place of departure) requires filling in the

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Der Verein ist als gemeinnützig anerkannt. Spenden sind steuerlich absetzbar.

Schirmherr:
 Ludger Beebaum

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"Date and time of first animal loading" can be that this point in time is to be regarded as the start of the journey.

- The objective of the Regulation is to provide a satisfactory level of welfare for the animals. From the point of view of animal welfare it is reasonable that the calculation starts when the first animal is loaded, because the environmental conditions for the animals, such as feed, water and space allowances, change as soon as they are loaded onto the means of transport and not only when the means of transport starts moving. Similarly, for the animals the journey ends in fact only when unloading is completed, and not when the means of transport arrives at the place of destination.

- The 5th recital in the preamble of Council Regulation (EC) No 1/2005 reads "For reasons of animal welfare the transport of animals over long journeys, including animals for slaughter, should be limited as far as possible." The European Court of Justice in its judgement mentioned above referred to this principle, which was one of the objectives of the former Directive 91/628 (point 19 of the Court's judgement). This is another reason why the calculation of the journey time should start when the first animal is loaded and end when the last animal is unloaded, because this gives an incentive to the transporter to avoid unnecessary delays between the loading of the animals and the departure of the means of transport, as well as between the arrival of the means of transport at destination and the unloading of the animals.

Animals' Angels kindly asks the Commission services for a formal opinion on the question:

Is the time taken to load the animals at the place of departure and to unload them at the place of destination to be included when calculating the time at which animals must be given rest, liquid and food under points 1.2, 1.4 and 1.5 of Chapter V, of Annex I to Council Regulation (EC) n. 1/2005?

Yours sincerely,

Lesley Moffat
Animals' Angels

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