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The Director General of the
SANCO Directorate General
European Commission
Rue de la Loi
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23 March 2007

**Protection of animals during transport: Transport of ill and injured animals
– in particular downer animals**

Your letter SANCO/A2/FMJ/cc D(2006) 121190, dated 06.02.2007

Dear Sir,

With reference to your letter of 06.02.2007 to the Italian ambassador in Brussels in reply to a request submitted by the Italian Ministry of Health concerning the transport of ill or injured animals for slaughter, I would like to inform you that I completely disagree with your interpretation of Regulation (EC) No. 1/2005 on the protection of animals during transport.

I was extremely disturbed to have to read that the European Commission believes that there can be a derogation from the prohibition to transport an animal that is unable to move independently (so-called "downer" animal). In my opinion, a non-ambulatory animal must be deemed a severely ill or injured animal that can never be considered only "slightly injured or ill". Moreover, I ask myself how your Directorate General that is also responsible for consumer protection can expect the European consumer to eat, with appetite, meat from such a sick animal.

Animals' Angels is convinced that according to Regulation (EC) No. 1/2005 downer animals are under no circumstances to be considered fit for transport to a slaughterhouse. Thus the competent authority has no liberality of interpretation.

I argue as follows to justify my position:

1. Annex I, Chapter I, point 2, lit. a) of Regulation (EC) No. 1/2005 clearly states that animals "*unable to move independently without pain or to walk unassisted*" belong to the **particular cases** of injuries, physiological weaknesses or pathological processes, which must lead to the conclusion that they are not to be considered fit for transport.
2. The exception mentioned in Annex I, Chapter I, point 3, lit. a), which you quote in your reply, refers only to "slightly injured or ill" animals. An animal, which is unable to walk is undoubtedly more than "slightly injured or ill". Consequently this exception is not applicable to, among others, downer animals. The interpretation of this exception must be narrow, otherwise the purpose of Regulation (EC) No. 1/2005 would be defeated.

Geschäftsführung

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



With regard to your statement that there are "cases, when the transport of animals cannot be avoided", I would like to state that each transport can be avoided and it must in fact be avoided, if the pertinent legislation requires it, as in the case of downer animals and otherwise severely ill or injured animals.

Animals' Angels has been observing the suffering involved in the transport of downer bovines in several Member States and has brought the corresponding reports to the attention of the Commission and of the Member States concerned. The fact that downer animals were transported for slaughter was, among other things, due to the old legislation, which allegedly left some room for interpretation. Animals' Angels was convinced that this horrible practice would end as from 5 January 2007, when the Regulation (EC) no. 1/2005 on the protection of animals during transport became applicable, as the wording of the Regulation is clear. If the Commission keeps its point of view, downer animals will continue to be transported and will continue to suffer additionally. The parties involved in the meat and transport industry take advantage of every loophole in order to be able to still transport downer animals for slaughter and the Commission's letter will serve them as a justification.

In view of the above I would like to ask you to reconsider the statement expressed in your reply to the request of the Italian Ministry of Health.

I would be pleased to receive an answer to this letter.

Yours sincerely,

Christa Blanke
Director Animals' Angels e.V.

Annex:

- Letter by Mr. Robert Madelin addressed to the Italian ambassador in Brussels, dated 06.02.2007
- Statement of the Bundestierärztekammer of the Federal Republic of Germany on the handling of downer animals, dated 12.02.2007