



**EUROPEAN COMMISSION**  
**DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY**

**Deputy Director General for Food Safety**

Brussels,  
 SANTE G2/SR/rb (2016) 3377362

Dear Petitioner,

**Subject: Petition "Animal transport/exporting over 5000 cattle this month to Turkey"**

Commissioner Andriukaitis asked me to thank you for your e-mail presenting the petition "*Animal transport / exporting over 5000 cattle this month to Turkey*" and to reply on his behalf.

Based on concerns for suffering of live animals exported to Turkey, the petition calls on the Commission to take actions against the export of 5000 cattle from the European Union (EU) to Turkey this month, when the summer temperatures are expected to increase.

I find it important to recall the relevant provision set out in point 3.1 of Chapter VI of Annex I to Council Regulation (EC) No 1/2005 on the protection of animals during transport<sup>ii</sup> as follows: "*Ventilation systems on means of transport by road shall be designed, constructed and maintained in such way that, at any time during the journey, whether the means of transport is stationary or moving, they are capable of maintaining a range of temperatures from 5°C to 30°C within the means of transport, for all animals, with a +/- 5°C tolerance, depending on the outside temperature.*"

On several occasions, the Commission has urged the Turkish authorities to optimize their controls and to improve their facilities at the border inspection posts, and will continue to do so. However, the Commission has no legal power to impose EU standards on Turkey and proposing a general ban on exports of live animals to non-EU countries would not be proportionate, as it would affect all operators without distinction, penalising the compliant ones. Moreover, it would represent a possibly unjustified restriction to trade with risk of not complying with EU and WTO law.

Animal welfare legislation which should be applied sets clear competences. The application and enforcement of the EU animal welfare legislation rests with the Member States of the European Union which therefore should act in similar cases.

However the Commission is obviously concerned about animal suffering and acts in its area of competence. As an example it supports Member States by organising regular meetings of the National Contact Points<sup>iii</sup> on animal welfare during transport in order to support the effective implementation by responsible authorities. During the last meeting on 18-20 May 2016 the conditions and procedures related to the transport and export of live animals, including weather conditions particularly during the summer, were also discussed with the aim of finding operational solutions and quick exchange of

information related also on weather forecast. The next meeting of the National Contact Points is scheduled for September this year. In addition the Commission sent a letter in June to all Member States to alert them about the situation with recommendations to strengthen their checks related to the export of live animals to non-EU countries.

The Commission continues to monitor the state of implementation of the EU legislation on the transport of animals by using different tools, including annual reporting on the inspections carried out by Member States in accordance with Article 27(2) of Regulation (EC) No 1/2005<sup>iv</sup>, audits and specific discussions with Member States. In addition a specific project addressing exports of live animals to non-EU countries has been initiated and it is planned to include, from 2017, audits in exporting Member States and at EU exit points as well as fact-finding visits to Turkey.

I would like to underline that the Commission will continue to promote animal welfare in the EU and facilitate interaction of Member States on this issue.

Yours sincerely,



Ladislav Miko

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- <sup>i</sup> Your e-mail refers to a "petition", which in the framework of EU Law is used for petitions addressed to the European Parliament pursuant to Article 227 TFEU. Your letter is dealt with by the Commission according to the rules for correspondence with citizens.
- <sup>ii</sup> OJ L 3, 5.1.2005, p. 1.
- <sup>iii</sup> The network has been established on the basis of Article 24 of Council Regulation (EC) No 1/2005 which requires mutual assistance and exchange of information between Member States and a contact point to facilitate these exchanges.
- <sup>iv</sup> More detailed rules on the contents of these annual reports are laid down in Commission Implementing Decision 2013/188/EU on annual reports on non-discriminatory inspections carried out pursuant to Council Regulation (EC) No 1/2005 on the protection of animals during transport (OJ L 111, 23.4.2013, p. 107).