

10. 03. 2009



EUROPEAN COMMISSION
HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate A - General Affairs
A2 - Legal affairs

Brussels,
SANCO/A2/BMA/an D(2009) 120199

Mr Roberto Bennati
Vice-President
LAV
Via Piave, 7
00187 Roma
Italy

Subject: **Your correspondence of 13 February 2009**

Dear Mr Bennati,

Thank you for your correspondence of 13 February 2009, in which you ask for the opinion of DG SANCO's Legal Affairs Unit as regards the provisions included in Chapter II, Annex I of Council Regulation (EC) No 1/2005¹ on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97. In particular, you ask for the confirmation that point 2.2 of Chapter II in Annex I to the Regulation is applicable to all means of transport and not only to those used in long journeys (of more than eight hours).

Chapter II in Annex I to Regulation (EC) No 1/2005 includes provisions for means of transport used for journeys of less than eight hours and also for long journeys. Point 1 of Chapter II includes provisions for all means of transport, while Point 2 includes additional provisions for transport by road or rail. Therefore, in our opinion, road vehicles used both for short and long journeys, shall comply with the provisions in Point 2.2 of Chapter II, Annex I to the Regulation, meaning that they shall carry suitable equipment for loading and unloading, such as ramps. Additional provisions for long journeys are included in Chapter VI of Annex I to the Regulation.

According to Article 1(2)(b) of the Regulation, transport carried out by farmers of their own animals in their own means of transport for a distance of less than 50 kilometres from their holding is subject to the provisions of Article 3(d) of the Regulation, which sets out that the loading and unloading facilities are adequately designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of the animals.

¹ Official Journal of the European Communities N° L 3 of 5.1.2005, p. 1. See also, for further information http://ec.europa.eu/food/animal/welfare/transport/index_en.htm

I would like to remind you that it is ultimately for the European Court of Justice to give binding legal interpretations of Community law.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Demetris Vryonides', written over a horizontal line.

Demetris Vryonides
Head of Unit