



Brussels,
SANCO D5 AN/nl D(2010) 512353

Thank you for your letter of 14 June 2010 on resting times on the vehicle during long transport of animals. Please note that the delay in replying to your letter is due to internal consultations.

You are asking whether a driving schedule for the road transport of pregnant heifers foreseeing a driving time of 14 hours followed by an interruption of the journey of 8 hours during which the animals remain on the vehicle and another driving time of 14 hours would be in line with Council Regulation (EC) No 1/2005 on the protection of animals during transport¹.

You are already aware of my previous reply on this issue² in which I explained that in the view of the Commission services the journey time for the transport of bovine animals should not exceed 31 hours. The rules on journey times set out in Point 1 of Chapter V of Annex I to Regulation (EC) No 1/2005 need to be interpreted in the context of Article 3 point (a) of the Regulation, according to which all necessary arrangements must have been made in advance to minimise the length of the journey and meet animals' needs during the journey. Point 1.4 of Chapter V of Annex I to the Regulation provides for the maximum journey times for different species.

In the cases of pigs and domestic Equidae, a maximum transport period of 24 hours is foreseen and provision is made for the needs of the animals to be taken care of during that time. In the cases of young animals of various species and of other animals, including bovines, two transport periods of 9, respectively 14, hours are allowed, interrupted by a rest period of at least one hour sufficient for the animals to be given liquid and if necessary fed. Point 1.8 of Chapter V of Annex I to Regulation (EC) No 1/2005 furthermore authorises the extension of journey times by a maximum of two hours in the interest of the animals.

It follows from these rules, taken together, that the purpose of the rest period is mainly to meet the animals' needs for liquid and food during the journey. Extending the rest period beyond what is necessary to that effect would appear to run counter to the general rule that the length of the journey must be minimised.

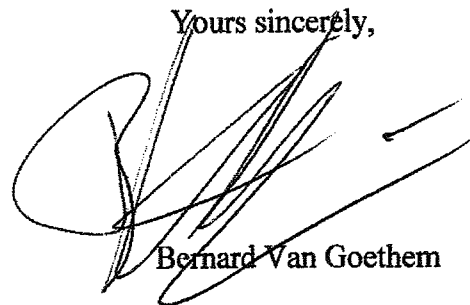
¹ OJ L 3, 5.1.2005, p. 1.

² Sanco D5 AN/dj D(2010)450078

The Commission services therefore take the view that a journey according to the schedule you have described in your question would not be in line with the provisions of Regulation (EC) No 1/2005.

Furthermore, you have asked me to communicate a binding conclusion on this issue to all Member States. As you know the Treaty of Lisbon has entered into force as from the 1 December 2009. According to Article 19 of the Treaty on European Union (EU) it remains the exclusive competence of the Court of Justice of the European Union to interpret EU law authoritatively. A final authoritative interpretation of EU law can only be given by the Court of Justice of the European Union and not the European Commission. Therefore, the Commission does not have the competence to adopt any binding acts on this matter. However, in order to avoid further misunderstandings, a copy of this reply will be sent to the contact points for the Member States, as communicated to the Commission in accordance to Article 24.2 of the Regulation.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by several loops and a long horizontal stroke extending to the right.

Bernard Van Goethem