Enforcement Deficiencies in the Transports of Unweaned Calves from Ireland to Continental Europe via the Seaway between Rosslare (Ireland) and Cherbourg (France)
For more than a decade the competent authorities have turned a blind eye to illegal transports of young calves which are carried out weekly on the route from Ireland to Continental Europe. The major problem that has been observed for many years has been non–compliance with the obligatory resting times for the calves following the sea transport. Now the authorities are subjecting the transported involved in this trade to stricter controls. However, the means and resources available for the authorities are so limited that it remains impossible to ensure compliance with EU legislation on the protection of animals during the long-distance transports of unweaned calves from Ireland to Continental Europe.

I. Background

Every week unweaned calves and young adult cattle are transported from Ireland via the seaway between Rosslare and Cherbourg to Continental Europe, e.g. Spain, Italy, the Netherlands and Belgium. The sea transport is carried out by a roll on/roll off ferry operated by the ferry line “Celtic Link”. The crossing from Rosslare to Cherbourg takes 18 - 19 hours. The obligatory waiting time for trucks before embarking at Rosslare harbour is two hours. At peak times 30 – 40 transports arrive weekly in Cherbourg (15 to 20 transports at the same time with the same ferry). According to Animals’ Angels’ observations, approximately 50% of the cattle transported on this route are unweaned Holstein/Frisian bull calves under two months of age. 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.

Due to the length of the journey, according to current legal requirements, the unweaned calves must be unloaded and rested for 12 hours at an approved control post after their arrival in Cherbourg, in the immediate vicinity of the harbour. The only control post in the vicinity of Cherbourg harbour authorized for unweaned calves is the control post FR 50-238-028 at 50340 Héauville. The distance between Cherbourg and Héauville is around 24 kilometres. The control post at Héauville has room for 560 young calves which is equivalent to two trucks. Furthermore, in the wider vicinity there are two more control posts authorised for unweaned calves which are used for unloading the unweaned animals transported on this route: FR-35-115-083 at Fougeres (distance to Cherbourg 169 km, around 2 hours and 30 minutes driving, room for 500 young calves (two trucks) and FR-80-149–040 at Buigny Saint Maclou (distance to Cherbourg 359 km, around 5 hours driving) room for 2,600 young calves.

II. Legal requirements regarding resting and feeding intervals for unweaned calves

Council Regulation EC 1/2005 stipulates in its Annex I, Chapter V, Point 1.4. and 1.5 that after 18 hours of travel unweaned animals must be unloaded and rested for at least 24 hours and supplied with adequate liquid. According to Council Regulation EC 1255/97 the unloading must be carried out an authorized control post.

For 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 requirements: “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 (18 hours sea journey + two hours waiting time at Rosslare harbour) plus the journey time from 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”.

1 Acc. to schedule of the ferry line
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III. History of breaches of the legislation concerning resting and feeding intervals for unweaned calves on the route from Ireland to Continental Europe

After missions in Ireland and France, the FVO (Food and Veterinary Office of the Commission) published reports in 1999 in which the non-compliance with resting times in transports coming on the seaway from Ireland to Continental Europe was documented. Thereafter, the FVO carried out further missions in France and Ireland in 2002 and 2009 and once again found severe breaches of EU legislation in the cattle transports on the route from Ireland via France to Continental Europe. In the report on a specific audit carried out in Ireland in February 2008, the FVO is critical that unweaned calves arriving from Rosslare to Cherbourg are not unloaded in the immediate vicinity of the harbour but only after a two-hour drive. A rest of 12 hours for calves after a 2-hour drive from the port of arrival, which is performed routinely, cannot be considered as a rest in the "immediate vicinity" of the port (Regulation (EC) No 1/2005, Annex I, Chapter V, 1.1.7(b)).

In 2005 and 2006, Animals‘ Angels monitored transports of cattle from Ireland to Spain and Italy. These transports were also the subject of police checks organised by Animals‘ Angels within the framework of police training courses for French gendarmes. One of the results of these investigations was that obligatory resting times for the animals were not being respected. The same result came from the investigations carried out by the French organisation PMAF (Protection Mondial de Animaux de Ferme) in October 2006 and in July 2008. Both organisations notified their findings regarding non–compliance with the resting times to the authorities concerned.

In order to see 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 the other eight cases, the animals were unloaded for a period between 50 minutes and three to four hours.

All irregularities found by Animals‘ Angels were communicated to the competent authorities involved.

Over the years, numerous letters and complaints have been sent by the animal welfare organisation Compassion in World Farming (CWIF) to the authorities in Ireland in which the evidence of non-compliance by the transporters on this route was raised again and again. Furthermore, meetings with the competent authorities were held in which the problem of non-compliance with the transport legislation in the transports from Ireland to Continental Europe was discussed.

However, in spite of the findings and repeated recommendations by the FVO and in spite of the numerous complaints by several NGOs from 1999 to 2010, the severe shortcomings in the compliance with EU legislation on the protection of animals during transport could not be remedied on the route from Ireland to Continental Europe and within 11 years no proper enforcement took place.

Therefore, in July 2010, Compassion in World Farming (CWIF) and Animals‘ Angels filed a formal complaint to the EU Commission about the systematic failure by the competent authorities of the Republic of Ireland to secure compliance with community legislation on the protection of animals during transport. Furthermore, in August 2010, Animals‘ Angels filed a complaint to the French competent authorities about deficiencies in compliance with obligatory resting times for unweaned animals in relation to the transport of calves from Ireland via France to continental EU member states passing through the control post FR 50-238-028 at Héauville.

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6 All Animals‘ Angels reports can be requested at info@animals-angels.de
7 Seven out of the nine transports had the place of departure in Ireland. Two transports had their place of departure in the UK (Northern Ireland)
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In March, 2011, Animals’ Angels once again returned to Cherbourg and on four days checked six transports on the route from Ireland via the seaway to Cherbourg in France and to further destinations in different member states. This investigation gave the following result:

On 9th March, 2011, the Animals’ Angels team observed that four of the transports loaded with unweaned Holstein/Frisian calves went directly from Cherbourg harbour to the control post FR 50-238-028 at Héauville which, as mentioned above, has room for two trucks. The four transports were Irish and had the following licence plates:

- 00C3575
- 06LK2572
- 07C30417
- 03LD1655

Due to the limited space at the control post for only two trucks, it must be assumed that either the calves of two transports remained on board the trucks or the animals were unloaded in shifts.

Two of these transports reloaded the animals after less than eight hours of resting time for the unweaned calves and continued their journey. The licence plates of these two transports were:

- 06LK2527
- 07C30417

On 11th March, 2011, the Animals’ Angels team observed two further transports loaded with unweaned calves that went from Cherbourg harbour directly to the control post FR 80149 – 040 at Buigny Saint Maclou.

The two transports had the following licence plates:

- 05C7710
- 08TN3356

Both trucks left the harbour area of Cherbourg at 16:15 and arrived in Buigny Saint Maclou at 21:00, after 4 hours and 45 minutes driving. The unloading of the trucks was terminated at 21:50. Thus the unweaned calves were on board the truck at least 25.5 hours + the time of the journey from the place of origin in Ireland to Rosslare harbour. The animals were unloaded at the control post for 12 hours before their journey to the destination continued.

III. Measures taken by the competent authorities of Ireland and France to remedy the non-compliance with Council Regulation EC 1/2005

According to Animals’ Angels knowledge, after the above mentioned complaints filed in 2010 the authorities took the following measures in order to improve the enforcement concerning the transports on the route dealt with here:

- The Irish and the French competent authorities established a collaboration in order to both inform and sanction operators involved in this trade
- The French competent authorities carried out checks at the control post at Héauville and issued a warning to the operator of the control post
- The veterinary service DDSV La Manche has an agreement with the operator of the control post at Héauville whereby the operator informs the veterinary service about the actual time the animals were unloaded at the control post
- Representatives of the Irish and French Ministry visited the control post FR 80 149 – 040 at Buigny Saint Maclou
- The Irish Ministry provides for every ferry departing from Rosslare and carrying commercial transports of live animals, a list of all transporters, including species and number of animals

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8 Letter by French Agriculture Ministry to Animals’ Angels dated 28.09.2010
9 Letter by French Agriculture Ministry to Animals’ Angels dated 28.09.2010
10 Information received by the veterinary service DDSV La Manche, 10.03.2011
11 Information received by the operator of the control post, 12.03.2011
transported, scheduled control post and destination. The list is sent to the French Agriculture Ministry and, according to Animals’ Angels information, at least to the DDSV La Manche. Some of the control posts regularly give feedback to the French authorities and inform them if the scheduled transports arrived at their control post and how long they remained.

- The French competent Ministry gave orders to the veterinary service DDSV La Manche, locally responsible for Cherbourg Harbour, to carry out seven checks on the animals’ transports arriving in Cherbourg in 2011.

IV. Analysis of the current situation concerning the impossibility of ensuring proper enforcement

Problem No. 1: Lack of infrastructure
As mentioned above, in the peak times from January to June 12 around 7 – 10 transports of unweaned calves arrive at the same time with the same ferry twice every week. However, the only control post in the vicinity of the harbour has a capacity for only two trucks of unweaned calves. Consequently, the other 5 – 8 transports cannot unload and rest the calves in the vicinity of the harbour and cannot comply with the legal requirements.

Problem No. 2: Confusing (official) information
According to the list of approved control posts updated on 20th January, 2011 and published by the EU Commission, Directorate Health and Consumer Protection, the control post FR 50-238-028 at 50340 Héauville has a capacity for 2,000 calves. According to the information given by the veterinary service DDSV La Manche which regularly visits the premises of the control post and that is in permanent contact with the operator of the control post, the control post has a capacity for no more than 560 calves. Animals’ Angels is convinced that the information given by the DDSV La Manche (which is the closest controlling authority) is the correct information.

Problem No. 3: Planning and co-ordination
Since there is only one control post in the vicinity of Cherbourg harbour with space for only two trucks, no more than two transports of unweaned calves should be authorised by the authorities at the places of departure at the same time for this route to Cherbourg. This is in order to establish a situation conforming with the law. To achieve this, the corresponding communication should be established among the veterinary authorities in the countries of departure and with the control post respectively and the authorities in France. The Traces system, the European database for monitoring animal transports within the EU and to Third Countries is unsuitable for this purpose since the local veterinary services who authorise the long distance transports only have access to the data of the transports that have the place of departure or destination or a control post scheduled in their territory and thus they have no information about the animal transports departing from other territories or even other Member States.

However, since the Irish Ministry is already informing the French authorities about the transports arriving from Rosslare to Cherbourg, it should for be possible for the Irish Ministry to inform also the Irish and UK authorities as soon as there are two transports of unweaned calves scheduled per ferry and thus avoid that more than two transports of unweaned calves embark the ferry.

Problem No. 4: Authorities approve skirting around the law
The authorities at the places of departure in Ireland (and in the United Kingdom), the organizers and the transporters know perfectly well that there is only one control post for only two transports available in the vicinity of Cherbourg. This fact is clear from the beginning of the journey onwards. Nevertheless, even although it is clear that Regulation EC 1/2005 cannot be complied with, transports are authorized by the authorities which indicate in their planning another control post than the one in the vicinity of Cherbourg. As mentioned above, among these control posts are the one at Fougeres (FR – 35-115-083) and the one at Buigny Saint Maclou (FR- 80 149 – 040). The legal requirements are ignored with the blessing of the authorities. It is obvious that the main objective of the authorities involved is not the proper enforcement of EU legislation and animal protection but facilitating the Irish cattle trade. The EU animal welfare legislation, whose aim is to protect the animals, is stretched and badly interpreted in favour of the industry and to the disadvantage of the animals.

12 According to Animals’ Angels’ information
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Problem No. 5: Legal uncertainty due to different interpretations of the legislation
Even although the control post at Buigny Saint Maclou is not in the vicinity of Cherbourg but at a 5-hour drive from Cherbourg, the unweaned calves are unloaded and rested there for only 12 hours. According to the information given by the operator of the control post on 12³ March, 2011, corresponding permission was given to the operator by the French official veterinary service responsible. At Fougeres, however, (a 2 hour 30 minute-drive from Cherbourg), the French official veterinary service responsible does not see any reason to flout the law. Accordingly, at the control post at Fougeres, unweaned calves have to be unloaded and rested for 24 hours¹³. This illegal situation provokes legal uncertainties among veterinary services, transporters, organizers and operators of control posts.

Problem No. 6: Non-compliance with resting times
After more than one decade of continuous complaints about the issue, the authorities involved still cannot ensure that all unweaned calves are unloaded and rested for 12 hours at the control post of Héauville.

Problem No. 7: Lack of personnel at veterinary services
According to the information given by the operator of the control post (24.02.2010), the official veterinary service cannot come to the control post to check on the animals and to stamp the documents. According to his information, he himself is authorised by the veterinary service to carry out these checks. It is obvious that there is a severe conflict of interests.

The veterinary service responsible for the control post (DDSV La Manche) states that they cannot carry out checks at the control post at the time the trucks from Rosslare are there since the trucks arrive in the late afternoon and should depart between 4 and 5 o’clock in the morning depending on the arrival time of the ferry. At these hours of the day, the official veterinary service cannot carry out checks and thus cannot ensure that the animals remain 12 hours at the control post.

As mentioned above, Animals’ Angels has been informed by the veterinary service DDSV La Manche that the French Agriculture Ministry ordered this service to carry out seven checks on the animal transports arriving in Cherbourg in 2011. The veterinary service states they would be eager to do so but they are totally overburdened with work and will not be able to carry out seven transport checks at the harbour.

V. Further problems observed in the transports of unweaned calves on the route from Ireland to Continental Europe

1. Impossibility of supplying unweaned calves with adequate liquid during transport
According to the legal requirements unweaned calves have to be supplied with adequate liquid after 9 hours of transport. It is indisputable¹⁴ that this is not possible on board a truck. In practise therefore the supply during long distance transports of unweaned animals is simply dropped and the animals are not supplied with adequate liquid while on board the truck. This leads to severe animal suffering since during the permitted transport time of 19 hours the calves suffer from hunger, increased stress and exhaustion. For this problem there is no other solution than a strict limitation of the transport time for unweaned animals to a maximum of 8 hours.

2. Insufficient deck height
On several occasions, Animals’ Angels observed¹⁵ that the deck height for the calves in the transports coming from Rosslare was insufficient. The unweaned calves touched the ceiling of the upper decks with their heads and also with their backs. This problem could be solved by stricter controls and the presence of official veterinarians during loading operations at the places of departure who should ensure that the calves are loaded on two decks only.

3. Exceeded loading densities
On several occasions, Animals’ Angels observed¹⁶ that the loading densities for the unweaned calves were exceeded in the transports coming from Rosslare. Even though the current EU legislation on the

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¹³ See Annex 1
¹⁵ All Animals’ Angels reports can be requested at info@animals-angels.de
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protection of animals during transport does not offer detailed specifications for the space allowances for sea transports of unweaned calves, this problem could be solved by stricter controls and the presence of official veterinarians during loading operations at the places of departure.

4. Transports carried out with only one driver
Often the transports from Ireland via the seaway between Rosslare and Cherbourg to continental Europe are carried out with only one driver per truck. Since the road journeys to the final destination on the continent often exceed the 8-10 hours (as for example Héauville to Barcelona - 18 hours) with only one driver the transports have to stop at a parking lot on the road after 8–9 hours for a minimum of 8 hours in order to comply with the permitted driving periods for the driver. This leads to significant delays in the transport for the calves and often non-compliance of the permitted journey times for the calves which remain on board the parked truck during the drivers' breaks. This problem could be solved by a strict limitation of the journey times for unweaned calves adapting them to the driving periods.

VI. Conclusion

A major concern in long-distance transports of live animals is the low degree of compliance with legislation on the protection of animals during transport by the commercial operators involved in this trade. Reason for the non-compliance are mainly economic interests. It is the task of the veterinary authorities of the member states involved in the long-distance transports of live animals to ensure compliance with the community legislation during these transports. However, practice shows that even on routes where a lot of pressure is put on the authorities of the member states by the EU Commission services and by NGOs, as in this example of the route from Ireland to Continental Europe, the authorities cannot even ensure an acceptable level of compliance with the legislation. There are too many factors that have to be monitored and the means and resources available for the authorities are so limited that is impossible to ensure compliance with the very basic animal protection rules in long-distance transports. Thus the only solution is the strict limitation of the transport time for commercial transports of live animals to a maximum of 8 hours.
Annex 1:

Direction départementale des services vétérinaires d'Ille et Vilaine

SERVICE SANTÉ ET PROTECTION ANIMALES
Secteur Ruminants
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35000 Nantes

Dernier avis par : Gabriel BÉGOT
Tel. : 02 99 59 39 90
Fax : 02 99 59 39 99
Ref. : 2000000077

[Nom]

Madame, Monsieur,


Vous trouverez ci-joint un extrait de l’annexe au règlement cité en référence qui définit précisément les périodes de repos réglementaires. En ce qui concerne les veaux, production pour laquelle vous êtes agréée en tant que centre de rassemblement et point d’arrêt :

9 heures de transport - 1 heure de repos - 0 heures de transport - 24 heures de repos.

Le temps de transport pris en compte commence dès le chargement du 1er veau, et prend en compte le temps de traversée en bateau.

Je fais suivre votre courrier pour information, à l’attention du Directeur des Services Vétérinaires de la Manche, accompagné de cette réponse.

En espérant avoir répondu à vos interrogations,

Veuillez agréer, Madame, Monsieur, l’expression de mes sentiments les meilleurs.

P.S. : Annexé règlement 1/2005
Copie : DD-SV 3C

[Signature]

A. LEGAVELIER

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