

Short Statement

on the incompatibility of animal transports with passage on board of animal transport ships with the case law of the European Court of Justice and the resulting obstacle to authorisation



Photo: Animal Welfare Foundation e. V.

An animal transport whose destination is in a third country and for which it is necessary to cover part of the distance on an animal transport ship is not eligible for authorisation. This is because it is not possible to comply with the animal welfare requirements up to the place of destination.

LEGAL SITUATION

In 2015, the Court of Justice of the European Union (ECJ) ruled (judgement of 23 April 2015 – C-424/13 –, Zuchtvieh-Export GmbH ./ Stadt Kempten) that the requirements for the protection of animals laid down in the EU Animal Transport Regulation No. 1/2005 must also be complied with outside the EU up to the place of destination – wherever this may be – and that the transport planning in the journey log up to the place of destination must also be carried out and checked by the competent authorities.

The official headline of the ECJ ruling is: "Article 14(l) of Council Regulation (EC) No. 1/2005 of 22.12.2004 on the protection of animals during transport (...) must be interpreted as meaning that the authorisation of a long animal transport of domestic equidae (....), domestic animals of the bovine, ovine, caprine and porcine species commencing within the territory of the European Union and continuing outside that territory, outside the territory of the European Union is subject to the submission by the competent authority of the place of dispatch of a journey log by the organiser of the transport, containing realistic information on the planning of the transport and indicating that the provisions of that regulation will also be complied with in respect of the part of the transport taking place in third countries, and that, if that is not the case, the authority may require the planning to be altered in such a way as to ensure compliance with those provisions for the entire transport operation." The ECJ continues: "Therefore, in the case of a long journey to third countries, the journey log must contain such information both for the part of the journey which takes place within the territory of the Union and for the part which takes place in third countries." (ECJ, Judgement of 23 April 2015 – C-424/13 –, Zuchtvieh-Export GmbH ./ Stadt Kempten, beck-online ref. 50). As a result, in addition to the planning that takes place prior to the transport, the journey log in accordance with Annex II of the EU Animal Transport Regulation must also be kept up to the place of destination. The ECJ confirmed this in a different context in 2017 (judgement of 19 October 2017 – C-383/16 – Vion Livestock BV ./ Staatssecretaris van Economische Zaken).

PRACTICE

If a long transport takes place with a ship passage on an animal transport ship, it is in practice no longer possible to continue the journey log for the distance from the port of landing – which itself does not fulfil the requirements for a place of destination – to the place of destination in the third country. This is due to the fact that a journey log always deals with a "consignment", a certain number of animals that can be specifically identified by their eartags and which are specifically listed in the transport planning/journey log. These animals are always separated from each other when they are driven onto the animal transport ship, so that the "consignment" for which the logbook is created, which actually has to be continued until the destination, is dissolved.

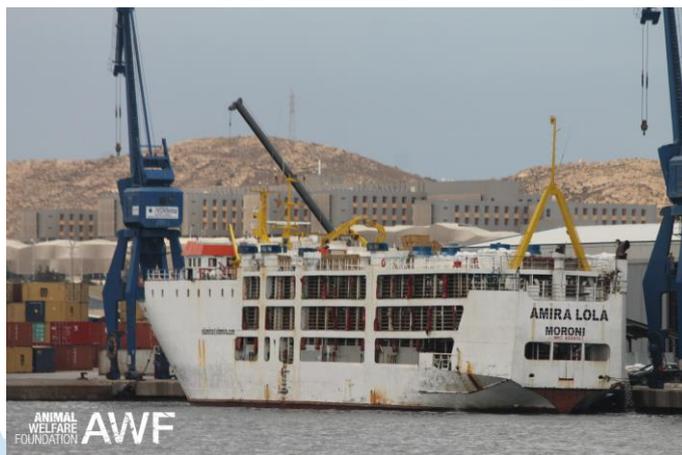


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At the port of landing, it is no longer possible to reassemble the consignment into a consignment as defined in the logbook in order to be able to continue the logbook for this specific consignment – until it reaches its destination. Furthermore, it is not guaranteed that the animals of a consignment listed in the logbook actually reach the destination listed in the logbook.

CONCLUSION

Since the logbook cannot be continued to the destination in any case when a passage by ship is made on an animal transport ship and, consequently, the planning alone cannot be carried out realistically to the destination, such a transport cannot be approved.

All permits for a passage by animal transport ship involving a change of means of transport have therefore been issued unlawfully.

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