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Green Party  
*for the South East of England*

Commissioner Markos Kyprianou  
DG Health and Consumer Protection  
The European Commission  
200 Rue de la Loi  
B1049 Brussels  
Belgium

September 14<sup>th</sup> 2006

Dear Commissioner,

I would like to make a formal complaint against the United Kingdom for failing to meet its obligations under Council Directive 91/628/EEC.

Breaches are occurring on a regular basis at Dover (Eastern Harbour), Kent. In general terms my concerns are as follows:

- Live animals are being left standing in vehicles for several hours because of delays loading them onto vessels.
- Eye witness accounts suggest animals are inaccessible during journeys and cannot be inspected for signs of injury or ill health, let alone given treatment.
- The required paperwork for Route Plans is not being adequately monitored, nor are the requirements for the registration of vehicles being properly upheld.
- Staff, meant to be accompanying animals on Channel crossings, are traveling separately on commercial ferries.

A number of specific incidents are detailed below, as an annex to this letter. It is a summary of observations made by volunteers and staff from an organisation called KALE - Kent Against Live Exports. I understand that a copy of letters and information supplied by them to the Commission's Representative in the UK, Mr Kempinnen, has been forwarded to the Secretary-General. This has been registered under reference **SG(2006) A/ 6383**; - Health and Consumer Protection. Please appreciate that these incidents are a snap shot of recent activity at Dover, collected since live exports from the UK resumed, and that KALE are collecting new data each day.

Article 9 of Council Directive 91/628/EEC states that on finding that the provisions of the Directive are not being or have not been complied with, the competent authority shall require that action is taken to safeguard the welfare of the animals concerned. However, despite letters to DEFRA throughout July and August and complaints made directly to the State Veterinary Service at Dover, no steps have been taken to address a series of unacceptable breaches of European law.

I trust you will give this matter your careful attention and please do not hesitate to get back in touch if further information is required.

Yours sincerely,



Caroline Lucas - Green Party MEP for South East England.

Annexe to letter of September 14<sup>th</sup> from Dr Caroline Lucas MEP.

June 27<sup>th</sup> 2006 - Tractor units boarded the vessel 'Claymore' at Dover Harbour, pulling trailers laden with live animals (calves). These trailers were disengaged from the tractor units and left on board the 'Claymore' to cross the Channel. The tractor units, meanwhile, boarded a commercial ferry service, along with the drivers (attendants) to cross the channel. Drivers and the tractor units were presumably not re-united with the trailers until all reached Dunkerque, the intended destination of the shipments.

This is a possible breach of Article 5 of Directive 91/628/EEC, which imposes certain responsibilities on 'transporters', or their staff, that they would be incapable of fulfilling if they were sailing on a different vessel. These responsibilities include ensuring that animals are not transported in a way that is 'likely to cause injury or undue suffering to that animal'.

Furthermore, unless the fact that tractors and trailers were to cross the Channel separately was recorded on the Route Plan, this incident is also in breach of the regulations of Article 5 for failing to follow the correct procedures regarding Route Plans. It is, of course, perfectly possible that a Route Plan detailing a separation of trailer from staff was given approval - this also would be a serious breach of the law.

On this same day observers noted that the loading of trailers onto the 'Claymore' was proving to be difficult, with much to-ing and fro-ing of vehicles to ensure they could all be accommodated. This may, of course, be why the two tractor units travelled separately. Chapter 1 paragraph 2(b) (iii) states that 'direct access must be provided to each part of the animals' compartment so that the animals can, if necessary, be cared for, fed and watered during the voyage.' It is probable that this requirement was breached on June 27<sup>th</sup>, as observers noted trailers being squeezed onto the 'Claymore' with virtually no room left for access.

July 9<sup>th</sup> 2006 - Seven calf-carrying transporters were loaded onto the vessel 'Fast Navigator' at Dover and sailed to Calais in the early morning. 'Fast Navigator' dispatched its load and returned to a sheltered area known as 'The Downs' where it remained until July 12<sup>th</sup>. On this day the vessel moved into the Eastern Harbour at Dover and was inspected by the Maritime and Coastguard Agency to ensure it was seaworthy and suitable to carry livestock. Observers note that 'Fast Navigator' does not appear to have carried any livestock prior to July 9<sup>th</sup> and that a sailing scheduled for July 12<sup>th</sup> was delayed by over 24 hours.

This raises concerns that the vessel was not authorised to carry out the transport of live calves prior to July 12<sup>th</sup>. It is also possible that during the inspection of July 12<sup>th</sup> problems were identified that resulted in the delay to further sailings. If this is shown to be the case, the sailing of July 9<sup>th</sup> was both unauthorised and unsafe.

July 18<sup>th</sup>/ 19<sup>th</sup> 2006 - 3 vehicles pulling trailers boarded the vessel 'Claymore'. They carried calves due to be exported to Dunkerque. Observers noted that none of the trailers were fitted with a forced ventilation system. Temperatures across the UK on July 18<sup>th</sup> were extremely high and the Met Office recorded temperatures of over 31 degrees in some areas at 6pm that evening.

It is highly likely that the temperature inside the trailers on board 'Claymore' was excessive. DEFRA itself issued guidelines on July 1<sup>st</sup> because of concerns about the impact of the hot weather on live animal in transit. In a letter to all exporters of farm livestock and horses, DEFRA warned 'Failure to take account of high temperatures when planning journeys and lack of adequate contingency plans can cause suffering and, at worse, death'. In the same letter, DEFRA cited EU Council Regulation 411/98, which sets a maximum permitted temperature of 35

degrees centigrade inside animal compartments of a vehicle. Exporters were advised that the temperature inside a vehicle where animals are held would often be at least 5 degrees warmer than the external temperature.

Given the temperatures recorded on July 18<sup>th</sup>, and the fact that none of the 3 trailers observed boarding the 'Claymore' had forced ventilation systems fitted, it is highly likely that the transport of calves on that evening was in breach of EU Council Regulation 411/98.

August 25<sup>th</sup>/26<sup>th</sup> 2006 - A transporter, carrying live calves for export entered the Eastern Harbour at Dover and was loaded onto the vessel 'Fast Navigator', despite having no registration plates or any other form of vehicle and haulier/owner identification. Observers believe that the same vehicle was involved in a shipment from Dover on June 7<sup>th</sup>/8<sup>th</sup>, and that it was missing registration plates at that time also.

Directive 91/628/EEC, Chapter VIII provides a standard form that allows for the recording of key information, including the number of the registration plate or identification for vehicles being used to transport live animals. Section One of the Route Plan documentation is completed prior to the shipment date. Section Two must be completed before a vehicle carrying live animals is allowed to depart from its original point of loading and must remain with the shipment throughout. Both Sections 1 and 2 of the Route Plan clearly require the Registration numbers (Plates) of the vehicle AND trailer to be given at the time. A Route Plan can only be issued if this information is recorded. The absence of any vehicle identification when the transporter arrived at Dover, suggests that a Route Plan may have been issued illegally. The absence of any vehicle registration plates or similar also makes it possible that the export consignment could have been transported by a different vehicle at any point during the journey to its final destination. This could have threatened the welfare of the animals in transit and is exactly the kind of possibility that the Route Plans are intended to prevent. Neither Kent County Constabulary, present throughout at Dover Eastern Harbour, nor the State Veterinary Service, identified this breach of procedure or took steps to prevent an illegal vehicle from boarding the 'Fast Navigator' or leaving Dover.

August 29<sup>th</sup>/30<sup>th</sup> 2006 - The vessel 'Claymore' made two sailings from Dover carrying both calves and sheep. Vehicles for the second shipment arrived well in advance of the sailing time and, as a result, calves were left standing in trailers for around 6-7 hours. The State Veterinary Service advised that this wait does not count towards overall journey time. DEFRA have confirmed verbally that this is indeed the case, and that the time spent waiting in the docks would count as rest time. They assert that there is no maximum rest time and that, technically, animals may be transported for 7 hours, rested for one hour, and then transported for a further 7 hours.

Chapter VII of Directive 91/628/EEC states that journey times shall not exceed eight hours, unless a series of additional requirements are met, including connection to a water supply. These additional requirements were not in place at Dover on August 29<sup>th</sup>. DEFRA's interpretation of Chapter VII appears flawed in that using 'rest' time to extend the length of a journey only applies if the additional requirements set out in point 3 are met. Furthermore, in this case, the time standing in the docks at Dover was presumably not scheduled into the Route Plan so should not be classed as rest time. Article 7, paragraph 2 states that 'no consignment of animals shall be detained during transport unless it is strictly necessary for the welfare of the animals. If any consignment of animals has to be detained during transport for more than two hours, appropriate arrangements shall be made for the care of the animals and, where necessary, their unloading and accommodation.' On August 29<sup>th</sup> animals were detained for over 2 hours yet no arrangements were made for their care, a clear breach of the legislation. Also worth noting is that Article 5 of the Directive, paragraph 2 (g), requires member states to ensure that, via transporters, 'animals are transported without delay to their place of destination'.