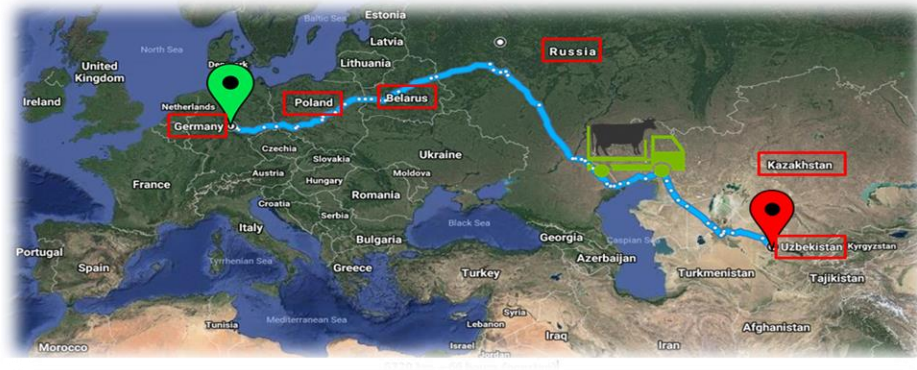




# First OIE ‘Whole Journey Scenario’ Workshop in Europe

25-27 April 2018, Poland



**Country Report on animal welfare during long distance and cross-border transport by land**

**Report from:** Germany

**Rapporteur:** Simon Schreiber, Dr Gabriele Fuchs



# Competent Authorities

- Germany is a **federal state**
- The 16 *Länder* each have their own constitution, government, parliament and veterinary service
- Veterinary legislation is enacted by the Federal Ministry (**BMEL**) and implemented by the *Länder*
- Checks on animal welfare are carried out by **local veterinary offices**
- Where necessary, controls are coordinated with **police and customs**



# Implementing Art 7.3.3 (6) TAHC

## 1 – General considerations

- Responsibilities covered by the **legal framework**
  - Council Regulation (EC) No 1/2005
  - European Convention for the protection of animals during international transport
  - National legislation (TierSchG, TierSchTrV)
- Harmonised interpretation of the law is promoted by the '**Handbook on Animal Welfare during Transport**' of the *Länder*



# Implementing Art 7.3.3 (6) TAHC 2 – The Handbook (points a to e)

- **Approval** of organisers, transporters, means of transport
- Checklists for **controls** (before/during transport, control posts, assembly centers)
- Cross-reference to **good-practice documents**
- **Training courses and exams** for drivers and attendants (15–20 sessions à 45 min; oral & written exam)
- Measures in case of **road-accidents**
- Social legislation on **driving/resting times**

# Implementation of the standards

Article 7.3.3 (6) **point e** TAHC



- **Every single** cross-border consignment >8 hours is subject to official veterinary checks prior to departure
- Means of transport: Competent Authorities team with **industry experts** for testing, inspection and certification (DEKRA, TÜV)

# Approval – means of transport (1)



# Approval – means of transport (2)



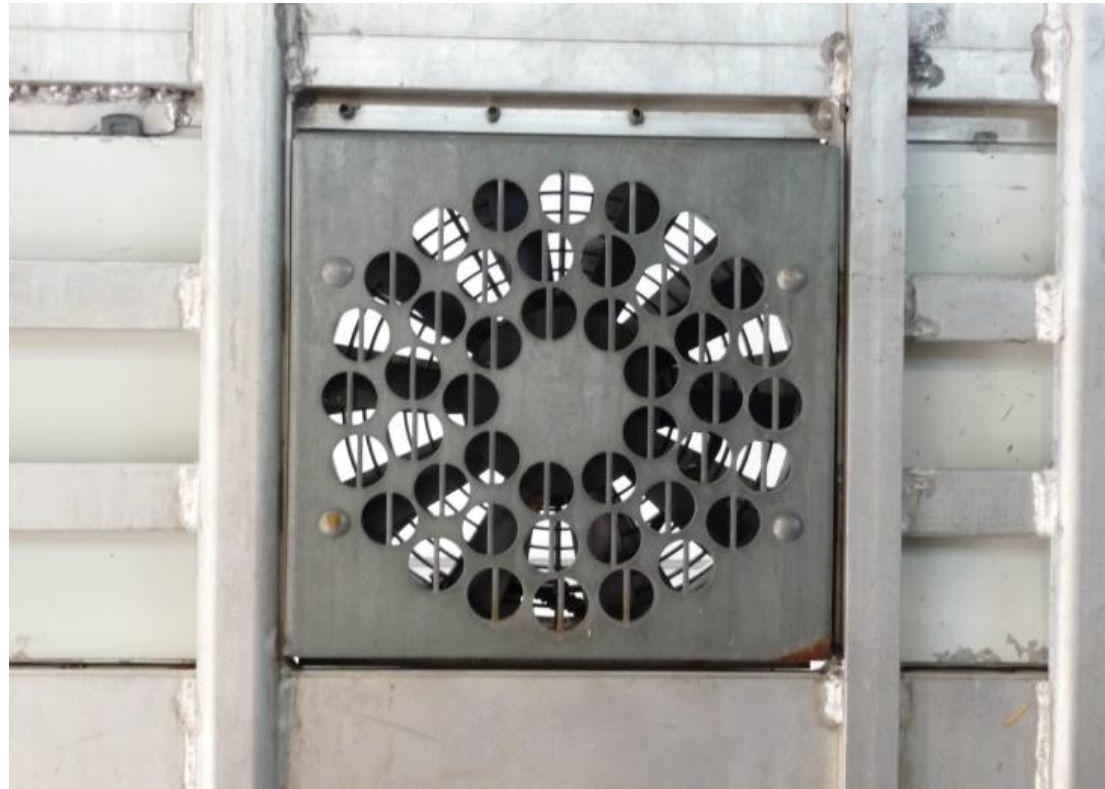
# Approval – means of transport (3)





# Approval – means of transport (4)

- Ventilator opening at **head level**
- At least **1 per section**
- **60** m<sup>3</sup>/h/KN





# Monitoring and evaluation

Article 7.3.3 (6) **point f** TAHC



- **Multi-annual national control plan** (Art 41 of Regulation 882/2004)
- **Annual reports** (Art 27 of Regulation 1/2005)
- **Audits** by the European Commission (June 2017: Evaluation of AW during export to non-EU-countries)
- Quality control within the *Länder*
- Talks between the federal level and the *Länder* (working/executive level)

# Use of veterinary medication

Article 7.3.3 (6) **point g** TAHC



- Veterinarians have to **issue a receipt** indicating the use of medication and the resulting waiting period
- The owner has to make sure that this information **accompanies the animal** (e.g. to a new location, to an abattoir)

# Cross-border transport of animals

Article 7.3.3 (6) point h TAHC



- **No terrestrial borders** with non-EEA countries  
(CH: bilateral agreements with the EU)



# Reporting welfare-problems

Article 7.3.3 (8) TAHC

- **Intra-Union trade: National Contact Point** (Article 24 of Regulation 1/2005)
  - Missing journey logs or navigation data
  - Fitness to travel
  - Updates on weather, control posts, means of transport
- Trade with **non-EU** countries
  - Contact established by Federal Ministry (sometimes via Embassy)



# Conclusions

## 1 – Compliance with Chapter 7.3 TAHC

- Up-to-date **contingency plans** ? 7.3.3 (4) d
- Competence for **humane killing** ? 7.3.4 (2) i
- Forecast **weather conditions** ? 7.3.5 (1b) xi
- Journey log with estimated **feed/water consumption** ? 7.3.6 (2) i



# Conclusions

## 2 – Challenges regarding Chapter 7.3 TAHC

- Information-exchange with non-EU countries
  - The journey plan indicates a **resting place outside the EU** – does it exist ?
  - Is it compliant with OIE-Standards ?
- Network between the Competent Authorities along the route needed
- Support of OIE's ToT approach



# European Court of Justice

## Ruling C-424/13



- ‘I, the organiser, hereby declare that I am responsible for the organisation of the abovementioned journey and I have made suitable arrangements to safeguard the welfare of the animals throughout the journey in accordance with the provisions of Council Regulation (EC) No 1/2005’
- As the Competent Authority we have to verify by appropriate checks that the journey log is realistic and indicates compliance with Regulation 1/2005

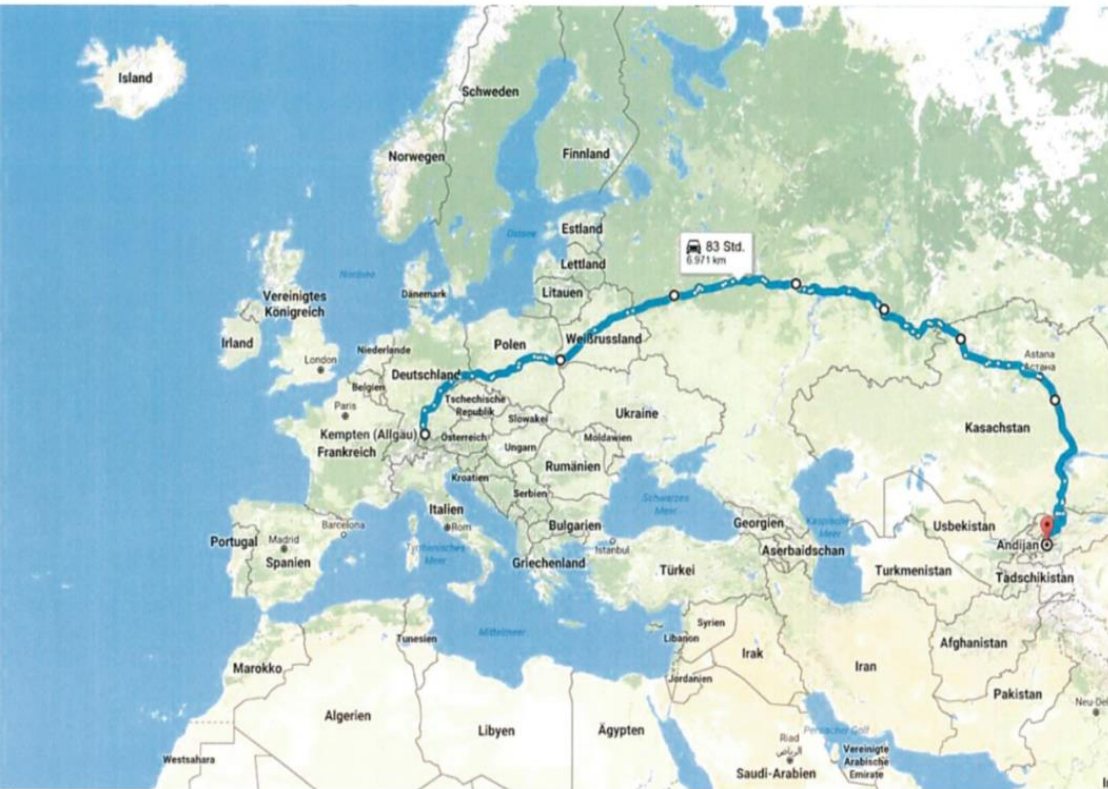
# ECJ-ruling C-424/13

## First submitted transport plan



Google Maps Kempten (Allgäu) nach Andijan, Provinz Andijon, Usbekistan

Mit dem Auto 6.971 km, 83 Std.



### FAHRTENBUCH JOURNEY LOG

Gem. Verordnung (EG) Nr. 1/2005  
In accordance to Council Regulation (EC) No. 1/2005

### ABSCHNITT 1 - PLANUNG SECTION 1 - PLANNING

NO. [REDACTED]

1.1 ORGANISATOR Name und Anschrift (*) (*) ORGANISER Name and address (*) (*) [REDACTED] [REDACTED] [REDACTED]		1.2 Name der für die Beförderung zuständigen Person Name of the person in charge of the journey [REDACTED]			
2. VORAUSSICHTLICHE GESAMTBEFÖRDERUNGSDAUER (Stunden/Tage) TOTAL EXPECTED DURATION (hours/days)		9 Tage			
3.1 VERSANDland und -ort Place and country of DEPARTURE Germany, Kempten		4.1 BESTIMMUNGSland und -ort Place and country of DESTINATION Uzbekistan, Tashkentskaya obl.			
3.2 Datum Date	01.12.2009	3.3 Uhrzeit Time	12:00		
4.2 Datum Date	11.12.2009	4.3 Uhrzeit Time	04:00		
5.1 Tierart Species	5.2 Anzahl Tiere Number of animals		5.3 Nummer(n) der Veterinärbescheinigung(en) Veterinary certificate(s) number(s)		
Boves	33		[REDACTED]		
5.4 Gesamtgewicht der Sendung in kg (Schätzwert): Estimated total weight of the consignment (in kg):		5.5 Für die Sendung voraussichtlich erforderliche Gesamtläche (in m <sup>2</sup> ): Total space provided for the consignment (in m <sup>2</sup> ):			
~ 18.150		49,2			
6. LISTE DER VORAUSSICHTLICHEN RUHE-, UMLADE- ODER AUSGANGSORTE LIST OF SCHEDULED RESTING, TRANSFER OR EXIT POINTS					
6.1 Namen der Orte, an denen die Tiere ruhen oder umgeladen werden sollen (einschließlich Ausgangsorte) Name of the places where animals are to be rested, or transferred (including exit points)		6.2 Ankunft Arrival			
		Datum Date	Uhrzeit Time		
		6.3 Dauer (Stg) Length (h)	6.4 Transportunternehmer Transporter		
Rzepin (PL)		02.12.2009	01:30	1,0	[REDACTED]
Grenze Kukuryki (PL) / Kozlovichi-Brest (BY)		02.12.2009	14:00	1,5	
Control Post "Brestskij", Obl. Brest (BY)		02.12.2009	16:00	24	
Grenze Rasasna (BY) / Arhipovka (RU)		04.12.2009	01:00	1,5	
Control Post "Komsomolsk Kommyna", Orel (RU)		04.12.2009	16:00	24	
Borisoglebsk (RU)		06.12.2009	05:00	1,0	
Control Post „Roter Oktober“, Yershov (RU)		06.12.2009	19:00	24	
Karabutak (KZ)		08.12.2009	09:00	1,0	
Control Post „Cajus Tranc Cervice“, Chilli (KZ)		09.12.2009	00:00	24	
Grenze B.Konysbaeva (KZ) / Jallama (UZ)		10.12.2009	11:00	4,0	
7. Der Unterzeichnete erklärt, für die Organisation der Beförderung verantwortlich zu sein und geeignete Vorkehrungen getroffen zu haben, um das Wohlbefinden der Tiere nach Maßgabe der Verordnung (EG) Nr. 1/2005 des Rates während der gesamten Beförderungsdauer zu gewährleisten. I, the undersigned, declare to be responsible for the organisation of the transport and to have taken appropriate measures to ensure the welfare of the animals in accordance with Council Regulation (EC) No. 1/2005 during the entire period of transport.					
8. Unterschrift des Organisers					

(\*) Organisor: Siehe die Definition in Artikel 2 Buchstabe g) der Verordnung (EG) Nr. 1/2005.

(\*) Ist der Organisor ein Transportunternehmer, so ist die Zulassungsnummer anzugeben.

[REDACTED SIGNATURE]



# ECJ-ruling C-424/13

## First submitted transport plan

- Approximate journey duration: 9 days
- Planning indicated resting places unknown by authorities, with addresses not known to google
- Only navigation systems could prove plausibility
- Ex post control was announced
- Submitted navigation data and transporter declaration stopped at EU border

# ECJ-ruling C-424/13

## Second submitted transport plan



- Transport refused
  - unknown resting places
  - ex post control impossible
  - Planning not realistic
- Revised planning requested

### ABSCHNITT 1

#### PLANUNG

1.1. ORGANISATOR Name und Anschrift (a) (b)		1.2. Name der für die Beförderung zuständigen Person		
[REDACTED]		[REDACTED]		
		1.3. Telefon/Telefax: [REDACTED]		
2. VORAUSSICHTLICHE GESAMTBEFÖRDERUNGSDAUER (Stunden/Tage): ca. 228/9,5				
3.1. VERSANDland und -ort Deutschland/Kempten		4.1. BESTIMMUNGSLand und -ort Usbekistan/Andijan		
3.2. Datum 23.04.2012	3.3. Uhrzeit 08:00 Uhr	4.2. Datum 02.05.2012	4.3. Uhrzeit 20:00 Uhr	
5.1. Tierart Rind	5.2. Anzahl Tiere 31	5.3. Nummer(n) der Veterinärbescheinigung(en)		
5.4. Gesamtgewicht der Sendung in kg (Schätzwert): 16.500		5.5. Für die Sendung voraussichtlich erforderliche Gesamtfläche (in m <sup>2</sup> ) 56		
<b>6. LISTE DER VORAUSSICHTLICHEN RUHE-, UMLADE- ODER AUSGANGSORTE</b>				
6.1. Namen der Orte, an denen die Tiere ruhen oder umgeladen werden sollen (einschließlich Ausgangsorte)	6.2. Ankniff		6.3. Dauer (in Stunden)	6.4. Name und Zulassungsnummer des Transportunternehmers (soweit es sich nicht um den Organisator handelt)
	Datum	Uhrzeit		
Breslau/PI	23.04.2012	22:00 Uhr	1 Std.	
Grenze Kukuryki-Koroszczyń/PI	24.04.2012	10:00 Uhr	1 Std.	
Brest/BY	24.04.2012	13:00 Uhr	24 Std.	
Orsa/BY	25.04.2012	23:00 Uhr	1 Std.	
Gagarin/RUS	26.04.2012	05:00 Uhr	24 Std.	
Tscheboksary/RUS	27.04.2012	19:00 Uhr	1 Std.	
Ufa/RUS	28.04.2012	10:00 Uhr	24 Std.	
Kustanaj/KAZ	30.04.2012	00:00 Uhr	1 Std.	
Karaganda/KAZ	30.04.2012	15:00 Uhr	24 Std.	
Cimkent/KAZ	02.05.2012	05:00 Uhr	1 Std.	
7. Der Unterzeichnete erklärt, für die Organisation der Beförderung verantwortlich zu sein und geeignete Vorkehrungen getroffen zu haben, um das Wohlbefinden der Tiere nach Maßgabe der Verordnung (EG) Nr. 1206/2006 des Rates während der gesamten Beförderungsdauer zu gewährleisten.				
8. Unterschrift des Organisators				

(a) Organisator: Siehe die Definition in Artikel 2 Buchstabe a) der Verordnung (EG) Nr. 1206/2006

(b) Ist der Organisator ein Transportunternehmer, so ist die Zulassungsnummer anzugeben.





# ECJ-ruling C-424/13

## Legal proceedings

- Primary intention of Regulation 1/2005 is to protect the animals and to safeguard their welfare during transport (there is no economic reason to do otherwise)
- Why should we hold on to these rules? Why do we need resting places ?

# ECJ-ruling C-424/13

Why do we need resting places outside EU ?



- Truck with calves at correct loading density at departure



# ECJ-ruling C-424/13

Why do we need resting places outside EU ?





# ECJ-ruling C-424/13

Why do we need resting places outside EU ?



–A cattle laying in between others can often not get up. It has to stay like this until unloading



# ECJ-ruling C-424/13

Why do we need resting places outside EU ?



– Common transport-injuries after transports no longer than 8 hours



# ECJ-ruling C-424/13

Why do we need resting places outside EU ?



– Sick or injured animals should be segregated



# ECJ-ruling C-424/13

Why do we need resting places outside EU ?



- the truck should be designed to contain all feces and urine during the whole journey
- Amount of feces during transports up to 8 hours:





# ECJ-ruling C-424/13

## Judgement

In case of a ‘transport involving a long journey for [...] domestic bovines which commences on the territory of the European Union and continues outside that territory to be authorised by the competent authority of the place of departure, **the organiser of the journey must submit a journey log which [...] is realistic and indicates that the provisions of that regulation will be complied with, including for the stages of the journey which are to take place in the territory of third countries,** that authority being empowered, should that not be the case, to require changes to those arrangements to ensure compliance with those provisions throughout the journey.’



# ECJ-ruling C-424/13

## Conclusion

- Long-distance transports can only be cleared by an official veterinarian at a place of departure within the EU, if the whole journey – non-EU territory included – complies with Regulation 1/2005

**Thank you for your attention!**

