

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

02 March 2015

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 4 March 2015 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

- 9 **SCRUTINY REPORT ON THE MOTION ON LIVE ANIMALS EXPORTS** (Pages 2 - 42)

To consider the report of the Scrutiny (Community and Regeneration) Committee in respect of the following Motion referred to it by Council:

"This Council opposes the resumption of the export of live animals to continental Europe from the port of Dover, despite widespread opposition from the British public and resolves to lobby the Secretaries of State for Transport and for Environment, Food and Rural Affairs to amend the outdated Harbours, Docks and Piers Clauses Act 1847 in order to allow port authorities in the UK the right to refuse the use of its port to any ship involved in such activities. The Council also resolves to lobby Dover Harbour Board to grant RSPCA inspectors access to the port and inspect any future shipments of live animals to the Continent."

The final report of the Scrutiny (Community and Regeneration) Committee is attached.

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Smith", written over a white background.

Chief Executive



Council Motion on Live Animal Exports

Scrutiny (Community & Regeneration) Committee

[This page has intentionally been left blank.]

Contents

Recommendations of the Scrutiny (Community and Regeneration) Committee	4
Executive Summary	6
Scope of the Review	9
Research Report	10
Supporting Papers	19
Source Material Used in Compiling the Report	20

Recommendation of the Scrutiny (Community and Regeneration) Committee

RECOMMENDATION: That it be recommended to Council:

- (a) That the health and welfare of animals, including when in transport, be considered paramount.
- (b) That the Council write to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Areas to urge an amendment to the Harbour, Docks and Piers Clause Act 1847 for the purpose of giving ports discretion in respect of accepting the transport of live animals for the purpose of slaughter.

By way of example it is suggested that a change to the Act along the following lines (as shown in *italics*) would facilitate this:

3. Interpretations in this and the special Act.

The word: "goods" shall include wares and merchandize of every description *except live animals*, and all articles in respect of which rates or duties are payable under the special Act.

33. Harbour, dock, and pier free to the public on payment of rate.

Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers, *save that the undertakers have discretion to refuse use of the Harbour, Dock and Pier for the purpose of the export of live animals for slaughter.*

- (c) That the Council urge the responsible European and British authorities to better enforce existing regulations relating to the transport of live animals.
- (d) That the Council express its support for inspectors from the Royal Society for the Prevention of Cruelty to Animals (RSPCA) being granted access to work alongside officers from the Animal and Plant Health Agency (formerly the Animal Health and Veterinary Laboratories Agency) at all ports involving the export of live animals.

[This page has intentionally been left blank.]

Executive Summary of the Views of the Committee

The Scrutiny (Community and Regeneration) Committee having considered the original motion and the views received from those organisations and individuals that accepted the invitation to meet with it or respond in writing and the contents of the research report, has formed the following view at its meeting held on 25 February 2015.

The Scrutiny (Community and Regeneration) Committee, while accepting that the export of live animals for slaughter and other purposes is a legal trade and as such it would be illegal to impede it, expresses concern that on the basis of testimony received that the current regulations governing trans-national journeys of animals may not be effectively and consistently enforced throughout the duration of the journey.

In respect of journeys by sea, the Committee does not choose to draw a distinction between this and journeys by land so long as the vessel used for transport is fit for the purpose. The primary concern of the Committee is with the journey length and the conditions in which animals are transported. However, this should not be taken to mean that the Committee expresses any criticism in general of British hauliers involved in transporting live animals for export.

The Committee while recommending changes to the Harbours, Docks, and Piers Clauses Act 1847 acknowledges that the issue of amending European legislation, and in particular Regulation 1/2005, relating to the single market may be engaged. However, it is the opinion of the Committee that animals should not be treated as 'goods' but rather as sentient beings with the resultant legislative changes to reflect this position.

The Committee feels that it is important to draw a distinction between the export of live animals for slaughter and live animals exported for other purposes such as breeding stock. It acknowledges that while ethically it may not be the desired situation, the export of live animals for purposes such as breeding have a greater financial value attached to them which increases the likelihood that they will be treated better on trans-national journeys.

In respect of the Port of Dover, the Committee accepts that there is no space at the port for lairage but would support the creation of local lairage points to be used to rest animals in transit. This could also have economic benefits for the local economy. The Committee sees a welfare benefit in a maximum journey time of 8 hours for animals destined for slaughter but believes that in principle this is still potentially too long.

The Committee has not expressed support for a carcass only export trade as it was felt that this was outside of the remit set by the original motion. However, it sees benefit in improved labelling laws due to come into effect across Europe later this year which will make it easier for consumers to identify the place of origin, as well as the place of slaughter, of meat.

The Committee acknowledges that the Animal and Plant Health Agency (APHA), formerly known as the Animal Health and Veterinary Laboratories Agency (AHVLA), is the responsible agency for inspection of live animals for export and makes no criticism of its operations. However, the Committee is of the opinion that there would be benefit in bringing in additional expertise from the Royal Society for the Prevention of Cruelty to Animals (RSPCA) to assist at any UK ports where live animals are exported.

The Committee would like to express its disappointment at the unwillingness of representatives from the Animal and Plant Health Agency (APHA), formerly known as the Animal Health and Veterinary Laboratories Agency (AHVLA), to meet with the Committee as part of this review. While accepting that the APHA was willing to respond to written enquiries of the Committee, it is felt that representatives from a government agency should have been prepared to meet with local elected representatives on this matter.

Finally, the Chairman of the Scrutiny (Community and Regeneration) Committee would like to thank all Members who participated in the Review and those external witnesses who engaged with it in either written submissions or through meeting with the Committee during the process of gathering this information.

[This page has intentionally been left blank.]

Scope of the Review

Council Motion

The Council at its meeting held on 24 July 2013 requested that the Scrutiny (Community and Regeneration) Committee action the following Motion:

"This Council opposes the resumption of the export of live animals to continental Europe from the port of Dover, despite widespread opposition from the British public and resolves to lobby the Secretaries of State for Transport and for Environment, Food and Rural Affairs to amend the outdated Harbours, Docks and Piers Clauses Act 1847 in order to allow port authorities in the UK the right to refuse the use of its port to any ship involved in such activities. The Council also resolves to lobby Dover Harbour Board to grant RSPCA inspectors access to the port and inspect any future shipments of live animals to the Continent."

The Review was delayed due to the more time sensitive review on hydraulic fracturing ('fracking') and did not commence until April 2014.

Methodology

The Committee has sought to gather evidence via the following methods:

- Research report provided by Democratic Support at the start of the review process.
- Oral evidence gathered from individuals and representatives of organisations who attended a meeting with the Committee.
- Written evidence gathered from individuals and representatives of organisations who did not attend a meeting with the Committee.

In compiling this report it should be noted that the subject of the motion is a very emotive issue. To this end the Committee has sought to approach the matter with an open mind and draw conclusions based on the information that it has been able to gather.

Research Report

1. Introduction

1.1 The original motion raises three points which the Committee has attempted to address in gathering information for this review. These points are as follows:

- Whether to lobby the Government to oppose the resumption of the export of live animals to Europe from the Port of Dover;
- To amend the Harbours, Docks and Piers Clauses Act 1847 to give ports the discretion to refuse their use for the export of live animals; and
- Whether to lobby in support of inspectors from the Royal Society for the Prevention of Cruelty to Animals (RSPCA) being granted access to the Port of Dover for the purpose of inspecting shipments of live animals.

1.2 The Committee has sought to address these three points during the course of its review.

2. Background

Animal Welfare Principles

2.1 The five freedoms are a compact of rights for animals under human control, including farmed animals, and are as follows:

1. **Freedom from hunger or thirst** by ready access to fresh water and a diet to maintain full health and vigour
2. **Freedom from discomfort** by providing an appropriate environment including shelter and a comfortable resting area
3. **Freedom from pain, injury or disease** by prevention or rapid diagnosis and treatment
4. **Freedom to express (most) normal behaviour** by providing sufficient space, proper facilities and company of the animal's own kind
5. **Freedom from fear and distress** by ensuring conditions and treatment which avoid mental suffering

2.2 In the UK, the Farm Animal Welfare Committee (FAWC) advises the Department for Environment, Food and Rural Affairs (DEFRA) on the welfare of farmed animals. FAWC has included the concept of minimum standards of animal welfare being assessed against an animal's quality of life, that an animal should have a 'life worth living' from its point of view and that an increasing number should have a 'good life'.

How many animals are exported?

2.3 In 2012, the EU Commissions TRACES Data Warehouse provided the following information, quoted in answer to a UK Parliamentary Question, on the four largest importers for each species of animal from the UK:

Table 1: Numbers of Animals Exported from the UK to Main Country of Destination (2011)¹

	Country	Number	Country	Number	Country	Number	Country	Number	Total
Sheep	Belgium	8,827	France	23,670	Ireland	338,682	Netherlands	13,672	388,394
Pigs	Belgium	319	Spain	653	Ireland	5,795	Malta	529	7,643
Cattle	Spain	20,472	France	2,022	Ireland	14,830	Italy	973	38,901
Horses	Belgium	1,099	Spain	899	Germany	1,365	Netherland	1,183	6,973

2.4 The figures for 2012 showed a small change in the total number of animals exported to European Union Members States as follows:

- Sheep – 436,488 (Up 48,094)
- Pigs – 8,151 (Up 508)
- Cattle – 19,477 (Down 19,424)
- Horses – 16,861 (Up 9,888)

The Rural Economy and the Economic Benefits of Animal Exports

2.5 The value of animal exports to the UK economy varies by country, with live animal exports of greatest value to Scotland (0.32% as a percentage of all exports in 2011) and least value to Wales (statistically 0.00% as a percentage of all exports in 2011). The total value of live animal exports to the United Kingdom in 2011 was £401,452,000.

Table 2 - UK exports of live animals by region, 2001 to 2011, net mass in tonnes²

Year	England	Northern Ireland	Scotland	Wales	Unknown	United Kingdom
2001	6,750	4,747	805	813	1,661	14,776
2002	6,952	7,966	878	414	2,356	18,566
2003	6,972	4,639	2,640	81	6,508	20,840
2004	5,974	5,866	913	65	7,109	19,927
2005	5,597	7,467	913	64	3,657	17,698
2006	6,197	8,598	684	384	8,745	24,608
2007	5,157	5,375	392	13	9,778	20,715
2008	4,178	2,521	228	4	9,162	16,093
2009	4,478	1,784	226	1	6,376	12,685
2010	2,554	3,907	377	80	3,951	10,869
2011	3,265	6,989	366	62	1,709	12,391

¹ <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121204/text/121204w0002.htm#12120466000509>;

² Source: HMRC UK Trade info

- 2.6 In 2011, the single largest destination for live animal exports was to Ireland (37%) rather than any continental European nation. France, Hong Kong and the United States of America each received 7% of UK live animal exports. In total, these four nations were the destination for 58%³ of all UK live animal exports, the majority of which would not have passed through an East Kent port.
- 2.7 Not all live exports are for slaughter and one of the impacts of the transport of live animals for breeding has been the impact of introducing strains of European cattle into British beef.
- 2.8 The existence of export markets for British farmed animals also contributes to ensuring that British farmers get the best price for their livestock, although it is arguable as to what, if any, the impact on British exports would be if the UK moved to a carcass only export basis.

A Limit on Journey Times for Live Animal Transport?

- 2.7 The UK Government, the European Parliament and other organisations have called for the slaughter of live animals to be conducted as close to the point of production as possible. As part of this a declaration was issued by the European Parliament calling for an eight hour limit on the transport of animals to slaughter.
- 2.8 The current arrangements allow for calves to be transported for 9 hours, rested for 1 hour (which does not require the calves to be unloaded), and then transported for a further 9 hours.
- 2.9 However, it is acknowledged that in some locations such as the Scottish islands, transport to a mainland abattoir may still be required for the slaughter of animals.

The View of the UK Government

- 2.10 The view of the Government in relation to the live export of animals for slaughter was set out in a debate in the House of Commons during a debate held on 13 December 2012⁴ as follows:

Mr Sanders: To ask the Secretary of State for Environment, Food and Rural Affairs what his policy is on live animal exports from the UK; and if he will make a statement.

Mr Heath: The Government's position is that we would prefer animals to be slaughtered as close as practicable to their point of production; a trade in meat and meat products is preferable to the long distance transport of animals. However, the live export trade is a lawful trade when welfare in transit is complied with. We cannot ban it. This has been proved in the High Court and in the European Court of Justice.

- 2.11 An e-petition was submitted to the Department for Environment, Food and Rural Affairs in 2013 in respect of the 'Live Transport of Farmed Animals'. The petition received 60,519 signatures in support of it and petitioned the government as follows:

"We the undersigned believe that the international trade in animals for food should be on the hook and not on the hoof. Animals should be slaughtered

³ HMRC Trade Info <https://www.uktradeinfo.com/Pages/Home.aspx>

⁴ Parliamentary Debate, Backbench Business, Animal Welfare (Exports) - <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121213/debtext/121213-0002.htm#12121342000004>"

humanely as close to their farm of origin as possible and subject to CCTV monitoring to ensure humane standards apply.

Consequently, we call upon the Government to cease immediately the live transport of farmed animals from British ports to continental Europe and to make that cessation permanent by appropriate amendment to the Harbours, Docks and Piers Act 1847.

While the trade continues the full costs of all veterinary and Animal Health regulatory inspections as well as lairage and emergency facilities should be borne by the hauliers and shipment industry, rather than by the taxpayer.”

- 2.12 The e-petition received the following response from the Department for Environment, Food and Rural Affairs:

“The Government would prefer to see the export of meat or germ plasm rather than livestock, and that animals are slaughtered as close as practical to their point of production. However, the export of livestock for slaughter within the EU is a legal trade.

To ban the trade, either directly or by indirect means, would be illegal and would undermine the principle of the free-movement of goods enshrined in the Treaty on the Functioning of the European Union. Nevertheless, if livestock is transported for slaughter, consignments must meet the full requirements of the EU legislation on the protection of animals during transport (Council Regulation (EC) 1/2005).

This legal position on the trade in livestock has been confirmed by a number of rulings in the High Court and the European Court of Justice in the 1990s. The High Court judgment of Lord Justice Simon Brown in the 1995 joined cases of R v Dover Harbour Board (ex parte Gilder), R v Associated British Ports ex parte Plymouth City Council and the European Court of Justice case C – 1/96 R v MAFF ex parte CIWF are both good examples of these rulings.

Mention is made of possible amendment to the Harbour Docks and Piers Clauses Act 1847. UK ports are generally subject to the requirements derived from Section 33 of this legislation. This states that:

“Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers.”

This legislative provision is designed to ensure that ports are available to all without discrimination in a consistent manner. It would not be an appropriate legal instrument to use to introduce an effective barrier to trade for the use by port authorities as they see fit. In any case, attempting to ban the live export trade in this way would still be illegal as it would undermine the principle of the free movement of goods enshrined in the Treaty on the Functioning of the European Union.

- 2.13 The Member of Parliament for Dover, Mr Charlie Elphicke, has also expressed concern over the export of live animals for slaughter:

“Live animal exports are cruel and go against all standards of acceptable animal welfare. We are a nation of animal lovers. Seeing live cattle or sheep

being transported in confined trucks and in great distress is shocking and should be a relic of the past.”⁵

3. Legislative Framework

3.1 There are two areas of legislation that apply to the transport of live animals – European Union and United Kingdom.

(a) European Union Legislation

3.2 The EU has had rules governing animal welfare during transport since 1977. The rules aim to eliminate technical barriers to trade in live animals and to allow market organisations to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned.

3.3 The primary piece of European legislation is Council Regulation (EC) No 1/2005 (22 December 2004) on the protection of animals during transport and related operations. This amended previous EU Directives and Regulations and concerns the transport of live, vertebrate animals in connection with ‘economic activity’.

3.4 For the purposes of the legislation, farmed livestock is defined as

- Bovine (Cattle)
- Porcine (Pigs)
- Small Ruminants (Sheep, Goats)
- Domestic Equidae (horses, etc)
- Poultry (domestic fowl, ducks, geese, etc)

(b) United Kingdom Legislation

3.5 The Council Regulation was implemented in the UK by the SI 3260 Welfare of Animals (Transport) (England) Order 2006⁶ and equivalent legislation in Scotland, Wales and Northern Ireland.

The key points of the Order are as follows:

- That the Regulations do not apply where transport is not in connection with an economic activity or where the transport is to or from veterinary practices or clinics under veterinary advice.
- Provisions are made to permit farmers to transport their own animals, in their own vehicles, for a distance of less than 50km from their holding, or for seasonal stock movements between pastures.
- The Regulations also prevent the transport of unfit animals (within the definition of Annex 1, Chapter 1 of Council Regulation 1/2005); very young animals (with exceptions for journeys of less than 100km); pregnant animals in the latest stage of gestation and for a period of one week after birth; and cats and dogs under 8 weeks of age transported for commercial purposes (unless accompanied by their mother).
- Rules for the transportation of animals and regulation of the hauliers (transporters) that move animals commercially.

⁵ <http://www.elphicke.com/local-news/stop-live-animal-exports-public-meeting/514>

⁶ http://www.legislation.gov.uk/uksi/2006/3260/pdfs/uksi_20063260_en.pdf

- 3.6 The second relevant piece of UK legislation is the Harbours, Docks and Piers Clause Act 1847. This requires ports to accept the legal transport of goods upon the payment of the relevant rate. As such it is consistent with European Single Market legislation, and in particular Council Regulation (EC) No 1/2005.

4. Legal Cases

(a) Dover Harbour Board 1995

- 4.1 In 1995 Dover Harbour Board (DHB) was taken to the High Court when it refused to allow the trade to use Dover (*R. v. Dover Harbour Board ex parte Peter Gilder & Sons [1995] 3 All ER 37*).
- 4.2 The High Court held that Section 33 of the Harbours, Docks and Piers Clauses Act 1847 prevented DHB from refusing to make the Port of Dover available for those wishing to use it for the export of live animals. The High Court stated that ports, and DHB in particular, was legally obliged to facilitate a legal trade. In effect, while transporters may choose ports, ports may not choose transporters.

(b) R v Associated British Ports ex parte Plymouth City Council and the European Court of Justice case C – 1/96 R v MAFF ex parte CIWF

- 4.3 The case related to an application for judicial review by Compassion in World Farming (CIWF) against the decision of the Minister of Agriculture that the UK had no power to impose minimum conditions for the export of veal calves. CIWF argued that this was possible where the crate system likely to be in use in the importing Member State were likely to infringe on the standards laid down by the European Convention on Protection of Animals Kept for Farming Purposes and that this was permitted under Article 36 E.C. The High Court referred the matter to the European Court of Justice (ECJ) for a ruling.
- 4.4 The ECJ ruled that a ban or restriction on the export of live calves from one Member State to another was a quantitative restriction on exports contrary to Article 34 E.C. In addition, the Court ruled that Regulation 805/68 precluded a national ban on the export of veal calves as it would impact on the proper functioning of the common organisation of the Single Market.
- 4.5 Furthermore, the ECJ ruled that Article 36 E.C. did not empower a ban on intra-European export of veal calves on moral grounds or public policy grounds. However, individual Member States were entitled to adopt stricter standards within their own borders.

(c) Port of Ramsgate

- 4.4 In September 2012 a lorry carrying sheep destined for slaughter on the continent was stopped due to faults with the vehicle and the animals were unloaded. Two sheep, one with a broken leg, were put down and another forty-one severely lame sheep were to be euthanized. Six sheep fell into water after they were unloaded into an area where the floor collapsed. Four were rescued by RSPCA officers but two drowned.
- 4.5 It has been reported that the sheep were injured by hydraulic ramps not fit for purpose and some of the sheep had advanced foot rot or long standing illness.
- 4.6 One of the key objections at the Port of Ramsgate is that there are no facilities at the port for housing animals should the need arise.⁷
- 4.7 The ban, imposed by Thanet District Council (the Port's owner) after this incident on was due to be challenged in a judicial review by the company operating the trade. As a result of that challenge, a judge lifted the ban until the outcome of the judicial review was determined, allowing the port to remain open to the trade in the interim.

⁷ http://www.ciwf.org.uk/news/transport_of_live_animals/disaster_at_ramsgate_after_deaths_of_45_sheep.aspx

4.8 However, following legal advice ahead of the hearing, Thanet District Council decided to unilaterally lift its ban.⁸

5. **Rules for Transporters of Live Animals**

5.1 Anyone wishing to transport animals as part of an economic activity must apply to the Animal and Plant Health Agency (APHA) for a transport authorisation and vehicles and containers used for transporting animals must be certified and inspected by an approved body.

5.2 Under the Welfare of Animals (Transport) (England) Order 2006 no person shall transport or cause animals to be transported in a way likely to cause injury or undue suffering to them. The APHA carries inspections of animals at loading points and at ports, before embarkation, to ensure this is the case

5.3 The following framework applies to hauliers (transporters) when transporting live farmed animals:

- For journeys up to 65km, transporters are not required to have vehicle authorisation or training and certificates of competence although they must comply with technical rules on fitness to travel, means of transport and transport practices.
- For journeys greater than 65km but under 8 hours, authorisation (valid for up to 5 years) must be granted and requires that the transporter is an established business or for businesses outside of the UK is represented in the UK; the transporter can demonstrate that they have appropriate staff, equipment and operational procedures to transport animals in compliance with the regulations; and that the transporter has no record of serious infringement(s) of animal welfare in the 3 years preceding their application for authorisation.
- For journeys in excess of 8 hours, authorization (valid for up to 5 years) must be granted and requires that the transporter is an established business or for businesses outside of the UK is represented in the UK; the transporter can demonstrate that they have appropriate staff, equipment and operational procedures to transport animals in compliance with the regulations; that the transporter has no record of serious infringement(s) of animal welfare in the 3 years preceding their application for authorisation; that all vehicles used for the transport of horses (except registered horses) or farmed animals have a satellite navigation system; and that the transporter must provide valid certificates of approval for vehicles and containers, details of procedures enabling transporters to trace and record the movement of road vehicles under their responsibility and to be able to contact drivers at any time, contingency plans in the event of emergencies, and valid certificates of competence for drivers and attendants.

5.4 Drivers or attendants responsible for the transport of farmed animals, horses and poultry over 65km must hold a certificate of competence (awarded after independent assessment by a designated UK or European awarding body). Assembly centre staff are not required to hold a certificate of competence but must undergo training. The training required for drivers, attendants and assembly centre staff covers:

- general conditions of transporting animals
- the documents that are required
- fitness for transport

⁸ <http://www.farmersguardian.com/home/latest-news/thanet-council-lifts-ban-on-ramsgate-live-export-trade/51685.article>

- journey planning
- animal physiology and feed needs, animal behaviour and the concept of stress
- practical aspects of handling animals
- impact of driving behaviour on welfare of animals and on the quality of meat
- emergency care for animals
- safety of personnel handling animals

6. Transport Of Animals By Sea

6.1 The Committee in the remit of the original motion has the issue of transport through the Port of Dover raised. While the sea crossing is in all likelihood the shortest part of the journey undertaken by live animal exports, there are some significant differences between land and sea transport that need to be clarified.

(a) Arrangements governing the transport of live animals

6.2 As with road transport, transporters involved with the commercial transport of animals have a responsibility (Article 3) as appropriate to their role in planning, organising, and carrying out the journey to comply with the Regulation and to protect the welfare of the animals. In particular they must not to cause animals injury or undue suffering. In the case of RO-RO (roll-on, roll-off) transport such responsibility may be broadly, but not exclusively, described as follows:

- Animal transporters (i.e. those who arrange for animals to be transported from one place to another) must plan the journey and have contingency arrangements in place should any delay occur. Examples might be delayed departure caused by adverse weather, or ship breakdown at sea. They must ensure that the vehicle is suitable for carriage on the RO-RO vessel, that the ship operator is prepared to carry live animals, and that water feed and rest intervals for the animals can be complied with.
- Ship-owner / charterer / operator – Must ensure that the vessel has suitable facilities for transport of animals in vehicles, and that the Master is competent in and has specific instructions for RO-RO transport of animals.
- Shipmaster and loading officers and ships staff under his authority must ensure that the animal vehicle is suitable for RO-RO use and is stowed and secured in a well-ventilated position; that it is given sufficient protection from the weather, and the weather conditions anticipated for the voyage are such that animals will not be injured or caused undue suffering; and that, if necessary, appropriate access is provided to the vehicle for the driver or attendant. It is recommended that ship's staff carry out a visual check of animal vehicles from time to time during longer voyages.
- Vehicle operators and drivers - Must ensure that the animal vehicle is suitable for RO-RO use and that the driver or attendant understands the particular circumstances and needs of animal transport on a RORO vessel. The driver should ensure that the vehicle is allocated a suitable position, and should adjust its ventilation as appropriate; and make arrangements, if necessary, for access and provide care to the animals during the voyage.

(b) The MV Joline

6.3 Locally, the case of the MV Joline has attracted media attention concerning its sailings from the Port of Ramsgate.

6.4 The MV Joline is a former Lithuanian river ferry now owned by Barco de Vapor BV of Amsterdam and registered under the Latvian flag. It was built in 1988 by Baltijia

Shipbuilding in Klaipeda, Lithuania as Zhalgiris for the Nemunas River Shipping Co for operation between Klaipeda and Smiltynes.

- 6.5 The ship was one of a series of vessels built by the former Soviet Union designated Project R-144. The class was designed to perform a dual role and has strengthened vehicle decks for carrying heavy military equipment. The 642gt vessel measures 51.5m by 14.9m and can carry 1,298 passengers or 85 passengers and 52 cars. It is powered by twin 364hp diesels.
- 6.6 It arrived from Lithuania under tow at Den Helder in September 2010 and later moved to Ijmuiden for conversion and recertification for open sea use. The MV Joline operates the Channel route between Ramsgate and Calais and takes approximately four hours to make the crossing. When not in use, the MV Joline is berthed in Calais's inner docks.

7. Inspection Arrangements

- 7.1 The APHA is an agency of Department for Environment, Food and Rural Affairs with responsibility for safeguarding plant and animal health in the UK, including preventing the spread of plant and animal diseases.
- 7.2 The APHA also provides authorisation for anyone wishing to transport live animals as part of an economic activity and its veterinary inspectors have powers to ensure transporters are following the rules. The information gathered by the APHA and other bodies is then used by DEFRA to determine whether to grant, suspend or cancel transporter authorisation.

Table 3 – Number of Inspections (Infringements) by APHA in 2012

	Cattle	Pigs	Sheep	Horses
During transport by road	98 (38)	32 (3)	85 (24)	228 (17)
At the place of destination	956 (101)	1,113 (58)	1,800 (54)	194 (3)
At markets	22,318 (132)	949 (24)	46,114 (360)	942 (20)
At place of departure	618 (11)	83 (6)	692 (21)	56 (3)
At control points	34 (0)	0 (0)	34 (0)	1 (1)
At transfer points	1,592 (16)	398 (3)	937 (10)	1,270 (29)
Total	25,616 (298)	2,575 (94)	49,662 (469)	2,691 (73)
Document Checks	321 (24)	48 (11)	1,867 (18)	82 (21)

Supporting Papers (attached)

Appendix 1: Correspondence and Information Submitted in Response to Questions of the Committee

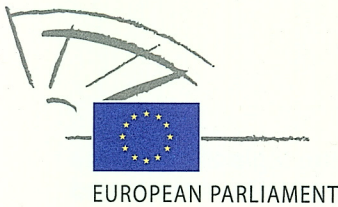
- Mr Richard Ashworth, MEP for the South East England Region
- Mr Ray Finch, MEP for the South East England Region
- Mr Keith Taylor, MEP for the South East England Region
- Royal Society for the Prevention of Cruelty to Animals

Appendix 2: Minutes of the Scrutiny (Community and Regeneration) Committee

09 April 2014	Dover Harbour Board
04 June 2014	Royal Society for the Prevention of Cruelty to Animals (RSPCA)
18 June 2014	National Farmers Union, National Sheep Association, Kent Trading Standards and the RSPCA
02 July 2014	Kent Action Against Live Exports, Thanet Action Against Live Exports and Compassion in World Farming
25 February 2015	Other Speakers (Clare Hawkins)

Source Material Used in Compiling the Research Report

- Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:277:0001:0040:EN:PDF>
- E-Petition to HM Government – ‘Live Transport of Farmed Animals’, 2013
<http://epetitions.direct.gov.uk/petitions/42002>
- The Guardian – ‘Live Animals Exports Going Via Previously Unknown Routers, 13/12/12
<http://www.theguardian.com/world/2012/dec/13/live-animal-exports-unknown-routes>
- Annual Report on the Protection of Animals During Transport
http://ec.europa.eu/food/animal/welfare/transport/docs/uk_report_2012_en.pdf
- Long Distance Animal Transport in Europe: A Cruel and Unnecessary Trade, Compassion in World Farming, June 2008
<http://www.ciwf.org.uk/media/3818249/transport-in-europe-report.pdf>
- Study on Temperatures During Animal Transport, September 2009
http://ec.europa.eu/food/animal/welfare/transport/docs/study_temp_animal_transport_en.pdf
- Global Live Animal Trade, Compassion in World Farming
http://www.ciwf.org.uk/what_we_do/live_transport/main_concerns.aspx
- Logistics Chain of Animal Transport and Abattoir Operations
http://bseerv214.bse.vt.edu/Grisso/Ethiopia/Books_Resources/Donkey/Logistics%20Chain%20of%20Animal%20Transport.pdf
- Export of Live Animals within the European Union
www.parliament.uk/briefing-papers/SN06504.pdf
- Saltwater Engineering B.V. – M.V. Jolene
<http://www.saltwater.nl/projects/119-mv-joline.html>
- Live Transport: Welfare Regulations, Department for Environment, Food & Rural Affairs
<https://www.gov.uk/farm-animal-welfare-during-transportation#eu-regulation-on-the-welfare-of-animals-in-transport>
- Thanet Council to be sued over Ramsgate animal export ban, BBC News
<http://www.bbc.co.uk/news/uk-england-kent-21540853>
- Export of Live Animals Within the European Union, SN/SC/06504, 13/05/2013
<http://www.parliament.uk/briefing-papers/SN06504.pdf>
- ‘Disaster at Ramsgate After Deaths of 45 Sheep’, Compassion in World Farming
http://www.ciwf.org.uk/news/transport_of_live_animals/disaster_at_ramsgate_after_deaths_of_45_sheep.aspx
- Article in ‘Farmers Guardian’, 29/11/2012
<http://www.farmersguardian.com/home/latest-news/thanet-council-lifts-ban-on-ramsgate-live-export-trade/51685.article>



EUROPEAN PARLIAMENT

European Parliament
Rue Wiertz 60
B-1047
Belgium

Richard Ashworth MEP

Member of the European Parliament for South East England

Ms Rebecca Brough,
Team Leader, Democratic Support,
Dover District Council,
White Cliffs Business Park,
Dover, Kent,
CT16 3PJ

23 February 2015

Dear Ms Brough,

Thank you for your letter regarding Dover District Council's scrutiny review of live animal exports. I regret that I was not aware of your scrutiny review at an earlier date. As a former Kent farmer, MEP for South East England and Conservative Spokesman for the European Parliament Agriculture and Rural Affairs Committee I would have been pleased to accept your invitation to take part in your meetings. Regrettably, I only received notice of your meeting on 16 February, seven days in advance, and thus I was unable to appear due to a prior appointment. Nevertheless, I would make a number of observations regarding live animal exports.

Internal and External Transport

The transport of animals is an integral part of farming across the world. It is of the upmost importance to farmers that this is done in a way that is not detrimental to animal welfare, not least from the position that farm animals are a valuable business asset.

UK livestock farmers need access to both internal and external markets. The vast majority of live exports take place from Northern Ireland to the Republic of Ireland albeit over land. Internally animals are transported via the sea from the Scottish Islands, from the Isle of Wight, from Northern Ireland to the mainland. It would be incredibly difficult to justify a legal distinction between the transport of animals between Stranraer and Belfast (21 miles over sea) and that between Dover and Calais (21 miles over sea).

Stock may of course be exported for reasons other than immediate slaughter: for further rearing (and future slaughter), for breeding and in the case of equine, for racing and competitions. It is not clear that separate standards for animals intended for immediate slaughter would be feasible or logical.

The defining issue in animal transport legislation must continue to be animal welfare during transit and rearing whilst ensuring that the appropriate legislative standards, based on sound science are adhered to.

Current Legislation

Regulations are in place at a UK and EU level to ensure that all animal transport, including that going overseas, is not detrimental to animal health. Any vehicle transporting animals must be designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of animals and inspected prior to first use and periodically thereafter.

The UK has led the way in introducing and policing effective transportation legislation for the movement of animals, and we continue to retain high standards of transport. The Animal and Plant Health Agency (APHA), the independent, competent authority in this area, has legal rights of access to carry out inspections and where necessary to bring enforcement actions against those who have been found to be in breach of the legislation.

At a European level the European Food Safety Authority carried out a review in 2012 of all the scientific evidence from 2004 to 2011. They did not find any issues with overseas travel that necessitated prohibiting this form of transport. Many studies looking at journeys of around 24 hours including sea crossings have concluded that transport had no adverse effects on animal welfare based on the physiological, immunological and haematological measurements that were made.

Concerns regarding compliance must be dealt with through appropriate targeted action and I do not condone any infringements of the national or international standards on animal welfare. However, infringement is not usually best address by new legislation.

European Single Market

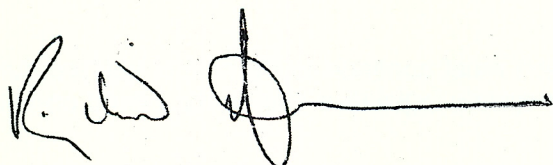
The movement of goods across national borders within a single market is one of the fundamental freedoms of the European Union. The flow of animals and their genetics between countries, and of animals to markets that suit them best, to strict, world leading standards, should be something that the EU stands firmly for, rather than against.

The UK is a great grass-producing nation and as a result, we produce quality livestock, making UK livestock and meat sought after in other EU member states. Following the improvement in prices for livestock, there has been renewed interest from livestock dealers in shipping cattle and sheep for rearing and slaughter in Europe. This trade raises the quality of our livestock further which adds value and therefore jobs and economic activity.

In challenging economic times, we cannot afford to further unbalance the playing fields for our farmers by contravening free trade laws and denying them access to markets which our competitors will be only too glad to exploit. Any debate must focus on whether we have appropriate standards and safeguards in place to ensure the welfare of animals being transported is protected.

To conclude, the UK livestock farmer must be able to use legal, legitimate internal and external markets. The issue with "live exports" must focus on whether appropriate science based standards are in place and whether enforcement action is effective. Animal transports are a single market issue and there are international standards to ensure, as far as possible, animal welfare standards. It is not acceptable to break these rules, but if they are broken by individual operators, it does not necessarily mean that these rules should be changed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Ashworth', followed by a long horizontal line extending to the right.

Richard Ashworth MEP
Member of the European Parliament for South East England

Email Response from Mr R Finch MEP

Dear Rebecca,

Thank you very much for your email and I appreciate the opportunity to contribute to the consultation exercise.

UKIP's stance is rather more radical than the positions indicated in your list of questions. In particular:

- UKIP policy is for the UK to leave the European Union; and
- UKIP opposes the export of live animals for slaughter.

We will retain free trade with EU countries after Britain has left the Union – after all, we're their best customer as well as a major trading partner.

I hope that this is helpful for you.

Yours sincerely,

Ray Finch

KEITH TAYLOR
Green Party
for the South East of England



Scrutiny (Community and Regeneration) Committee

Animal Exports Review: Key Lines of Enquiry

Submission by Keith Taylor, MEP for South East England, February 2015

Keith Taylor, Green MEP for South East England received questions from Dover District Council on 9th February prior to the Scrutiny Committee meeting gathering responses from Members of the European Parliament. The responses have been gathered where possible within the time available.

Q1. Do you believe that it is ethically right to transport live animals by sea for slaughter? (excluding journeys within the UK by sea)

I am opposed to the live export of farm animals for slaughter. These long journeys to continental Europe can cause thousands of calves and sheep to suffer. Loaded onto crowded trucks, many animals, some as young as just two weeks old, are forced to endure journey that can last many hours. Welfare problems can include:

- **Mental distress for the animals**, due to the unusual and potentially frightening sights, movements, noises, smells, unfamiliar animals and stockpersons they will encounter.
- **Injuries**, if the animals are not handled appropriately and carefully during loading and unloading, and transported in well-designed, comfortable vehicles.
- **Hunger and dehydration**, if animals are not provided with appropriate food, water and plenty of rest breaks.
- **Heat stress**, caused by lack of good ventilation and long periods without water or if animals are transported for long periods in hot weather.

Because of the inevitable distress and suffering caused to farm animals during long distance transport, all farm animals should be slaughtered as near as possible to the point of production and we should move to a 'carcass only' trade.

Q2. Do you think the current standards for the transportation of live animals under (UK and) EU law are adequate?

Unfortunately, current standards for the transportation of live farm animals do not go far enough to protect their welfare. Firstly, under current legislation there is no maximum journey time for farm animals. Provided that

appropriate rest periods are adhered to, there is no limit on how far animals can travel, in the EU some animals can be travelling for three days.

Regulations for journey times have failed to keep up with the animal welfare science. For example, calves as young as 14 days old can be exported from the UK. Scientific evidence indicates that young calves are not well adapted to cope with transport.¹ Their immune systems are not fully developed and they are not able to control their body temperature well, therefore they are susceptible to both heat and cold stress. With calves, transport should be avoided where possible, particularly as morbidity and mortality following transport can be high.

Other standards which are of concern are those which cover the environment in which the animals are travelling. High stocking densities can lead to overcrowding in the lorries and insufficient food, water and rest time is provided. As the journeys progress, the animals become increasingly exhausted, dehydrated and stressed. Some may get injured.

Q3. What are your views on the size and nature of the ships involved in the export from the UK of live animals?

If a journey by sea is necessary for any animal, for any purpose, the vessel should be fit for purpose. There is currently only one vessel being used for the export of live farm animals for slaughter - the Latvian registered MV Jolene and evidence highlights that the Jolene is not fit for purpose.

The Jolene was built as a river roll on roll off (RO-RO) ferry, it is flat bottomed with a shallow draft, and therefore it is exposed to poor weather conditions. Although the ferry has been upgraded for ocean transit, as an ex-river ferry, it has had restrictions applied to it which require that it does not sail in certain weather conditions and situations have occurred when the boat has had to turn back due to high winds and wave height.

Council Regulation (EC) No 1/2005 on the protection of animals during transport (the Regulation)² states that all animals shall be transported in conditions guaranteed not to cause them injury or unnecessary suffering. I believe that with the Jolene limited to journeys that are below Force 7 and unpredictable weather conditions on the channel, delays are possible. Any delay at the port, such as weather conditions or docking problems, can impact on the ability of the transporter to deliver the animals to the approved lairage in the journey time. The EU transport regulation states national authorities are responsible for checking and approving the journey logs before long journeys, to ensure that they are realistic and indicate compliance with the Regulation.

Q4. Do you believe that there is any difference between the export of live animals for slaughter and live animals for breeding?

Due to their economic value, breeding animals are usually given much better conditions, often with their own stockperson. Numbers travelling are also often much smaller. When animals are being exported for slaughter from the UK, they are traveling in larger numbers and in poorer conditions resulting in a negative impact on their welfare.

Q5. What do you think would be the effect on the rural economy if all live animal exports were to be stopped?

¹ Weeks, C. 2007. [UK calf transport and veal rearing](#). A report for Compassion in World Farming.

² Full text available at: www.bit.ly/1_2005

I believe an end of live exports would have a minimal negative impact on the rural economy and if it were replaced with a trade in meat, we could see more opportunities created in the UK.

The vast majority of animals exported for slaughter are sheep and the National Sheep Association have publicity stated³ that for sheep going to slaughter it would be preferable to use an abattoir as close to home as possible and transport carcasses instead, with benefits including providing local jobs, adding value locally, and more efficient energy use, in addition to animal welfare.

I believe that the trade in farm animals should be a carcass only one and in fact over 80% of the trade is already in this format. In the first half of 2014, Eblex, the organisation for the English beef and lamb industry, reported that the export of sheepmeat was the highest in 16 years, with a 2% increase on the year by volume and a value rise of 3% to total £183.9m⁴.

Q6. Given that the export of live animals for slaughter is currently a legal activity, do you believe there is sufficient political will to impose a carcass only export trade?

Tens of thousands of people have taken action to help end live exports and this is an issue I regularly receive correspondence about. There is growing concern about the welfare of farm animals and a 2014 You Gov poll⁵ found that seven out of ten British people want farm animals to be slaughtered in their country of origin. This is therefore an issue that politicians should take seriously.

I personally believe there should be no live exports from the UK and that we should only trade in meat, this view is also the position of the Green Party.

Defra has maintained its position that it would prefer to see a trade in meat and there is cross party support from Councillors, MPs and MEPs to bring about an end to the trade in live farm animals. However, it is disappointing that the Government has not introduced steps to help achieve this, in particular with sheep.

In 2006, animal welfare, industry and government bodies came together to form the Beyond Calf Exports Stakeholders Forum. This forum aimed to explore ways to reduce the number of calves being exported to the continent and how to increase the domestic supply chain for beef and veal to promote animal welfare. The work of this forum led to a 90% reduction in the number of calves being exported over a seven year period.⁶

Furthermore, the motion tabled by Dover Councillor Mike Eddy is a positive step for residents and campaigners in the town and I welcome Dover Council in opening a full investigation into this issue, highlighting that there is political will to help address public concern and protect the welfare of thousands of farm animals.

Q7. Can it be made a statutory requirement that safe animal loading/unloading areas be made mandatory at ports?

Council Regulation 1/2005 states that in the case of emergencies (Article 23) the animals should be able to be transferred to another means of transport, returned to their place of departure or be unloaded and held in suitable accommodation e.g. covered lairage area that can accommodate all animals with adequate flooring and isolation

³ NSA clarifies its stance on live exports. 2012: www.nationalsheep.org.uk/news-detail.php?NewsID=102

⁴ Eblex website: www.eblex.org.uk/news-releases/16-year-high-for-uk-sheep-meat-exports/

⁵ YouGov Plc. Total sample size was 1,936 adults. Fieldwork was undertaken between 26th - 27th June 2014.

⁶ Beyond Calf Exports report. 2014: <http://calfforum.rspca.org.uk/web/calfforum/reports>

areas. Breaches of the Animal Welfare Act 2006 may also ensue if the provisions of the Regulation are not complied with.

Ports provide an opportunity for animals to be checked and it is likely to be the first location, after loading, where problems could be identified. The National Farming Union have stated that the Port of Dover is the preferred port for the trade in live farm animals for further fattening and slaughter as it provides the shortest sea journey.

The trade in live farm animals has legally passed through Dover for decades and I am aware that there are no suitable facilities to deal with an emergency situation at Dover. Therefore, if an investment was to be made to provide a South East England port with suitable emergency facilities that can accommodate farm animals, Dover would be the industry's preferred location.

Although, the Regulation sets parameters for dealing with an emergency, Article 23 provides a series of options for responding, and unloading the animals is only one of those options. The Government has said that they have made the provision for unloading facilities to be available within 45 to 60 minutes lorry's drive away from the port, therefore they are adhering to the Regulation.

However, to ensure the protection of animals in transport, while the trade continues, I believe ports in Kent should provide suitable facilities for inspections and to house large numbers of farm animals should an emergency arise.

Q8. Would you support bringing pressure to bear on the ports that currently allow live animal exports to allow RSPCA inspector's automatic rights of access?

I believe UK ports should welcome the presence of RSPCA Inspectors. When the animals arrive at the port, they have already been travelling for a number of hours, therefore problems may occur during the journey. For example, the answer to a parliamentary question⁷ revealed a quarter of the statutory notices issued to live animal transporters in 2013 (3 of the 11 issued) were issued at the Port of Dover, highlighting that problems can and do occur after full inspections at loading.

Unfortunately, the animal transport industry has frequently shown violations of UK and EU regulations and disappointedly the Animal Health and Veterinary Laboratories Agency (AHVLA) officials only inspect around one in three lorries. I believe that it is proportionate to check every lorry, given that in recent years, animals have been shown to be suffering on-board. The EU Regulation does allow this stricter level of control, therefore, the Port of Dover should welcome the offer of fully trained, qualified and uniformed officers to come in to the port to help AHVLA Officials inspect the animals and vehicles, ensuring that all the animals have an equal opportunity of being inspected.

Furthermore, RSPCA Inspectors have been monitoring and enforcing the law on live transport of animals for many years and have provided this service to the Ports of Ramsgate, Ipswich and Newhaven. The RSPCA are currently working positively with the Port of Ramsgate and of course do not obstruct any port operations. By facilitating their presence, the Port of Dover and Dover Council can help bolster public confidence in animal welfare issues being fully addressed within the port environment.

I would therefore wholly welcome and support Dover Council bearing pressure on the Port of Dover to allow RSPCA Inspectors into the port during live export shipments.

⁷ Parliamentary question tabled by Charlie Elphicke MP: <http://bit.ly/1AqbvUy>
Office of the Green MEPs, CAN Mezzanine, 49-51 East Road, London N1 6AH phone: 0207250 8415
e-mail: keithtaylor@greenmeps.org.uk website: www.keithtaylormep.org.uk twitter: @GreenKeithMEP

Q9. Would you support amending the EU Regulations to allow individual nations to opt out of the export transport of live animals for slaughter?

I would support amending the EU regulations to allow individual member states to opt out of long distance transport on animal welfare grounds. However, I am aware that the Commission has decided not to review or amend Regulation 1/2005 but to focus on improving enforcement, although how it will achieve this remains unclear.

Therefore, in addition to pushing for changes to EU regulations, there are steps that can be taken at member state level to help reduce and end live farm animal exports, including:

- amending the 1847 act which could allow port owners to choose whether to accept the trade
- ensuring current regulations are fully enforced e.g. introducing 100% checks at the port
- passing the full economic costs of the trade including enforcement onto the trader or exporter
- working with the sheep industry and incentivising a trade in meat.

Q10. What are your views on the effect that the new meat labelling regulations coming into effect from April 2015 will have on the export of live animals?

On 1st April 2015 mandatory 'Country of Origin' labelling for non-processed meat will come into force across the EU. I welcome this regulation, which is a step in the right direction, however, I feel it does not go far enough as it does not require country of origin labelling to be included on processed foods that contain meat.

Research from both the European Commission and consumer organisations across the EU consistently show that a striking 90% of Europeans care about the origin of their meat.⁸ They want to see this information on the label, regardless of whether the meat is sold fresh or used as an ingredient in processed foods.

Country of origin labelling on non-processed meat will go some way in helping consumers make decisions based on animal welfare and food miles. However, we cannot fully address the problem of food provenance, if consumers buying a lamb joint will know where the animal was reared and slaughtered but, if they buy a shepherd's pie they will have no clue as to where the meat in their dish comes from.

A recent vote in the European Parliament found that the position of the Environment Committee was for mandatory country of origin labelling to be applied to processed foods. The Committee will now call on the Commission to come forward with a legislative proposal making it compulsory to label the origin of meat in all foods.

This move will ensure that those that eat sheep meat on the continent, processed or not, can identify meat from animals that will have been through long journeys. This law may impact on the trade in sheep, as UK sheep transported to France, will no longer be able to be labelled as produce of France, as now, and will have to be labelled as reared in the UK.

Q11. What are your views on the compliance of Member States with EU regulatory requirements in respect of the transport and slaughter of animals?

I am concerned that enforcement of existing live transport laws is lacking in many member states, including the UK. The European Commission has reported that there is widespread failings to enforce Council Regulation 1/2005 on the protection of animals during transport and that effective enforcement remains a major challenge.

⁸ Report from the Commission to the European Parliament and the Council: <http://bit.ly/1w9cdjK>
Office of the Green MEPs, CAN Mezzanine, 49-51 East Road, London N1 6AH phone: 0207250 8415
e-mail: keithtaylor@greenmeps.org.uk website: www.keithtaylor MEP.org.uk twitter: @GreenKeithMEP

Current standards are unfortunately not always fully enforced, especially as the trade may cross over several countries and so ensuring adherence to rest periods, adequate lairages and stocking densities is difficult. For example, Compassion in World Farming trailed calves from the UK to Spain, a journey lasting almost 60 hours and found breaches of legislation.

In regards to the UK, the [Gov.uk](http://gov.uk) website states that local authorities have primary responsibility for enforcing the rules to protect animals during transportation. Veterinary inspectors from AHVLA also have powers to ensure transporters are following the rules. The Department for Environment, Food and Rural Affairs (Defra) collects information about any transporters caught breaking the law from local authorities, the AHVLA and authorities abroad. This information is used when deciding whether to grant, suspend or cancel transporter authorisation.

As you are aware transport company Channel Livestock were successfully prosecuted by Kent Trading Standards for causing unnecessary suffering to animals in 2012. Yet only 39 of the 100 lorries that left the Port of Dover the following year in 2013 were checked at the Port.⁹ The EU Regulation states that the frequency of checks must be regular and proportionate to the risk, therefore, with support from the EU Commission for improved enforcement, the recent conviction and continued statutory notices being issued by AHVLA to the transporters, there needs to be 100% checks when the animals reach the port.

I am also concerned that the animals are being transported to conditions which would be illegal in the UK. For instance the calves sent abroad in 2012 were mainly destined for Spain, where standards for housing calves are below those in the UK, in particular, the provision of bedding for the animals.

Q12. Do you feel current EU regulations are sufficient to ensure the well-being for the transport of live animals?

No. Unfortunately current laws governing the live transport of animals are not nearly good enough to safeguard animal welfare effectively on long journeys. The EU Regulations do not set strict enough limits on key areas such as journey times and space allowances. EU regulations also allow animals to be transported in temperatures up to 35 degrees Celsius. In my role as a member of the European Parliament have I have been calling on the Commission to strengthen EU legislation and calling on member states to fully enforce the regulations that are in place.

⁹ Parliamentary question tabled by Charlie Elphicke MP: <http://bit.ly/1AqbvUy>
Office of the Green MEPs, CAN Mezzanine, 49-51 East Road, London N1 6AH phone: 0207250 8415
e-mail: keithtaylor@greenmeps.org.uk website: www.keithtaylormep.org.uk twitter: @GreenKeithMEP



Export of live farm animals through the Port of Dover

Briefing on the key issues from the Public Affairs and Campaigns team

Background

The RSPCA believes that animals suffer during long distance live transport and supports a 'carcass only' trade. Animals have often been crammed into trucks on UK roads for hours before facing a gruelling channel crossing of up to another six hours before heading for conditions that could be illegal in this country.

Introduction

European rules on the live animal transport of animals agreed in 2005 (Regulation 1/2005/EC) and implemented in England by the Welfare of Animals (Transport) (England) Order in 2006 lay down general conditions for the transport of animals, including that they should not be transported so that they are caused injury or suffering, and give specific rules on journey times for animals and the authorisation process for transporters, vehicles and ships.

Journey times vary according to different species. Whilst there is an eight hour maximum journey time, this can be extended if the vehicle meets a number of additional standards such as ventilation systems maintaining a range of temperatures from 5°C to 30°C, a navigation system to record the journey times and appropriate bedding and food. Maximum journey times vary from 19 hours for calves to 24 hours for horses and pigs and 29 hours for sheep before a 24 hour rest is required. Following this rest other journey times can be taken until the final destination is reached.

What is the present situation on the long distance transport of animals?

The live transport trade in calves from the UK to other countries was virtually brought to a halt for about a decade (1996-2006) by the outbreak of BSE. The total numbers of all farm animals exported from the UK for slaughter or further fattening has been slowly declining from 752,000 in 2000 to 437,000 in 2009, with over 70% of these being sheep. In 2012 around 30,000 sheep were transported through Ramsgate. Trade in calves has also been impacted by concerns from certain importing countries about Bovine TB but resumed in 2007 when 93,000 calves were transported to the continent, a figure which steadily declined to just under 7,000 in 2009 and was around 6,000 in 2013. This trade has declined as it has become more economic to keep and raise the calves in the UK.

What are the concerns of the RSPCA?

The trade in live animals changed to Ramsgate from Dover in May 2011 as the loading bay in the port of Dover had been damaged. One sailing occurred in 2012 from Ipswich when the port owners closed Ramsgate. The RSPCA has sent inspectors to inspect all vehicles passing through Ramsgate in April 2012 after consulting with Thanet District Council, the owner of the port, which gave permission for our inspectors to be present.

Although the RSPCA has no statutory powers it was initially able to inspect all vehicles going through the port. Animal Health, the statutory body responsible for carrying out animal welfare checks at ports and at loading, carries out risk based inspection which means that a third of vehicles are inspected. The RSPCA has inspected 15 sailings and 60 vehicles from two ports (Ramsgate and Ipswich) in the five month period to the end of September 2012. Since October although RSPCA inspectors are still present at Ramsgate, inspections have become more difficult to undertake on every vehicle as the transporters have closed down the shutters on the vehicles, and Animal Health have not informed us of sailings. As the RSPCA has no statutory powers, it is difficult to properly inspect vehicles unless we have the cooperation of Animal Health.

The trade resumed at Dover in May 2013 and since then 23 sailings have occurred from Dover until March when the berth was again unavailable and trade resumed from Ramsgate. Two sailings have subsequently occurred from Ramsgate and both have had RSPCA inspectors at the port to assess the welfare of the animals.

The RSPCA concerns fall into five main areas:

1. The condition of the ship being used to cross the channel, the *Joline*.

This is an old Russian tank carrier that was used as a river ferry and has been upgraded for ocean transit. It can transport up to six articulated lorries at a maximum speed of 8 knots. As it is flat bottomed with a shallow draft, it is more exposed to poor weather conditions. It's travel is therefore limited to wind conditions below Force 6 (the SCAHAW report into the welfare of animals during transport in 2002 recommended to the EU Commission that journeys of Ro-Ro ferries should not be permitted in wind conditions above a Force 5).

However, on 21 November 2012, it was allowed to set sail for Calais and had to return to port some four hours later, as the weather had deteriorated and the sea was breaking across the vessel. As the vessel is slow there is little flexibility in the time taken to cross to Calais (four and six hours) and the maximum journey time limit for transport of calves (nine hours after their one hour statutory rest requirements at the port). In another sailing, adverse weather warnings held the boat at Ramsgate for two hours and the lorries were in danger of exceeding their nine hour limit allowed before the 24 rest period occurred. The sheep that were on the ferry on 21st November had to be rested for 24 hours as they had reached their maximum journey time. They were then exported on 23rd November. When the *Joline* sailed from Ipswich the 15 hour journey time meant that the sheep were also close to their maximum journey time allowed .

2. The conditions used to transport the animals over long distances

The RSPCA would prefer to see a carcass trade rather than a live trade and believe that a journey time of eight hours should be the maximum allowed.

The RSPCA issued six warning notices to vehicles involved in the trade through Ramsgate in the six month period it was inspecting every vehicle for infractions. One vehicle had to have all its sheep offloaded and 47 subsequently had to be euthanised due to suffering from painful lameness or other problems. This incident was then successfully prosecuted by Kent Trading Standards. Another vehicle has been refused to continue its journey as it had a tyre problem.

Since September 2012 all animals being transported are subject to a system of supervised loading (we are unsure what supervised loading actually is, and have suspicions that welfare problems will be missed because of the need for expediency), and inspection by Government inspectors at the control post. As this occurs a matter of hours before the vehicle reaches the port, official inspections are limited to a risk based system at the port. The RSPCA believes that welfare problems can arise in the interim period, and further inspections should occur at the port. This is highlighted in the warning notices issued by AHVLA and two incidents that occurred at Dover and Ramsgate.

AHVLA issued eleven statutory notices for breaches of welfare in the eight month period to the end of 2013, of which three were issued at Dover port, despite only 39 of the 100 lorries receiving additional checks from AHVLA during this period. AHVLA also issued six statutory warning notices in 2012 and one in 2013 as a result of the driver not holding a certificate of competence.

Two incidents have occurred which show supervised loading has limitations. One animal had to be euthanised at Ramsgate due to a ripped horn found by RSPCA inspectors at the port, despite it being in the period when supervised loading was occurring.

Additionally at the incident in September 2012 when 46 sheep had to be euthanised, the lorries were subject to supervised loading. It is still not clear how many animals developed welfare injuries during the time period from loading to arrival at Ramsgate but during the successful Kent Trading Standards prosecution of the owner of the company and the company that was transporting the sheep, it was agreed that over ten sheep had developed welfare injuries during this period. The case resulted in both the transporter and his company being found guilty in February 2014 of offences under the Welfare of Transport Animals Order.

3. The unloading facilities required at ports

Council Regulation (EC) No 1/2005 states that in the case of emergencies (Article 23) the animals should be able to be transferred to another means of transport, returned to their place of departure or be unloaded and held in suitable accommodation. Breaches of the Animal Welfare Act 2006 may also ensue if the provisions of the Regulation are not complied with. The RSPCA has issued a report stating that ten issues need to be provided at a port to comply with Article 23 including covered lairage area to accommodate all animals, adequate flooring and isolation areas. The RSPCA has conducted visits to Ramsgate, Ipswich and Newhaven and the evidence collated shows that these ports do not meet such standards.

The RSPCA has always been concerned that there are only risk based inspections at the Port of Dover particularly as the only procedure to deal with emergency situations with animals at Dover is to use the transporters' own procedure. We know that there are not suitable facilities to deal with an emergency situation at Dover and when this situation arose at Ramsgate it was not possible to use the transporters' own procedures to deal with this situation as the vehicle was not deemed to be adequate to transport the animals and were part of the procedures.

4. Enforcement

The RSPCA is concerned that enforcement of existing live transport laws remains a challenge in many Member States, including the UK. Indeed the European Commission's own report into live transport states that effective enforcement remains a major challenge. However the Commission has decided not to

review or amend Regulation 1/2005 until at least the new Commission are in place in late 2014 but to focus on improving enforcement.

The RSPCA also has concerns that the animals may be going to conditions illegal in this country. For instance the calves sent abroad in 2012 have mainly been destined for Spain, where standards for housing calves are below those in the UK, in particular, the provision of bedding for the animals. The sheep in the trade are probably destined for France and many were transported for the Eid festival following Ramadan.

In April 2015 the EU will implement 'Country of Origin' labelling. Whole meat products will be labelled country of birth, rearing and slaughter. This move will ensure that those that eat sheep meat on the continent can identify meat from animals that will have been through long journeys. This law may impact on the trade in sheep, as UK sheep will no longer be able to be labelled as produce of France, as now, and will have to be labelled as reared in the UK.

5. Ports should be able to choose

Under the 1847 Harbours, Docks and Piers Clauses Act ports are limited in their ability to stop the live animal trade occurring through their port. The RSPCA believes that if the port owners do not want the trade going through their port because they do not have the facilities, or there is public demand for the trade to stop, they should be allowed to choose whether to allow the trade.

What action has been taken by other local authorities?

Despite ports being duty bound to facilitate this legal trade, some local authorities have publicly expressed their opposition to the trade and introduced measures that have either resulted in the trade ceasing from their ports or allowed additional monitoring of the animals through the presence of RSPCA Inspectors.

- Thanet District Council
Thanet District Council introduced a motion in support of an end to live farm animal exports. This position led to Thanet District Council inviting RSPCA Inspectors into the port to monitor the trade and council promotion of the government e-petition to help secure a Parliamentary debate about the trade. Thanet District Council and the Harbour Master continue to allow RSPCA Inspectors in the port during shipments.
- Ipswich Borough Council
Following the movement of the trade from Thanet to Ipswich, Associated British Ports decided to refuse the trade based on the lack of suitable facilities to deal with an emergency. The local Council leader supported the decision of the Port owners to suspend the trade.
- Portsmouth City Council
When the trade was using Portsmouth International Port in 2009 the City Council introduced a £5,000 levy to Celtic Link, the ferry company involved. This cost covered security at the port, the cost of providing police presence and policing demonstrations, providing a separate section of the port to receive live exports lorries in order to avoid causing upset to any passengers who may see the exports occurring and additional staff required to manage this extra workload. Although the cost of policing was covered by a different Council, Portsmouth City Council took the view that the

public purse was still funding the costs of the trade and were able to include this in their levy. Celtic Lines started the process of court action regarding the £5,000 charge, however, this was later dropped and Celtic announced they would no longer facilitate live exports on their Portsmouth to France ferry route.

- Other local authorities
Other councils which have introduced motions in opposition to the trade in live farm animals include Coventry City Council, Plymouth City Council, Adur District Council and Hove Borough Council.

What are the views of the major ferry companies?

All four major ferry companies using the Port of Dover (DFDS Seaways, P&O Ferries, My Ferry Link, DFFS/LD Lines) have a policy not to facilitate the export of live farm animals for further fattening or slaughter. Other ferry companies with a such policy include Brittany Ferry's and Celtic Link from Britain. Many of the companies allow animals that are exported for breeding stock and these go out in much smaller numbers and there is a legitimate need for this to happen.

Summary

The RSPCA believes that the trade in animals should be a carcass only one. Indeed over 80% of the trade is already in this format. The trade in live animals only continues for a small number of reasons:

- port owners are not able to choose whether to stop the trade,
- because the full economic costs of the trade including enforcement costs do not fall to the trader or exporter, including the costs of the inspections
- because there is not clear information to consumers in the importing country that the animal has been reared and transported from another country

The RSPCA believes the following steps should be implemented

- Thorough inspections of every lorry at the port and sufficient facilities for unloading in the case of an emergency.
- A maximum eight-hour journey time for all animals travelling for slaughter or 'further fattening' across the EU
- Amendments to existing legislation that allow ports to refuse the trade in live animals
- While the trade continues, for the full costs of veterinary and Animal Health regulatory inspections as well as lairage and emergency facilities to be borne by the hauliers, rather than by the taxpayer.
- Incentives for the sheep and calf industry to rear and market the animals in the UK, so improving work for abattoirs and promoting British sheep and calves; the calf industry has already shown the potential for this by reducing exports of calves to the continent by some 90% in the past seven years



Animal Exports Scrutiny Key Lines of Enquiry RSPCA Response

Response to questions raised by the Dover District Council Scrutiny (Community and Regeneration) Committee from the Public Affairs team

Background

The RSPCA received questions from Dover District Council on 29th May prior to the Scrutiny Committee meeting gathering session on 4th June. The responses have been gathered where practicable within the time available across the organisation.

Q1. Do you think that it is ethically right to transfer live animals by sea?

The RSPCA is an animal welfare organisation and so formulates its policy of opposition to long distance transport of animals on animal welfare rather than ethical grounds. The RSPCA believes that, because of the inevitable distress and suffering caused to food animals during transport, all food animals should be slaughtered as near as possible to the point of production and that no journey for food animals destined for slaughter should last longer than eight hours. For some animals, scientific evidence suggests that this journey time should be considerably less, the journey time being taken from the time the first animal is loaded to the time the last animal is unloaded.

Due to considerations such as the longer journey times, the problems of enforcing the legislation on journey times and the specific issues with the journey across the Channel to continental Europe the RSPCA is opposed to the trade in live animals between the UK and other European countries, whether for immediate slaughter or for further fattening and advocates the adoption of a carcass-only trade. We have adopted a similar position to the Government, that we both support a 'carcase only' trade.

The reasons for this include:

1. The longer journey times that are involved in the transport of animals to the continent
2. The fact that animals may be transported to conditions and farming practices that are illegal in the UK
3. If a journey by sea is necessary, the vessel has to be fit for purpose, and the Society believes that the evidence shows that the Jolene is not fit for purpose. Council Regulation (EC) No 1/2005 on the protection of animals during transport (the Regulation) also states that all animals shall be transported in conditions **guaranteed** not to cause them injury or

unnecessary suffering. Events have shown that this is not the case. We also believe that it is proportionate to check every lorry, given that animals have been shown to be suffering in many of the loads that we have managed to inspect. The Regulation allows this stricter level of control. The Joline is not a purpose built animal transporter, it is a river tank transporter and so is not built to cope with poor weather conditions, hence its limit to journeys that are below Force 7.

Q2. What difference, if any, is there between the transportation of live animals by sea in the Western Isles of Scotland and the English Channel? The Committee is not aware of similar protests against the transport of live animals by sea within the United Kingdom.

Livestock journeys in the Western Isles embody a number of different characteristics, ranging from relatively short intra-island journeys where cattle and sheep are bought and sold between local farmers; inter-island journeys, where livestock are moved to market/abattoir and journeys from the islands to the mainland.

There are three livestock markets in the Outer and Inner Hebrides, notably at Tiree, Islay and South Uist conducting both annual sheep and cattle sales. There are also lairage facilities at Oban and Lerwick. These journeys are very different from the kind of mass transport scenarios that we see in Ramsgate and Dover, in that the numbers involved are often much smaller, the breeds of livestock are different, and the animals themselves are usually much older than the young calves/lambs that we see leaving UK ports to the continent (acknowledging that some cull ewes are sometimes involved).

An integral part of inter-island travel is by ferry, and over the years they have been developed to carry all types of cargo, including livestock lorries/containers. In short, they are fit for purpose, which we would contend the MV Joline is not.

Another significant cultural difference between Western Isles journeys and those leaving Dover, is that for a significant number of them, the animals are accompanied by the buyers or the sellers of the animals, which result in the animals being much more closely monitored (the livestock market is an important social hub, and gives farmers and crofters the chance to meet as well as buying and selling livestock). Hence, economic drivers are not the only reason why these journeys are undertaken in the Western Isles, whereas for those animals leaving Dover, the economic drivers appear to take a precedent over everything else, including animal welfare, in our view.

The RSPCA are not anti-livestock farming, but in our view, the unnecessary journeys of vulnerable animals across the channel without proper inspection, is why we insist that a 'carcase only' trade is preferable, as does Defra.

In addition to the issues surrounding journeys associated with the Western Isles, in 2012 a Parliamentary Question revealed 1,000 of the 90,000 animals transported to the continent for further fattening or slaughter travelled via Scotland to Northern Ireland and over the border to Ireland to be exported to Spain. Defra have not revealed which Scottish port these animals left from, however, in Ireland there is a huge public campaign in opposition to this trade.

Q3. What standards do you believe should be applied to the transportation of live animals?

The RSPCA has two main concerns with the present transport laws:

1. That the journey times have not kept up with the science and so allow animals to be transported ad infinitum, providing appropriate rest periods are adhered to.
2. Enforcement is patchy and difficult especially as the trade may cross over several countries and so adherence to rest periods, adequate lairages and stocking densities is difficult in many Member States, including the UK. The European Commission's own report into live transport states that effective enforcement remains a major challenge. However the Commission has decided not to review or amend Regulation 1/2005 but to focus on improving enforcement, although how it will achieve this remains unclear.

So the RSPCA would prefer to see a trade that is limited to eight hours transport times, better enforcement, improved facilities at ports and a better emergency procedure should a problem develop.

Following the incident at Ramsgate on 12th September 2012 which resulted in 47 sheep having to be humanely euthanased, the AHVLA published a report identifying a number of enhancements to its existing operational practice including inspection of every consignment passing through Ramsgate, tougher enforcement of welfare procedures, AHVLA implementing its own contingency plans in the event of an emergency, improved procedures to ensure an AHVLA vet is always within an hour of the port, working with the operator of the transport vessel to develop new contingency measures and restricting changes that the transporter can make to the journey log of the delivery prior to export. However, we are aware that checking every consignment passing through the port stopped in 2013.

The District Judge at Dover Magistrates Court who heard the above prosecution by Kent County Council Trading Standards found that the offence of causing unnecessary suffering during transportation was one of strict liability (which does not depend on actual negligence or intent to harm). Such a judgement may have implications for enforcement bodies, however the "mass prosecutions" reported in the press, haven't yet been seen.

The RSPCA also has concerns that the animals are going to conditions illegal in this country. For instance the calves sent abroad in 2012 have mainly been destined for Spain, where standards for housing calves are below those in the UK, in particular, the provision of bedding for the animals. The sheep in the trade are probably destined for France and many were transported for the Eid festival following Ramadan.

On 1st April 2015 mandatory 'Country of Origin' labelling for non-processed meat will come into force across the EU. Whole meat products will be labelled with their country of birth, rearing and slaughter. This move will ensure that those that eat sheep meat on the continent will be able to identify meat from animals that will have been through long journeys.

Q4. How would an RSPCA presence at the Port of Dover improve the welfare of animals?

The Society can provide examples of where its Inspectors have prevented suffering at other ports and how this is likely to affect animal welfare at the Port of Dover.

The RSPCA has issued six warning notices¹ to vehicles involved in the trade through Ramsgate in the six month period it was inspecting every vehicle for infractions. One vehicle had to have all its sheep offloaded and 47 subsequently had to be euthanised due to suffering from painful lameness or other problems. Another vehicle has been refused to continue its journey due to a tyre problem. Convictions were secured for transit offences following an investigation by Kent County Council Trading Standards.

Since September 2012 all animals being transported are subject to a system of supervised loading (supervised loading is defined as a government veterinarian inspecting all animals being loaded onto a vehicle at the original control point) and a risk based inspection at the port.

The Society believes that welfare problems can arise in the interim period, and further inspections should occur at the port. One animal had to be euthanised due to a ripped horn found by RSPCA inspectors at the port, despite it being in the period when supervised loading was occurring and the Ramsgate incident in September 2012 was also subject to supervised loading.

We believe that each animal needs to be examined to check that it is fit to travel. We estimate that this would take at least a minute per animal, which given the numbers involved would take some time and suggests that in reality, this is not happening.

Q5. What benefit, if any, would there be to inspecting animals at a local lairage location as opposed to at the Port of Dover?

The Government's own figures show that a quarter of the statutory notices issued by them to live animal transporters in 2013 had been issued at the Port of Dover, supporting the view that problems can and do occur after full inspections at loading. In the RSPCA's view the risk is sufficient that all the lorries should receive a second check at the port before they are loaded onto the ship, rather than only around one in three as is implemented at the moment.

There could be a limited potential benefit to inspecting animals at a local lairage, as there would be suitable facilities available, should there be a problem with the animals. Under these circumstances obviously lame/injured animals could be removed from the lorry to prevent further suffering. However, to inspect the animals properly, would need them to be unloaded. This could induce more stress onto the animals. Everything should be risk assessed under these circumstances.

However, the absence of dedicated handling facilities means that if, what reasons an animals transporter vehicle is found at the Port to be unfit to travel the emergency choices are limited.

¹ The RSPCA have no statutory powers under the AWA 2006, however our Inspectors issue improvement notices to individuals where they are of the opinion that they are failing to comply with S9(1) of the AWA in that the needs of the animal are not being met to the extent required by good practice.

Q6. How often is the paperwork of lorries carrying live animal exports inspected?

Council Regulation (EC) No 1/2005 on the protection of animals during transport (the Regulation)sets out requirements of a journey log and relevant transport documents. The paperwork should be checked as part of the supervised loading procedure. At the port, only the lorries that are checked have the paperwork examined, which is approximately 30% of the lorries.

Q7. Is there any difference between the export of live animals for slaughter and live animals for breeding?

Yes. Due to their economic value, breeding animals are usually given much better conditions, often with their own stockperson. Numbers travelling are also often much smaller.

In terms of cattle, it is usual to transport frozen semen and embryos, rather than animals themselves. If the animals are going to fly, then we recommend that the International Air Transport Association (IATA) Regulations are followed.

Q8. What is the risk of the spread of disease through the export of live animals?

Large. Without proper checks, the risk is considerable. This was highlighted some time ago when calves transported to the Netherlands, were found to be Tb positive. Similarly, the animals travelling out of Dover are all foot and mouth susceptible, and this in itself should make the authorities inspect every lorry.

[Print](#)[Close](#)

From: **Compassion in World Farming**

Sent:

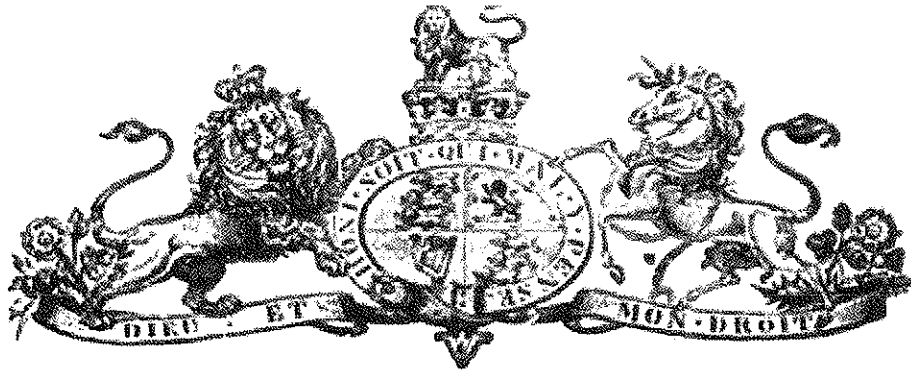
To:

Cc:

At present the powers of any port owners are limited in refusing to accept the transport of animals. Under the 1847 Harbours, Docks and Piers Clauses Act, ports do not have any option other than to be open for the trade of any goods that are presented and the appropriate fees paid. Under this law goods are not defined but would include live animals.

Attitudes to animals have changed enormously in the 166 years since this law was passed. Legislation is now underpinned and informed by animal welfare science. Since 2000 alone the EU has undertaken three scientific reports on the welfare of animals being transported, making recommendations on issues such as space allowances, journey times and temperature limits. Legislation has also recognised the changing status of animals. Under Article 13 of the Lisbon Treaty animals are now recognised as sentient beings, instead of goods as they were previously. Under this Article, legislators have to pay due regard to the animals' welfare when formulating legislation on transport as well as other relevant issues. In England changes to the animal protection legislation in 2006 under the Animal Welfare Act 2006 gave additional protection to animals under the control of man by ensuring anyone responsible for an animal takes reasonable steps to ensure the welfare needs of those animals are met.

Below I've passed an image we created to show the wording change we want to see made to the 1847 Act. As you can see, it's a simple change, but with potential for big impact.



C A P. XXVII.

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks, and Piers.
[11th May 1847.]

III.

The Word "Goods" shall include Wares and Merchandize of every Description, and all Articles in respect of which Rates or Duties are payable under the Special Act :

Other than live animals

XXXIII. Upon Payment of the Rates made payable by this and the Special Act, and subject to the other Provisions thereof, the Harbour, Dock, and Pier shall be open to all Persons for the shipping and unshipping of Goods and the embarking and landing of Passengers.

*As
sure that the Undertakers have discretion to refuse
use of the Harbour, Dock and Pier for the purpose
of the the export of live animals.*

The proposed change in the law would not prohibit live animal exports but would simply give each individual port discretion as to whether or not to allow its facilities to be used for this trade. Hence it would not breach of EU free trade rules as it would not prohibit the transport of animals to the continent but merely give port owners the choice of whether to allow their particular port to be used for this. At present they have no choice and have to accept the trade despite the wishes of the local population who may not want the trade.

It is our firm belief that the issue we face is lack of political will. Our government should amend the 1847 Act and then IF challenged by the EU stand up for our decision to do so. We don't believe that EU free trade rules could reasonably be used against such a decision as it does not facilitate an outright ban on exports and furthermore it supports more recent EU legislation regarding the care that must be paid to sentient animals, enshrined in the Lisbon Treaty.

I hope that information helps guide you and also the council a bit more regarding campaigning for these legislative changes. If you'd like to discuss it in more detail I'd be happy to put you in