

TRANSPORT OF UNWEANED CALVES FROM IRELAND TRANSITING FRANCE

Report on 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

I. Introduction

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 that gave rise to concern 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 Mondiale 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.

Recently, Animals' Angels again conducted investigations on the route from Ireland via Rosslare (IE) and Cherbourg (F) harbours to different EU Member States. The investigations concentrated on the transport of unweaned calves and were carried out on 24th February, 10th – 12th March and 24th March 2010. **Once again, one of the major concerns in the transports observed during these investigations was non-compliance with the obligatory resting times for the animals.**¹

II. General information on the transports of cattle from Ireland via France to Continental Europe

According to Animals' Angels observations, around 40 cattle transports² take place every week from Ireland to continental Europe via the seaway between Rosslare and Cherbourg. The sea transport is carried out by roll on/roll off ferries operated by the ferry line "Celtic Link". The crossing from Rosslare to Cherbourg takes 18 - 19 hours³. Animals' Angels has observed that approximately one quarter of the cattle transported on this route are unweaned Holstein/Frisian bull calves under two months of age. 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 immediately after their arrival in Cherbourg. The nearest approved control post in the vicinity of Cherbourg harbour authorized for unweaned calves is the control post FR 50-238-028 at 50340 Héauville (France). The distance between Cherbourg and Héauville is around 24 kilometres. The majority of the transport companies involved in the trade of cattle from Ireland to continental Europe are Irish; a smaller number are from the United Kingdom and the Netherlands. The usual destinations for the calves are Spain, Italy, the Netherlands and Belgium.

III. Detailed Findings

A. Observations regarding Unloading and Resting times

Wednesday, 24.02.2010

The Animals' Angels team is at Cherbourg harbour, France, awaiting the arrival of the ferry *Norman Voyager* operated by Celtic Link, coming from Rosslare, Ireland. The ferry is scheduled for 14:30.

¹ The transport of unweaned calves holds numerous problems. These problems are not dealt with in this report since it concentrates on the deficiencies found at the control post FR 50-238-028 at Héauville. For more information on the transport of unweaned calves please see Annex I and II and request further reports at info@animals-angels.de.

² The export of calves from the ROI to continental Europe is seasonal, peaking in Spring

³ Acc. to schedule of the ferry line

15.50

The ferry *Norman Voyager* arrives at Cherbourg harbour.

Around 20 trucks transporting cattle disembark.

Animals' Angels observes the following 4 animal transports that disembarked going directly to the control post FR 50 – 238 – 028 at Héauville.

- 1) **Animal transport, one compartment truck, red, red tractor, with inscription on tractor “Livestock and General Haulage, 028 – 25684249”, licence plate (UK, Northern Ireland) WKZ6730**
(Company McCurdy Livestock Transport; Wilson McCurdy (Jnr); 229 Carnlough Road; Broughshane; Ballymena; County Antrim; Northern Ireland; BT42 4LX)
- 2) **Animal transport, one compartment truck, silver/burgundy with inscription on flap Murphy Hunter, licence plate (Ireland) 00C35070**
(Company name written on the truck Murphy Hunter International Livestock Ltd., Castlekevin, Mallow, Ireland⁴)
- 3) **Animal transport with licence plate (UK Northern Ireland) WLZ 5911**
(Company unknown)
- 4) **Animal transport, white, one – compartment truck with one blue stripe, licence plate (Ireland) 07C2060**
(Company Liam Buckley Transport Ltd., Raleigh North, Macroom, Ireland)

Holstein/Frisian calves younger than 2 months of age are loaded on these trucks.

The Animals' Angels team follows the trucks to the control post at Héauville.

16:55 -17:30

The above mentioned trucks arrive at the control post at Héauville

17:31

The **truck with Irish licence plate 07C2060** (Company Liam Buckley) **leaves** the control post. Holstein/Frisian calves of less than two months old are loaded onboard the truck when it leaves the control post.

The truck remained at the control post a maximum of 47 minutes.

The person in charge of the control post, Mr. Pignet gives the Animals' Angels team the following information regarding this transport:

- 265 unweaned calves were loaded on the truck
- He (Mr. Pignet) stamped the journey log and since the driver did not want to unload the animals, the driver departed again after receiving the stamped journey log.

Information taken from the journey log:

- Place of departure: Cork, Ireland
- Country of destination: Netherlands
- Estimated transport time: 48.5 hours
- Scheduled resting points: J.L.Pignet 12 hours (*Control post Heauville*)

As Mr. Pignet mentioned, the journey log has the stamp of the control post at Héauville. The control stamp is placed in section 1 (Planning) of the journey log in field 6.4. corresponding to the indication of 12 hours rest.

⁴ According to the list of transporters Type 2 available under www.agriculture.gov.ie/.../transportofliveanimals/TYPE2List050210.xls, the authorisation of this company has been withdrawn and possible the means of transport is used by another company.

17:42

The truck with **UK licence plate (Northern Ireland) WLZ 5911** leaves the control post. Holstein/Frisian calves of less than two months are loaded onboard the truck when it leaves the control post.

The truck remained at the control post a maximum of 47 minutes.

The Animals' Angels team remains at the control post.

"The person in charge of the control post states that he cannot force the drivers to remain at the control post for 12 hours. He knows they should but it is not his duty to make sure they do so."

17:45

The trucks with **UK licence plate WKZ6730** (Company Wilson McCurdy) and with **Irish licence plate 00C35070** (inscription of truck Murphy Hunter) unload the calves from the trucks into the premises of the control post.

19:00

Mr. Pignet shows the Animals' Angels' team the stables.

20:50

After reloading the calves, the trucks with **UK licence plate WKZ6730** (Company Wilson McCurdy) and with **Irish licence plate 00C35070** (inscription of truck Murphy Hunter) leave the control post.

The trucks remained at the control post a maximum of 2 hours and 55 minutes. Within this time the unweaned calves were unloaded and reloaded.

The Animals' Angels team follows the trucks which take the route D1117 in direction of Saint - Lô and further onto the A 84.

For further information on the trailing of the truck with UK licence plate WKZ6730 please see Annex I.

Wednesday, 10th March 2010

The Animals' Angels team is at Cherbourg harbour, France, awaiting the arrival of the ferry *Norman Voyager* operated by Celtic Link coming from Rosslare, Ireland. The ferry is scheduled for 14:30.

15:30

The ferry *Norman Voyager* enters the harbour

16:00

Unloading of the ferry starts.

Approximately 20 trucks transporting cattle disembark.

The following three trucks go directly to the control post FR 50–238–028 at Héauville:

- 1) Animal transport, one compartment truck, silver with black frame, white tractor, with inscription on tractor: O'Brien Bros. and picture of a bull on flap, Irish licence plate 05C21784**
(Company Colm O' Brien, Ballyorgan, Kilfinane, Ireland)

- 2) **Animal transport, one compartment truck, silver dark red with inscription on flap Murphy Hunter, Irish licence plate 00C35070** (*Company name written on the truck Murphy Hunter International Livestock Ltd., Castlekevin, Mallow, Ireland⁵*)
- 3) **Animal transport, one compartment truck, red, with red tractor, with inscription on tractor Livestock and General Haulage, 028 – 25684249, UK licence plate WKZ6730.** (*McCurdy Livestock Transport; Wilson McCurdy (Jnr); 229 Carnlough Road; Broughshane; Ballymena; County Antrim; Northern Ireland; BT42 4LX*)

Holstein/Frisian calves under 2 months of age are loaded on these 3 transports.

The transports arrive at the control post between 16:44 and 16:55

The transports with **Irish licence plates 05C21784** and **00C35070** unload the animals in the stables of the control post.

19:43

The transport with **Irish licence plate 05C21784** leaves the control post, having reloaded the animals he carried before from Ireland to France.

The transport remained at the control post for 3 hours. Thus, the animals were unloaded for less than 3 hours.

Approximately 20:00

The transport with **UK licence plate WKZ6730** leaves the control post, having reloaded the animals he carried before from Ireland to France.

The transport remained at the control for around 3 hours. The animals were unloaded for less than 3 hours.

The Animals' Angels team follows this truck.

For further information on the trailing of the truck with UK licence plate WKZ6730 please see Annex II.

(Since Animals' Angels followed the truck with UK licence plate WKZ6730 no statement can be made regarding the time the truck with Irish licence plate 00C35070 left the control post.)

Friday, 12th March 2010

The Animals' Angels team is at Cherbourg harbour, awaiting the arrival of the ferry *Norman Voyager* operated by Celtic Link, coming from Rosslare, Ireland. The ferry is scheduled for 15:30.

16:10

The ferry *Norman Voyager* arrives at Cherbourg harbour.

16:35

The unloading of the ferry starts.

The Animals' Angels team observes 16 trucks loaded with cattle disembarking.

8 of the 16 trucks observed go directly to the control post FR 50 – 238 – 028 at Héauville.

Among these 8 trucks are the following trucks:

⁵ According to the list of transporters Type 2 available under www.agriculture.gov.ie/.../transportofliveanimals/TYPE2List050210.xls, the authorisation of this company has been withdrawn and possible the means of transport is used by another company.

1) Animal transport, one-compartment truck with gooseneck, silver, white tractor, picture of bull on the flap, Irish licence plate 06LK2572.

(Company Colm O' Brien, Ballyorgan, Kilfinane, Ireland)

2) Animal transport, lorry with trailer, silver/red, Dutch licence plate WNXX35

(Company unknown)

3) Animal transport, one-compartment truck, green, Irish licence plate 03LD1655, inscription on tractor Dalton.

(Company unknown)

Holstein/Frisian calves under 2 months of age are loaded on these trucks.

Approx. 17.30

The 3 above-mentioned trucks arrive at the control post FR 50 – 238 – 028 at Héauville

19:43

The truck with **Irish licence plate 03LD1655** leaves the control post.

Holstein calves under two months of age are loaded onto the truck.

The Animals' Angels team follows the truck which heads in direction of the national road.

19:52

The truck stops at a roundabout approximately 2 km after passing the village of Héauville.

19:57

The truck turns around and goes back to the control post at Héauville.

The Animals' Angels team waits in the vicinity of the control post. However, the team is forced to leave the place as it is threatened by several men from the control post, in particular drivers. The team reported previous threats and damage caused to the car of the Animals' Angels team by an Irish driver to the police at Cherbourg in the afternoon of the same day.

Wednesday, 24th March 2010

The Animals' Angels team is at Cherbourg harbour, France, awaiting the arrival of the ferry *Norman Voyager* operated by Celtic Link, coming from Rosslare, Ireland. The ferry is scheduled for 14:30.

The ferry *Norman Voyager* arrives late at Cherbourg harbour.

16:00 – 17:00

The ferry is unloaded.

21 trucks transporting cattle disembark.

Animals' Angels observes the following 4 trucks transporting Holstein/Frisian calves under 2 months of age going directly to the control post FR 50 – 238 – 028 at Héauville

1. Animal transport with Irish licence plate 06-OY-293

(Company unknown)

2. Animal transport with Irish licence plate 04LK5554

(Company Colm O' Brien, Ballyorgan, Kilfinane, Ireland)

3. Animal transport with Irish licence plate 00C35070 (Company name written on the truck *Murphy Hunter International Livestock Ltd., Castlekevin, Mallow, Ireland*⁶)

4. Animal transport with Irish licence plate 07WH4463
(Company *TLT International Ltd. KilmalGLISH, Knockdrin, Mullingar*)

17.30

The 4 above-mentioned trucks are at the control post at Héauville.

The Animals' Angels team leaves the control post and returns later.

21.30

No truck is at the control post.

B. Further Observations and Information received

Wednesday, 24th February 2010

The Animals' Angels team observes one of the employees of the control post hitting a calf very hard with a prod on its head.

M. Pignet states that he does the obligatory checks at the control post himself. He states that he is authorised for this purpose by the competent authority. When necessary, he calls a clinical veterinarian.

Mr. Pignet explains that unloading the animals for 12 hours is far too long. In his opinion a 3 hour-unloading is enough. Furthermore, he states, he cannot force the drivers to remain at the control post for 12 hours. He knows they should but it is not his duty to make sure they do so. It is up to them.

IV. Infractions derived from Animals' Angels' observations⁷

1) Obligatory resting times for unweaned calves not respected

All the above-mentioned transports observed by Animals' Angels at the control post at Héauville carried Holstein/Frisian calves of up to 2 months of age. Calves up to 2 months are considered as unweaned. Unweaned calves may be transported for a maximum transport time of 19 hours (Annex I, Chapter V, point 1.4. (a) to Council Regulation EC 1/2005) The Celtic Link crossing from Rosslare to Cherbourg is already 18–19 hours. Therefore, including journey time to the harbour and waiting times, loading and unloading times, in all cases of transports of unweaned calves on this route, the maximum transport is exceeded when the calves arrive in France. Thus, according to the special rules for intra communitarian sea transport with roll on/roll off ferries, (Annex I, Chapter V, point 1.7.(b) to Council Regulation EC 1/2005) the animals must be unloaded for 12 hours in the immediate vicinity of the harbour on arrival at the port of destination.

This means that a 12-hour time period must exist between the time the last animal is unloaded from the means of transport at an approved control post and the first animal being reloaded again.

All the above-mentioned transports observed did not comply with the requirement to unload and rest the animals for 12 hours. Either the animals were not unloaded at all or they were unloaded for a short time, a maximum of 4 hours.

⁶ According to the list of transporters Type 2 available under www.agriculture.gov.ie/.../transportofliveanimals/TYPE2List050210.xls, the authorisation of this company has been withdrawn. Possibly the means of transport is used by another company.

⁷ Even if Animals' Angels is convinced that the findings detected at Héauville control post are also relevant to criminal law, this report only deals with EU legislation regulating animal protection in intra communitarian transports.

This constitutes severe infractions against legislation on the protection of animals. In these infractions, the transporters (and organizers), the person in charge of the control post at Héauville and the competent authorities are involved.

a) Responsibility of the transporters

The transporters infringed Article 6 (3) in connection with Annex I, Chapter V, point 1.7. (b) and point 1.4. (a) of Council Regulation EC 1/2005. Since the concerns of this report are the operations at the control post FR - 50 – 238 – 028 at Héauville, the report does not deal further with the infractions committed by the transport companies and the organisers.

b) Responsibility of the person in charge of the control post

aa) Control post not used according to the legal definition

According to the legal definition of Article 1 (1) of Council Regulation EC 1255/97 (concerning Community criteria for control posts), control posts are places where animals are rested for at least 12 hours or more.

The control post at Héauville is officially approved for this purpose. However, it is not used for this purpose on a regular basis. According to the observations made by Animals' Angels it is very often used as a place where animals are unloaded for an average time of 3 hours or where transporters pass by to get the journey log stamped.

The control post FR 50 – 238 – 028 at Héauville is not operating according to the aims and objectives of a community control post established in Council Regulation EC 1255/97.

bb) Welfare of the animals staying at the control post not guaranteed

According to Article 5 lit. (d) the operator of a control post has to take all necessary steps to guarantee the welfare of the animals staying at the control post.

The operator of the control post at Héauville regularly allows animals to be unloaded for less than 12 hours. He does not therefore guarantee the welfare of the animals staying at the control post. If they are not unloaded for at least 12 hours, the animals cannot rest, feed or digest adequately.

This constitutes an infraction of Article 5 lit. (d) of Council Regulation EC 1255/97.

cc) Incorrect database notification

According to Article 5 lit. (h) in connection with the Annex, point C.7 (a) the operator of the control post must notify (within one working day after the departure of a consignment) the date and time of completion of unloading and commencement of reloading of each consignment. The information has to be stored in a database.

Since it seems that the majority of consignments passing through Héauville control post are not unloaded for the obligatory 12 hours, but either not at all or for a maximum of 3 – 4 hours, it must be concluded that the database information transmitted by the operator of the control post to the competent French authority is incorrect.

This constitutes an infraction of Article 5 lit. (h), in connection with the Annex point C.7 (a) of Council Regulation EC 1255/97.

dd) Authorities not informed of any irregularities

According to Article 5 lit. (i), the operator of a control post is obliged to inform the competent authorities at the earliest opportunity of any perceived irregularities.

Since it has to be considered as the regular way of operation at the control post at Héauville that the consignments are not unloaded at all or not longer than 3 - 4 hours, it must be concluded that the operator does not inform the authorities of these irregularities.

This constitutes an infraction of Article 5 lit. (i) of Council Regulation EC 1/2005.

c) Responsibility of the veterinarian designated by the competent authority to confirm on the journey log that the animals are fit to continue their journey.

aa) Animals not fit to continue the journey

According to the information given by the person in charge of the control post, Mr. Pignet, he is also the person designated by the competent authority to confirm on the journey log that the animals are fit to continue the journey, according to Article 6 (1) of Council Regulation EC 1255/97.

According to the information given by Mr. Pignet and according to observation by Animals' Angels the journey logs are also stamped (and thus the continuation of the journey authorized), when the animals have not been unloaded at all or significantly less than 12 hours.

Without being unloaded and given sufficient time to feed, rest and digest adequately, the animals cannot be considered as fit to continue the journey.

This constitutes a violation of Article 6 (1) of the Council Regulation EC 1255/97.

bb) Undue suffering caused to the animals

According to Article 3 no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them.

By authorizing the further transport of the animals after being unloaded for less than 12 hours, the designated veterinarian causes undue suffering to the animals.

This constitutes a violation of Article 3 of Council Regulation EC 1/2005.

d) Responsibility of the competent authority in France

aa) Control post not operating in compliance with Community rules

According to Article 3 (3) lit. (c), the Member States shall ensure that the control posts operate in compliance with all relevant Community rules regarding movements of animals.

At the control post the obligatory resting times for the animals are not respected. This constitutes an infraction of Annex I, Chapter V, point 1.4. , 1.5., 1.7. (b) to Council Regulation EC 1/2005 on the protection of animals during transport. The Member State France thus does not ensure that the control post at Héauville operates in compliance with all relevant Community rules regarding movement of animals.

This constitutes an infraction of Article 3 (3) lit. (c).

bb) Integrity of veterinary certification

According to Article 4 of Council Directive 96/93 on the certification of animals and animal products, the competent authority shall take all necessary steps to ensure the integrity of certification.

Due to the large number of animals that are rested at the control post at Héauville for less than 12 hours, it must be concluded that the checks carried out by the competent authority at the control post are insufficient. Furthermore, by authorising the person in charge of the control post for the purpose of confirming the fitness of the animals to continue the journey provokes a conflict of interests. Thus the competent authority is not taking the necessary steps to ensure integrity of veterinary certification

This constitutes a violation of Article 4 of Council Directive 96/93.

cc) Undue suffering caused to the animals

According to Article 3 no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them.

The disrespect of the obligatory resting times could have been avoided by adequate and sufficient checks carried out by the competent veterinary authority.

By not subjecting the control post at Héauville to appropriate and sufficient check-ups the competent authority in France caused the animals to be transported in a way that caused undue suffering to them.

This constitutes an infraction of Article 3 of Council Regulation EC 1/2005.

2) Inadequate treatment of the animals at the control post

On 24th February the Animals' Angels team observed an employee of the control post hitting a calf very hard on his head, inside the premises of the control post.

a) Responsibility of the person in charge of the control post

aa) Welfare not guaranteed

According to Article 5 lit. (d), the operator of a control post has to take all necessary steps to guarantee the welfare of the animals staying at the control post.

The person in charge of the control post did not ensure that the animals were not struck by the employees of the control post on sensitive parts of their bodies.

This constitutes an infraction of Article 5 lit. (d) of Council Regulation EC 1255/97.

bb) Staff employed without appropriate skills

According to Article 5 lit. (f), of Council Regulation EC 1255/97, the operator of a control post shall use staff that possess appropriate skills in handling animals correctly.

On 24th February the Animals' Angels team observed an employee hitting a calf very hard on his head. This staff member obviously has no skill in handling animals correctly. Thus, it has to be concluded that the operator employed inadequate personnel to handle the animals.

This constitutes an infraction of Article 5 lit. (f) of Council Regulation EC 1255/97.

cc) The necessary steps were not taken so that all those handling animals complied with the relevant animal welfare provisions.

According to Article 5 lit. (g), the operator of a control post is obliged to take the necessary steps to ensure that all those handling animals at the control post comply with the relevant animal welfare provisions.

Hitting animals on their heads does not only show a lack of training and skill but is also forbidden by Annex I, Chapter III, point 1.8 (a) and (b) of Council Regulation EC 1/2005 as well as by Annex point C. 3 (c) of Council Regulation EC 1255/97.

Thus the operator did not take the necessary steps to ensure that the personnel handling the animals complied with the relevant animal welfare provisions.

This constitutes an infraction of Article 5 lit. (g) of Council Regulation EC 1255/97.

V. Conclusions

Severe infractions of EU legislations on the protection of animals have been detected at the control post FR 50 – 238 – 028 at Héauville. For obvious reasons it has to be assumed that these infractions have been taking place for a long time and are still continuing.

This is a serious case in the area of animal welfare. As a consequence, according to Article 3 (4) of Council Regulation EC 1255/97 the French authorities must suspend the use of the control post.

VI. Further concerns regarding non-compliance with obligatory resting times

From 20th to 24th April 2009 the Food and Veterinary Office (European Commission Health & Consumers, Directorate F) carried out an investigation in France in order to evaluate the implementation of rules on the protection of animals during transport.

During this investigation, the team visited one control post in France. Among other deficiencies the team found that in 44 out of 55 registered transports at the control post during the first 8 months of 2008, the animals were rested less than 24 hours, contrary to the provisions laid down in point 1.5 of Chapter V of Annex I to Regulation EC1/2005.

One of the conclusions of this investigation was that *“official controls in the control post visited were inadequate and the competent authority had not ensured that all the provisions of Regulation (EC) No. 1255/07 are respected.”*

Obviously the deficiencies in the official controls at control posts are continuing and have not been remedied yet by the French authorities in spite of the fact that France is an important transit country for many busy transport routes.

VII. Final Conclusion

This example, of illegal operating at a control post, inadequate official control, the illegal transport practices and the insolence of transport companies shows once again that enforcement of legislation on the protection of animals during transport does not work within Europe. For years, on the same transport route, transporters have not respected the resting times for the animals. This practice is a well known secret, but none of the authorities involved, neither at the place of departure, nor during transit or at the destination take measures to remedy the shortcomings in animal protection. And it shows again that transporters and organisers are not willing to comply with requirements of animal protection, or that the rules of industry and commerce does not allow them to comply with the requirements of animal protection. Enforcement regarding legislation on the protection of animals during transport has not been working for the last 20 years. It is unrealistic to believe enforcement will work in the future.

Thus the only conclusion can be that transports of live animals related to any economical activities must be strictly reduced to 8 hours in order to avoid severe suffering for the animals.

Signed
Julia Havenstein

Annex I: Report on Transport of Unweaned Calves from Ireland to Spain, 23. –
25.02.2010

Annex II: Report of Transport of Unweaned Calves from Ireland to the Netherlands, 09. –
12.03.2010