



EUROPEAN COMMISSION
HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL
Directorate A - General Affairs
A2 - Legal affairs

SANCO
26 04 2006

Brussels,
SANCO/A2/FJM/cc D(2006) 120397

Ms. Christine Hafner
Animals' Angels

BY E-MAIL:
christine@animals-angels.de

Dear Ms. Hafner,

Subject: Animal transport on roll-on/roll-off vessels

Thank you for your e-mail dated 13 April 2006 and the photograph enclosed.

You query whether shipping companies transporting animals are transporters in the sense of Article 2 (2) (i) of Directive 91/628/EEC, as amended by Directive 95/29/EC. Consequently you suggest that the shipping company would therefore have the right to make sure that the requirements of the Directive are met, particularly in respect of Chapter I, Sections A (General provisions) and D (Special provisions for transport by water) of Annex.

We can confirm that shipping companies are transporters in the sense of Article 2 (2) (i) of Directive 91/628/EEC¹ and are, as such, meant to comply with the general requirements of the Directive (for example, to draw up a realistic route plan for its submission to the competent authority) and with some other additional specific requirements.

It would be reasonable to assume that sea transporters must endeavour to comply with the general obligations laid down in the Directive (for instance, Articles 5 and 9), as well as with those specific additional obligations imposed to transporters in the Annex to the Directive depending on the means of transport used and the species concerned.

For instance, Chapter I, Section A (domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species) of the Annex to the Directive requires transporters to ensure adequate ventilation of the means of transport used or sufficient space allowance inside the animals' compartment. Furthermore, Chapter I, Section D of Annex of Directive also lays down special provisions for transport by water. Specific rules apply to roll-on/roll-off vessels.

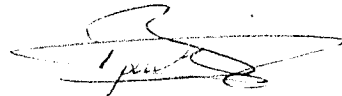
¹ Article 2 (2) (i) defines transporter as 'any natural or legal person transporting animals on his own account, for the account of a third party, or by providing a third party with a means of transport of animals, where such transport is of commercial nature and carried out for the purpose of gain'.

In relation to roll-on/roll-off transports, point 26 (b) of Section D of the Annex provides that, where animals are transported in road vehicles on board ships, it shall be checked, amongst other requirements, that the animals' compartment is properly fixed to the vehicle, that the vehicle and the animals' compartment is equipped with adequate tying facilities enabling them to be secured fast to the ship.

In view of the above, it would be logical to assume that sea transporters are obliged to meet the requirements of the Directive being, for that purpose, entitled to carry out the necessary checks in order to ensure that animals are transported in compliance with Community animal transport rules.

I would ask you to note that, under the scheme of the EC Treaties, it is ultimately only for the European Court of Justice to provide binding interpretations of EC law.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Demetris Vryonides', with a large, stylized flourish above it.

Demetris Vryonides
Head of Unit