Investigation into Transports of Cattle from Ireland and the United Kingdom to Continental Europe via the Seaway between Rosslare (Ireland) and Cherbourg (France), 5th - 11th March 2013

Aim of the Investigation:
To verify once more the compliance with the legal requirements for transport times and rest periods for unweaned calves and young adult cattle

I. Introduction

Unweaned calves and young adult cattle are routinely transported from Ireland via the seaway between Rosslare and Cherbourg to Continental Europe as for example to Spain and Italy. The sea transport is carried out by the roll on/roll off ferry “Celtic Horizon” operated by the ferry line “Celtic Link”. The crossing from Rosslare to Cherbourg takes 17 - 18 hours. The majority of the transport companies involved in the cattle trade from Ireland to Continental Europe are Irish; a smaller number are from the United Kingdom and the Netherlands. The animals originate from Ireland or the United Kingdom.

Since at least 1998, the FVO (Food and Veterinary Office of the EU Commission) and several animal welfare organizations have been monitoring the transports of cattle from Ireland to the European Mainland. The major problem in these transports has always been the non-compliance with the obligatory resting times for the cattle following the sea transport. After many years of continuous complaints, the Irish and French authorities started subjecting the transporters involved to stricter controls. However, the transporters keep giving priority to their economic interests rather than complying with the legislation on the protection of animals during transport. It seems that in spite of serious efforts especially by French authorities to achieve compliance with journey – and resting times at their territory it will never be possible that the animals will be treated in accordance to the legislation during these long distance transports.

II. Legal requirements regarding travelling and resting intervals for unweaned calves and weaned cattle

Council Regulation EC 1/2005 lays down maximum transport times and mandatory resting times during which the animals must be unloaded at an authorized control post. The regular maximum transport time for unweaned calves are 18 hours and for weaned cattle 28 hours (in both cases plus one hour break for water and food supply on board the vehicle). However, in the case of transports including a sea transport carried out with roll on/roll off ferries, Annex I Chapter V Point 1.7. b of Council Regulation EC 1/2005 lays down the following exception: “In the case of transport by sea on a regular and direct link between two geographical points of the Community by means of vehicles loaded on to vessels without unloading of the animals, the latter must be rested for 12 hours after unloading at the port of destination or in its immediate vicinity unless the journey time at sea is such that the voyage can be included in the general scheme of points 1.2. to 1.4”. This means that the unweaned calves that arrive in Cherbourg from Rosslare harbour must be unloaded and rested for 12 hours in the immediate vicinity of Cherbourg harbour since, at their arrival in Cherbourg, they have been on board the truck for at least 20 hours and thus the maximum journey time for this species has already been exceeded after the sea transport. (18 hours sea journey + waiting time at Rosslare harbour prior to embarking and time of disembarking in Cherbourg, plus the journey time from the place of departure to Rosslare harbour. The Regulation does not offer a legal interpretation of the indeterminate legal concept “immediate vicinity”. However, according to the interpretation of the EU Commission a place reachable within two hours of driving is no longer in the “immediate vicinity”.
III. Possibilities to unload unweaned calves in the immediate vicinities of Cherbourg harbor

In the immediate vicinity of Cherbourg there is only the control post FR-50-238-028 at Héauville which is at 21.4 km\(^1\) from Cherbourg harbor. This control post has capacity for 795 calves\(^2\) which means for a maximum of three trucks transporting unweaned calves. This is problematic since the number of transports of unweaned calves arriving at the same time to Cherbourg can be 10 ten trucks or more.

IV. Results of previous investigations:

Already in 2005 and 2006, Animals’ Angels monitored transports of cattle from Ireland to Continental Europe and found that (among others) obligatory resting times for the animals were not being respected. The same result came from the investigations carried out by the French organization PMAF (“Protection Mondial de Animaux de Ferme”) in October 2006 and in July 2008. All findings of these investigations were notified to the authorities concerned.

In order to check if improvements had occurred, in February, March and June 2010, Animals’ Angels once again monitored transports with unweaned calves arriving from Rosslare to Cherbourg harbour on three different dates. During these investigations nine transports were checked with the result that none of them unloaded the unweaned calves for 12 hours as required by law. In one case observed the animals were not unloaded at all and in the other eight cases, the animals were unloaded for a period between 50 minutes and three to four hours. Again, all irregularities found were communicated to the competent authorities involved.

In March, 2011, Animals’ Angels once again returned to Cherbourg and checked transports on the same route. This investigation gave the following result: two trucks were observed that unloaded the unweaned calves at the control post in the vicinities of Cherbourg port but only for 8 hours instead of the required 12 hours. Further two transports were observed that did not unload the unweaned calves in the immediate vicinities of Cherbourg port but after a 4 hour/45 minute–drive, at the control post FR – 80 – 149 – 040 at Buigny Saint Maclou. As before, all irregularities found were communicated to the competent authorities involved.

On five days in January and February 2012, Animals’ Angels carried out random checks of the transports of cattle on the route from Ireland and the UK to Continental Europe. During these 5 days, the teams checked four different trucks. Once again, all four transports did not comply with the legal requirements concerning rest periods for unweaned and weaned cattle and once again Animals’ Angels informed the competent authorities involved on the breaches found.

V. 2013 – Investigation

A. Information received previous to the investigation

In February 2013, Animals’ Angels was informally informed by the French authorities that further efforts had been done to finally achieve compliance with the animal protection rules by the transporters transiting France. The French authorities took including into consideration the prohibition of entering the country for transporters continuing infracting the legislation. Furthermore, Animals’

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1 \(^{\text{A.}}\) Acc. to Microsoft MapPoint 2011
2 \(^{\text{A.}}\) Acc. to List of approved control posts based on Article 3 Council Regulation (EC) 1255/97 (Updated 25/02/2013), Doc. SANCO/2677/99 Rev.146
Angels was informed that the capacity of the control post at Héauville in the vicinity of Cherbourg will be enlarged significantly in order to solve the problem of the lack of space for unloading unweaned calves near the port but that the renovation of the control post will not be terminated for the season 2013.

Finally, Animals’ Angels was informed that until the final completion of the new control post in the vicinities of Cherbourg port, the authorities agreed that unweaned calves instead of being unloaded in the vicinities of the harbor could be unloaded at the following control posts:

- FR-35-115-110 at Fougeres, 198 km which means a 2 hours and 50 minutes drive from Cherbourg harbor.
- FR-80-149-040 at Buigny Saint Maclou, 359, 7 km which means a 5 hours-drive from Cherbourg harbour
- FR-80-655-071 at Quesnoy sur Airaines, 361 km which means a 5 – hours-drive from Cherbourg harbour

These three control post are clearly not in the immediate vicinities of Cherbourg port.

This means that instead of restricting the number calves that may arrive at the same time by ferry to Cherbourg to a maximum of 795 animals (which is the number of unweaned calves that can be unloaded at the control post in the vicinities of the harbor) and thus comply with the animal welfare rules, the legislation is stretched in accordance to the needs of the farming industry without taking into account the needs of the animals.

B. Observations made during the 2013 – investigation

Wednesday, 06th – 7th March 2013

6th March, 15:40
The ferry Celtic Horizon coming from Rosslare, Ireland is docking at Cherbourg port, France.

6th March 16:15
14 animal transports, all transporting unweaned calves, start exiting the harbor premises.

Three of the trucks head to the control post FR-50-238-028 at Héauville and unload the calves there.

Description of the means of transport:
1) Silver one compartment truck, maroon tractor, inscription “HUNTER”, Irish licence plate
2) Silver one compartment truck, inscription “Shortall”, license plate 05-WH-4793
3) Silver one compartment truck, inscription “Shortall”, license plate OQ-C-35070

Two of the trucks head to the control post FR-35-324-067 at Fougeres where they unload the calves.

Description of the means of transport:
1) Truck with Irish licence plates 07-MN-37, blue Tractor, inscription “HUNTER”
2) White one compartment truck

3 According to Microsoft MapPoint 2011
4 According to Traces calculation at the speed of 70 km/h
5 According to Microsoft MapPoint 2011
6 According to Microsoft MapPoint 2011
7 Confirmed by phone by an operator of the control post
Four of the trucks went the control post FR-80-149-040 at Buigny Saint Maclou.

Description of the means of transport:

1) Silver truck and trailer, blue cabin, license plate 12-KE-895
2) Green truck and trailer, white tractor, inscription “DALTON”, license plate 83-LD-1655
3) Silver with red outline truck and trailer and white tractor; inscription: “TREVON LOGAN”
4) White truck with yellow – orange stripes, inscription “DALY”

According to the information given by the operator of the control post FR-80-655-071 at Quesnoy sur Airaines by phone, one of the trucks went to this control post and loaded and rested the animals there.

According to the information given by the operator of the control post by phone, no truck stopped at the control post FR-35-273-32 at Saint Germain en Cogles.

Furthermore, the only further control post in that area (on a wider scale) is the control post FR-35-324-067 at La Selle en Luitre but has only capacity for 50 bovines and is not authorized for unweaned calves.

Accordingly four out of 14 trucks did not stop at any control post in a distance of 360 km to Cherbourg.

At least three of these four trucks have the inscription of the Irish transport company “TLT”.

C. Observations made on 8th to 9th March 2013:
Trailing of transport of cattle originating from Northern Ireland from Cherbourg to Italy

Transport company: TLT International Ltd. Ireland

Date and time of first observation of truck: Friday, 8th March 2013, 17:25
Place of first observation of truck: Cherbourg harbour, France
Total distance from place of departure to destinations: 1.892,4 km + sea journey + mandatory respectively unavoidable waiting times at the ports of departure and arrival

FACTS FOUND and INFORMATION RECEIVED

1. Details on Transport Company / lorry / driver(s)
Name of Transport Company: T.L.T. International Ltd. (IE/TYP2/0004)
Address: Kilmaglish, Knockdrin; Mullingar Co. Westmeath
License plates: Irish licence plates 6525 XB 62 (truck) - 11 WH 1898 (trailer)
Description of the truck: truck and trailer, blue with yellow profiles, blue tractor, inscription TLT

2. Description of loading situation and condition of the animals:
Species: 62 adult bovines; males and female (three consignments)
INTRA.GB.2013.0005132-V1, INTRA.GB.2013.0005120-V1, INTRA.GB.2013.0005129-V1 (health certificate number of the three consignments)
Ear tags: UK; Examples
UK906150300032 (date of birth 03.06.2011, female)
UK906150301454 (date of birth 19.12.2011, male)
Transports of Cattle from Ireland and the UK to Continental Europe, March 2013

<table>
<thead>
<tr>
<th>Identification Numbers</th>
<th>Date of Birth</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK906150301782</td>
<td>21.03.2012</td>
<td>male</td>
</tr>
<tr>
<td>UK906150301977</td>
<td>03.04.2012</td>
<td>male</td>
</tr>
<tr>
<td>UK906150399874</td>
<td>01.06.2011</td>
<td>female</td>
</tr>
</tbody>
</table>

Weight of the animals: according to the specifications in the journey logs, the animals have a weight between 288 and 395 kg. This information does not correspond neither with the physical aspect of the animals nor with the indicated age.

Levels: two
Impression of loading density: on the first deck, the density seems too high as the animals are all in body contact unable to move around; thus not all animals can reach the drinking devices. Furthermore, there is not enough space for all animals to lie down.

Loading density acc. to space available indicated in the journey logs: 61m²

Watering devices: on the 1st deck of the truck, the animals are placed in three compartments. The animals in the middle compartment have no access to the watering devices.

Bedding: straw bedding
Partitions: placed
Separation: sexual mature males and females not separated

3. Happenings/Events/Further observations

Friday, 8th March 2013

16:40
Celtic Horizon is docking at Cherbourg harbour

17:25
The truck exits the harbour premises.

The Animals’ Angels team follows.

The truck takes the route N13 in direction of Caen and further on in direction of Paris.

21:25
The truck stops at a petrol station for 5 minutes. Driver seems to check on the animals.

The truck continuous in direction of Lyon

22:20 – 22:35
The truck stops at a petrol station. The driver checks briefly the animals.

Saturday, 9th March 2013

2:52
Truck arrives at the control post “Bardy Bresse” FR-71-209-041 at Frontenaud in France. After 9.5 hours - driving from Cherbourg port.

2:59
The animals are unloaded from the truck.
The truck leaves the control post and heads in direction Italy. The Animals’ Angels team follows.

21:30-22:00
About 50 km before Chamonix, the truck stops at a petrol station to refill the tank.

23:00
Alerted by the Animals’ Angels team, the Italian police (Polizia Stradale d’ Aosta) await the truck on just after the Italian border at the exit of the Mont Blanc tunnel. Italian police checks the transport shortly after the exit of the Mont Blanc tunnel.

Saturday, 9th March 2013

00:17
The transport is taken by police to a weighbridge.

The police decide that the animals have to be unloaded at the nearest control post which is CE 21/PC at Nichelino (TO).

3:46
The truck arrives with the police patrol to the control post CE 21/PC

At the control post there is no official veterinarian present. A Police officer calls the veterinarian on duty but he refuses to come. Finally, the chief veterinarian of the region (UVAC AOSTA) offers to check on the animals.

4:53
The animals are unloaded.

5:10
Unloading is finished. The animals are provided with food and they eat eagerly. After eating they lie down and rest.

4. Measures taken by the Italian authorities (veterinary authority, UVAC Aosta and police force, Polizia d’Aosta) acc.to the information received:

- Order given that the animals have to remain for 24 hours at the control post.
- 9 animals have to remain at the control post to be picked up by another means of transport, to restore the maximum weight permitted by the Italian legislation.
- Monetary fines issued for:
  - Obligatory rest of 24 hours for the animals not carried out at Frontenaud (16 hours and 31 minutes minus the time for unloading and reloading instead of 24 hours)
  - Excess of weight (road traffic rules)
- Furthermore, the Italian authority will notify the authorities of the United Kingdom that the transporter did not comply with the resting times and the maximum journey time for bovines
5. Information taken from the journey logs:

CONSIGNMENT N. 1

Section 1

Organiser: Paolo Garavelli, c/o TLT International LTD, Kinmaglish, Knockdrin, Mullingar, Co. Westmeath, Rep. of Ireland
Total expected journey duration: 73.5 hours
Place of departure: Jaex Herd, 88 Gloverstown Road, Randallstown, Co. Antrim, N. Ireland BT41 3HY
Date/time of departure: 07/03/2013; 14:00
Destination: Az. Agr. Pavan Attilio, via Moglianese 86, Scorze' (VE), Venezia, Italy 30087
Date/time of arrival: 10.3.2013; 15:30
Species: cattle, weaned
Number of animals: 9 of 62
Estimated weight: 3.558 kg
Total space for animals: 12.5 m²
Purpose of export: production

Table of the planning:

<table>
<thead>
<tr>
<th>Depart Antrim N. Ireland</th>
<th>7.3.2013 14:00 departure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrive Rosslare Port Ireland</td>
<td>7.3.2013 20:30 arrival</td>
</tr>
<tr>
<td>Rest, feed, water on ferry</td>
<td>7.3.2013 21:00 departure</td>
</tr>
<tr>
<td>Arrive Cherbourg port France</td>
<td>8.3.2013 04:00 arrival</td>
</tr>
<tr>
<td>1 hour</td>
<td></td>
</tr>
<tr>
<td>Arrive Pignets lairage Cherbourg approval No FR-50-238-028</td>
<td>8.3.2013 14:30 arrival</td>
</tr>
<tr>
<td>*note the control post of Heauville was scheduled instead of Frontenaud</td>
<td>8.3.2013 15:00 departure</td>
</tr>
<tr>
<td>Rest, feed and water Aosta Italy</td>
<td>10.3.2013 04:30 arrival</td>
</tr>
<tr>
<td>1 hour</td>
<td></td>
</tr>
</tbody>
</table>

Shipping company: Celtik Link
Port of departure: Rosslare port
Departure time: 21:00
Port of arrival: Cherbourg
Arrival time: 14:30

Section 2: empty

Section 4:

Departure Antrim: 7.3.13 no time indicated
Arrive Rosslare port : 8.3.13 no time indicated
Arrive Cherbourg port: 8.3.13 no time indicated
Arrive Bardy's France: 8.3.13 21:00 - 9.3.13 21:00 departure, 24 hours;
Not correct!
Truck arrived at 02:52 (09.03) and departed at 19:23 (09.03.)

CONSIGNMENT N. 2

* The format of the journey log is not the one provided by the appendix of Council Regulation No. 1/2005
Section 1:

Organiser and place of departure: same as journey log of consignments n. 1
Place of arrival: Az. Agr. Bozzola Giovanni, via Ronchi 2, Casalmoro (MN), Mantova, Italy 46040
Date/time of arrival: 10.3.2013 10:00
Number of animals: 13 of 62
Weight: 3,750 kg
Space: 14 m²
Table of the planning: same as journey log of consignment n.1

Section 2: empty

Section 4: empty

II. VIOLATIONS of Council Regulation EC 1/2005

Observations made on 6th to 7th March 2013

Only three out of the 14 transports of unweaned calves that arrived on 6th March 2013 at Cherbourg harbour unloaded the calves in the vicinities of Cherbourg harbour as foreseen by Council Regulation EC 1/2005.

Further 11 transports of unweaned calves exceeded the maximum transport for unweaned calves and unloaded the calves at control posts up to 361 km from Cherbourg port (7 trucks) or did not unload the calves at all (4 trucks).

This constitutes a violation of article 3 and article 6 (3) in connection with annex I Chapter III point 2.7, chapter V point 1.4. (a) and point 1.7. (b)

According to the information received this breach of the EU legislation on the protection of animals during transport was committed with the blessing of the competent authorities. The competent
Transports of cattle from Ireland and the UK to Continental Europe, March 2013

Authorities decided that since there is only space for three transports of unweaned calves in the vicinities of Cherbourg harbour, all further transports do not have to unload the calves for 12 hours in the vicinities of the harbour. This is clearly not compatible with the aim of Council Regulation EC 1/2005 whose primarily goal is the protection of animals during transport. The authorities disregard the requirements of Council Regulation EC 1/2005 in order to provide advantage to the Irish and UK farming industry.

4 out of the 14 transports of unweaned calves did not unload the calves neither in the vicinities of the harbour nor in one three control post tolerated by the competent authorities.

At least 3 of the trucks were of the same company: the Irish transport company TLT.

Violation of article 3 and article 6 (3) in connection with annex I Chapter III point 2.7, chapter V point 1.4. (a) and point 1.7. (b)

D. Observations made on 8th to 9th March 2013

Transport of cattle from the UK to Italy:

A. Responsibility of the transporter

- Undue Suffering caused
  The animals were transported in a way that caused undue suffering to them because:
  - Loading density was exceeded
  - 24 hours rest not carried out
  - Exceeded journey time
  - Not all animals had access to water
  - Sexual mature male and female bovines were not separated

Violation of article 3

- Exceeded loading density

A major part of the journey=sea transport. Thus densities for sea transport applicable are the following:

<table>
<thead>
<tr>
<th>Live weight in kg</th>
<th>m²/animal</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 — 300</td>
<td>0,90 — 1,175</td>
</tr>
<tr>
<td>300 — 400</td>
<td>1,175 — 1,45</td>
</tr>
</tbody>
</table>

According to the journey logs, there were 9 animals of 395 kg average weight each, 13 of 288 kg and 40 of 317 kg. They were total 62 animals on 62 m², consequently they had not more than 1 m² each. It is impossible that the allowances were respected since a 288 kg bovine needs 1,142 m².

- Exceeded journey
  The animals were on board the truck for about 36 hours before they were unloaded for resting (according to the journey log the transport started Northern Ireland at 14:00 (GMT 0:00) on 07.03.2013 and the truck arrived at the control post in Italy at 2:52 (GMT +1:00) on 09.03.2013.)
Violation of 6 (3) in connection with annex I chapter III point 2.7, chapter V point 1.4. (d) and point 1.5.

- **Animals not unloaded for 24 hours**
  After a 36 hours of journey time the animals were only granted a rest of 16 hours and 31 minutes\(^9\) instead of the mandatory 24 hours rest.

Violation of article 6 (3) in connection with annex I chapter III point 2.7, chapter V point 1.4. (d) and point 1.5.

**B. Responsibility of the organizer**

- **Journey log not duly made up**
  There were numerous irregularities in the three journey logs accompanying the animals. All three journey logs were different from the model at the Appendix of Council Regulation No. 1/2005 and for all of them:

  **Section 1:**
  - Two pages with different information of the planification
  - Time of arrival of ferry not correctly indicated (not in accordance with timetable of ferry)
  - Disembarking time at Cherbourg unrealistic
  **Section 2:**
  - Empty, thus time of loading of first animal not indicated (determining for calculation of journey time)
  **Section 4**
  - Time of departure not indicated
  - Time of arrival to Cherbourg not indicated
  - Unloading at control post of Frontenaud and not at Heauville as indicated in Section 1.
  - At Frontenaud control post a 24 hours rest indicated from 08.03.2013, 21:00 to 09.03.2013, 21:00: on the contrary, the real arrival time at the control post was 2:52 on 9.3.2013 and real departure time 19:23 on 9.3.2013, according to the observation of Animals’ Angels’ team

Violation of article 5 (4)

**C. Responsibility of the keeper at the place of departure in the UK**

- **Sexually mature male and female bovines not separated**
  The keeper at the place of departure in Northern Ireland did not ensure that the technical rules set out in the annex I chapters I and III section 1 to Council Regulation EC 1/2005 were met since sexually mature male and females bovines were not loaded separately.

Violation for article 8 (1)

**III. VIOLATION OF COUNCIL REGULATION (EC) No 1255/97**

**A. Responsibility of the operator of the control post FR-71-209-041 at Frontenaud, France**

- **Not all necessary steps taken to guarantee the welfare of the animals unloaded at the control post**
  The operator of the control post made it possible that the animals where not unloaded for 24 hours at the control but only during significantly less time. Thus he did not take all necessary steps to guarantee the welfare of the animals.

\(^9\) Minus the time for unloading and reloading!
Violation of article 5 (d)

- Most likely competent authority not informed on irregularities

Since the operator stamped and thus confirmed the false indication of the transporter to having been at the control post for 24 hours, it is most likely that he did not inform the competent authorities about the fact the transporter did not unload the animals for 24 hours.

Violation of article 5 (i)

IV. Conclusion

The investigations into the transport route from Ireland and the United Kingdom to Continental Europe have shown that is in actual fact impossible to achieve an acceptable level of compliance with the animal protection rules in long distance transports. Since 15 years, the competent authorities in the Member States involved and the EU Commission are aware of the problem that transporters operating on this route regularly do not comply with the transport and resting times for the animals. The authorities both, on national and EU level, have been monitoring this route closely and undertaken serious efforts to solve this problem. Additionally, animal welfare organizations got involved spending huge amounts of time and money in order to trail the transports to be able prove the continuing incompliance with the animal welfare legislation and to support the efforts realized by the authorities. Nevertheless, now, 15 years later, the situation is still not acceptable. Still too many transporters operating on this route do not comply with EU requirements for animal protection during long distance journeys.

This history of persistent incompliance shows as well that it is easy to legislate but if legislation is not respected and not adequately policed it is absolutely worthless. In this case, the worthless legislation causes suffering of millions of animals on a daily basis.

What is more, in spite of the fact that article 13 of the Treaty on the Functioning of the European Union requires that full regard to the welfare requirements of animals shall be paid in formulating and implementing the Union's agriculture and transport policies, the current EU legislation on the protection of “farm” animals such as Council Regulation EC 1/2005 on the protection of animals during transport, do not intend achieving a high level of animal protection or actual well – being of the animals. What the legislation intends is to set limits to what would be mistreatment of animals.

If additionally, this legislation is stretched in favor of the farming industry – as happened here - the basic animal protection is severely jeopardized. Furthermore, this abusive stretching of the legislation weakens the legislation and makes proper enforcement even more difficult.