

Vas per Fax an J.H/CH
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Original on Julia



EUROPEAN COMMISSION
HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate A - General Affairs
A2 - Legal affairs

SANCO

16. 09. 2008

149 6704 963836

Brussels,
SANCO/A2/MG/ar D120761

Ms Julia Havenstein
Animals' Angels
Rossertsrasse 8
D-60323 Frankfurt
Germany

Subject: Your letter concerning the presence of a veterinarian during loading

Dear Ms Havenstein,

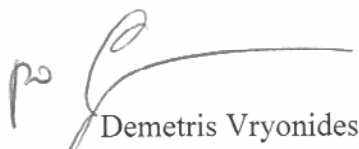
Thank you for your letter of 26 August 2008 concerning the interpretation of Regulation (EC) No 1/2005 on the protection of animals during transport and related operations.

I can inform you that the Commission has again discussed this issue in detail and is of the opinion that the wording of the Regulation provides that the physical presence of a veterinarian is only necessary in cases where additional checks are required at the place of departure. In other words the reference to the veterinarian in points 9 to 11 of Section 2 of Annex II relates only to the "Additional checks at departure" under point 8. In other words points 9 to 11 need only to be completed where "additional checks" are required in accordance with the Regulation.

The requirement of additional checks is provided for in the Regulation and only on the occasions specifically laid down is the presence of a veterinarian required at the actual time of loading. These specific situations are laid down in Article 26 (4)(b) and Annex I(III), point 1.2.

I would again remind you however that it is only for the European Court of Justice to give binding interpretations of Community law.

Yours faithfully,


Demetris Vryonides
Head of Unit