

Two transports of pregnant heifers from Messingen, Germany, to Uzbekistan

13.- 22.02.2019

Transport company: Megasila (Belarus), with EU-branch: LETAX-D (Latvia)¹



Transport No. 1

License plates: semitrailer: (BY) A 6404 B-4; cabin: (BY) AK 3000-4
Examples ear tags: DE 01 225 61310 / DE 01 224 89281 / DE 01 224 89361

Transport No. 2

License plates: semitrailer: (BY) A 5449 B-4; cabin: (BY) AK 3700-4
Examples ear tags: DE 01 226 10124 / DE 01 226 68805 / DE 01 226 90581

Number of animals: 33 heifers per transport
Date and time of first observation: 15.02.2019, 11:12 UTC+1 (13:12 local time, UTC+3)
Place of first observation: border Poland - Belarus, on Belarussian side at border check point Kukuryki-Kozlovichi
Temperatures: -8.5°C, snow storm, icy wind (19.02.2019, 09:51 UTC+4, Kafe Stoyanka Kruglosutochno, Orenburg region (RU))
-10.5°C, snow storm (19.02.2019, 21:12 UTC+5, border RU-KZ, Yaysan)
-10°C, (20.02.2019, 08:29 UTC+5, Khromtau, Aktobe region (KZ))
-9°C, (21.02.2019, 08:00 UTC+5, Chagan, Kyzylorda region (KZ))
-13°C (22.02.2019, between Nurabad and Pungon, UZ)

Competent authority at place of departure: Veterinary Service Emsland, 49716 Meppen, Lower-Saxony
Distance place of departure to destination: **6137 km** (acc. Google Maps, extracted on 07.03.2019)
Duration of transports: **9 days** (Animals' Angels trailed these transports from the Polish-Belarussian border until the place of destination in Uzbekistan, from 15. until 22.02.2019. Acc. to the information given by the drivers, the heifers were loaded in Messingen (DE) on 13.02.2019.)

¹ Megasila: according to the information given by the drivers and following the label on the drivers' work clothes. Authorisation number of LETAX-D: 062167. AA did not find any office at the indicated address of Letax-D in Daugavpils, LV.

Explanation of key points illustrated on the map (page 1) regarding the two transports²

Position	Place	Date	Time UTC +1 (local time in brackets)	Event	Animal welfare concerns
1	Messingen (DE)	13.02.2019	unknown	Place of departure	
2	Poland	13./ 14.02.2019	unknown	Rest break	
3	Border Poland - Belarus, Kozlovichi/ M1 (BY)	15.02.2019	11:12 (13:12 UTC +3)	Border crossing, entry to Belarus	
4	Volkovysk (BY), Ulitsa Brestskaya 34, Tchup Megasila company premises	15.02.2019	from 14:05 (16:05 UTC +3): Transport 1: until 16:44 (18:44 UTC +3) Transport 2: until min. 23:05 (01:05 on 16.02. UTC +3) ³	Delay of transports, for unknown reasons	Delay of transports, animals on board: Transport 1: 2h 29min Transport 2: min. 8h 50min
5	Border Belarus – Russia, Buda (RU)	16.02.2019	15:10 – 15:15 (17:10 – 17:15 UTC +3)	Border crossing and directly entering the stable Zyuz'ki (Smolensk, RU)	Delay of transports, animals on board⁴: 28h in BY + additional travel time in Poland to PL-BY border
6	Stable in Zyuz'ki, Smolensk Region (RU)	16.02.2019/ 17.02.2019	ca. 16:18 (18:18 UTC +3) until max. 07:20 (09:20 UTC +3)	Rest break, unloading of the animals	Unloading: max. 15h ⁵ instead of 24h
		17.02.2019	08:05 (10:05 UTC +3)	Continue of journey	
7	Shilovo (RU)	17.02.2019	18:48 (20:48 UTC +3)	No 1h rest break for watering/ feeding	Contrary to planning: no 1h rest break
8	Samara (RU)	18.02.2019	Ca. 05:30 (08:30 UTC +4)	No 24h rest break + no unloading of the animals	Contrary to planning: no 24h rest break
9	Kafe Stoyanka Kruglosutochno, Gamaleyevka, Orenburg region (RU)	18.02.2019 - 19.02.2019	10:39 (13:39 UTC +4) until 11:08 (14:08 UTC +4) the next day	Delay of transports, possibly due to snow storm + drivers' rest break	Delay of transports, animals on board: 24h 29min
		19.02.2019	07:30- 07:50 (10:30- 10:50 UTC +4)	Supply with hay	Since Zyuz'ki: Time without feed: min. 30h ⁶

² According to the information received (Position 1 + 2) and according to observations by Animals' Angels (Positions 3 - 13)

³ Last observation in BY by AA on 15.02. at 23:05 (01:05 UTC + 3 on 16.02.): Transport No. 2 was still parked on the premises of Megasila.

⁴ According to the information received there are no control posts for unloading the animals in Belarus.

⁵ Entry at stable Zyuz'ki: 15:15 on 16.02. At 18:18 on 16.02., AA observed that both transport vehicles were parked **empty** on the parking lot of the stable. At 07:20 on 17.02., AA saw both transport vehicles parked on the parking lot of the stable **with the animals loaded**. From 15:15 to 07:20 are 16h 5min, of which at least 1h for unloading and loading must be subtracted = 15h 5min.

⁶ AA did only observe feeding of the animals 1x the next day. I.e. very likely, the animals were not fed for more than 48h.

		19.02.2019	07:55- 09:25 (10:55-12:25 UTC +4)	Supply with water	Time without water: min. 48h 35min
		19.02.2019	11:08 (14:08 UTC +4)	Continue of journey	Since last unloading, animals loaded on board: 51h 48min
10	Border Russia - Kazakhstan, Yaysan (KZ)	19.02.2019	17:12 (21:12 UTC +5)	Entering border to Kazakhstan	
11	TIR parking near Khromtau, Aktobe region (KZ)	Beginning of break unknown/ 20.02.2019	04:29 (08:29 UTC +5)	Delay of transports, drivers' rest break Continue of journey	Delay of transports, animals on board: min. 8h ⁷
12	Karabutak (KZ)	20.02.2019	Ca. 06:00 (10:00 UTC +5)	No 1h rest break for watering/feeding	Contrary to planning: no 1h rest break
13	Yrgyz, Aktobe Region (KZ), petrol station on road E38	20.02.2019	07:51 (11:51 UTC +5) until 09:41 (13:41 UTC +5)	Break and supply with hay	Time without feed: 24h 20min
14	TIR parking Kompleks Keruyen, Chagan, Kyzylorda region (KZ)	20.02.2019 - 21.02.2019	19:00 (23:00 UTC +5) until 09:07 (13:07 UTC +5) the next day	Delay of transports, drivers' rest break	Delay of transports, animals on board: 14h 7min
		20.02.2019	19:49 (23:49 UTC +5)	Supply with hay	
		21.02.2019	05:10 – 07:00 (09:10 – 11:00 UTC +5)	Supply with water	Time without water: 45h 15min
		21.02.2019	07:21 – 07:45 (11:21 – 11:45 UTC +5)	Supply with hay	Since last unloading, animals loaded on board: 97h 47min
		21.02.2019	09:07 (13:07 UTC +5)	Continue of journey	
15	Kyzylorda (KZ)	21.02.2019	Ca. 10:00 (14:00 UTC +5)	No 24h rest break	Contrary to planning: no 24h rest break
16	Border Kazakhstan – Uzbekistan, Yallama/ Chinaz (UZ)	21.02.2019	19:49 (23:49 UTC +5) until 22:06 (02:06 UTC +5 on 22.02.2019)	Border crossing Kazakhstan – Uzbekistan	Delay of transports, animals on board: 2h 17 min (border crossing)
17	Yaypan, Fergana region (UZ)	22.02.2019	05:40 – 06:45 (09:40 – 10:45 UTC +5)	Arrival and unloading of the heifers	Since last unloading, animals loaded on board: 118h 20min Time without water: 24h 10min

⁷ After entering the RU-KZ border (Yaysan) on 19.02. at 17:12 (21:12 UTC +5), AA lost the two transports and found them parked in Khromtau the next day, 20.02. at 01:45, with the drivers sleeping. Distance Yaysan - Khromtau: 200km = ca. 3h driving time, calculated with 70km/h. **Delays for customs and drivers' rest break:** 19.02., 17:12 until time of continuation of journey from Khromtau, 20.02., 04:29, minus 3h driving time = **ca. 8h**. AA did not observe feeding or watering of the animals.

INFRINGEMENTS AGAINST COUNCIL REGULATION (EC) No. 1/2005 ON THE PROTECTION OF ANIMALS DURING TRANSPORT AND RELATED OPERATIONS

1. Clearly exceeded maximum journey time of more than 118 hours

Since the last unloading stable in Zyuz'ki, Russia (see position 6) the pregnant heifers were transported without further unloading until the place of destination Yaypan, Uzbekistan (see position 17). This means that the heifers were **loaded non-stop on board the vehicles for more than 118 hours (= 5 days)**.

The legally required 24h resting periods after max. 29 hours of transport were ignored and **contrary to the planning the animals were neither unloaded in Samara (RU) nor in Kyzylorda (KZ)**.

- ➔ Violation of article 3 letter (a) and (f)
- ➔ Violation of article 6 point 3 in combination with annex I chapter V point 1.5. of Council Regulation (EC) No. 1/2005

2. Non-compliance with the legally required resting periods

The pregnant heifers were neither granted the legally required 1h rest break for watering and feeding after 14 hours of transport nor the 24h resting periods after 29 hours of transport. **According to the planning, a 1h rest break should have been conducted in Shilovo (RU) and Karabutak (KZ) - in both cases, however, this stop did not take place.**

The last resting break with unloading took place in Zyuz'ki (RU) near the Belarussian-Russian border (see position 6). Instead of 24 hours as prescribed by the law, the animals were **only unloaded for maximum 15 hours**.

- ➔ Violation of article 3 letter (f) and (h)
- ➔ Violation of article 6 point 3 in combination with annex I chapter V point 1.4. (d) and 1.5. of Council Regulation (EC) No. 1/2005

3. Non-compliance with the legally required time intervals for watering and feeding of the animals

In several occasions the pregnant heifers were not watered and, if necessary, fed after 14 hours of transport as prescribed by law, but much later. The animals suffered from hunger and thirst. Examples:

- Assuming that the animals were provided with water and feed at the stable in Zyuz'ki in accordance with the rules, they **were only fed and watered again the next time after more than 30 hours respectively 48 hours on the further transport** (see position 9).
- During the further journey in Kazakhstan the heifers were **only fed again after more than 24 hours later and only watered again after more than 45 hours** (see position 13 and 14).
- No additional feeding or watering took place during the further transport to the place of destination, i.e. **the animals remained again on board the trucks without feed and water for more than 24 hours** (see position 17).

These circumstances are aggravated by the fact that, according to the observations by Animals' Angels, partly only a small amount of hay was fed.

Example at position 9: despite an increased energy demand due to the cold, extreme weather conditions and the exhaustion of such very long transport for the animals, the heifers received only a relatively small bale of hay per compartment (with 7 animals). The next feeding took only place at position 13 again, more than 24 hours later.

- ➔ Violation of article 3 letter (a) (f) and (h)
- ➔ Violation of article 6 point 3 in combination with annex I chapter V point 1.4. (d) and 1.5. of Council Regulation (EC) No. 1/2005

4. Unnecessary delays of the transports

The journey time was not kept as short as possible. Examples:

- **The transports stayed in Belarus for more than 28 hours**, although according to the planning the transport time in Belarus was only calculated with 11 hours⁸. For unknown reasons both transports stopped at the company premises of Tchup Megasila in Volkovysk for 2.5h (Transport 1) respectively for min. 8h 50min (Transport 2) (see position 3, 4 and 5). During the observations by Animals' Angels, the animals remained on board the vehicles. According to information received, there are no control posts/unloading possibilities in Belarus.
- **In Russia there were again unforeseen delays of 24.5 hours in transport**, according to the drivers due to a snow storm. The animals remained on board the vehicles the whole time (see position 9) despite a 24h rest was scheduled in Samara (see position 8), not far from position 9.
- **In Kazakhstan two further stops led to unplanned delays of min. 8 hours** (see position 11) **and 14 hours** (see position 14). While the drivers were doing their drivers' breaks, the animals remained again on board the vehicles. The second stop in Kazakhstan took place at a TIR parking only 1 hour far from the place where a 24h rest was scheduled (see position 14 + 15).

Furthermore, it appears reasonable to assume that these delays were also caused due to the legally required driving and rest breaks for the drivers. The animals remained on board the vehicles while the drivers were taking their breaks⁹. **This leads to the conclusion that due to poor coordination and execution of these transports, the transport time was unnecessarily extended, and the needs of the animals were not taken into account.**

- ➔ Violation of article 3 letter (a) and (f)
- ➔ Violation of article 22
- ➔ Violation of article 6 point 3 in combination with annex I chapter V point 1.5. of Council Regulation (EC) No. 1/2005

5. Non-compliance with the legally prescribed minimum temperature level

With outside temperatures as low as -10.5°C and sometimes icy winds and snowstorms, the legally required temperatures within the means of transport were significantly undercut. Near the outside edge of the vehicles (main compartment/first deck) temperatures of minus 7.2°C with 90% humidity were measured; also, snow blown into the vehicle remained lying on the animals (transport 2; see position 9). In the last compartment of the first deck (transport 2), temperatures of minus 6.9 °C with 86% humidity were measured (see position 11). Frost formed on the ceilings of the vehicles (see position 14). In Uzbekistan, between Nurabad and Pungon, temperatures as low as -13°C were partly measured along the route.

- ➔ Violation of article 3 letter (a)
- ➔ Violation of article 5 point 3 (a)
- ➔ Violation of article 6 point 3 in combination with annex I chapter VI point 3.1. of Council Regulation (EC) No. 1/2005

6. Insufficient protection of the animals from adverse weather conditions and extreme temperatures

The pregnant heifers were not sufficiently protected from the weather conditions (icy winds, snow storms) and extreme temperatures as low as -13°C: animals covered by snow and with wet coats were observed on transport 2 (see position 9).

- ➔ Violation of article 3 letter (a)
- ➔ Violation of article 5 point 3 letter (a)

⁸ The calculated transport time in Belarus (11h) results from the planned arrival of the transports at the Polish-Belarusian border in Koroszczyń on 15.02.2019 at 10:00 MEZ, minus the calculated time of 5h for border crossing procedures, and from the planned arrival of the transports at the stable in Zyuz'ki, Russia, on 16.02.2019 at 02:00 MEZ.

⁹ Exceeded driving periods, for example more than 26.5 hours observed between position 6 and 9 → Violation of Regulation (EC) Nr. 561/2006

- ➔ **Violation of article 6 point 3 in combination with annex I chapter III point 2.6. of Council Regulation (EC) No. 1/2005**

7. Insufficient ceiling height above the animals

Some animals had not enough space between them and the ceiling, hindering their natural movement during such long transports (incl. more than 118 hours non-stop on board the vehicles) and possibly reducing adequate ventilation above the animals.

Taking into account the poor road conditions (incl. bumpy roads with large potholes) and the rough driving of the drivers with up to 100km/h on these bad roads, the animals could easily bump their heads, withers and backs against the vehicle ceiling, which in turn could lead to injuries and suffering.

- ➔ **Violation of article 3 letter (a) (c) and (g)**
➔ **Violation of article 6 point 3 in combination with annex I chapter II point 1.2. of Council Regulation (EC) No. 1/2005**

8. Insufficient bedding

After only 10 hours driving from Zyuz'ki, the bedding was already a mud of excrements with some straw leftovers. For more than min. 118 hours the bedding has not been exchanged (see position 6 – 17) and thus has become increasingly dirty with exceeding duration of the journey. An adequate absorption of urine and faeces was not ensured. The partly insufficient amount and the degree of pollution of the bedding prevented the animals from resting on dry and comfortable ground, which would have been of great importance considering the duration of these transports and the corresponding exhaustion of the animals.

- ➔ **Violation of article 3 letter (a)**
➔ **Violation of article 6 point 3 in combination with annex I chapter VI point 1.2. of Council Regulation (EC) No. 1/2005**

9. Inadequate partition

Due to inadequate dividers not reaching the floor of the vehicles there were gaps in which the animals could have become stuck with parts of their bodies such as head or legs. This can lead to dangerous situations harming the wellbeing of the animals.

- ➔ **Violation of article 3 letter (c)**
➔ **Violation of article 6 point 3 in combination with annex I chapter VI point 1.8. of Council Regulation (EC) No. 1/2005**

10. Unrealistic planning

- The total duration of the transports:

Calculated very tightly with only 8 days and 13 hours. Especially taking into account the bad weather conditions to be expected during winter, four border crossings outside the EU and the probability that delays easily can occur on such a long journey under these circumstances.

- Unrealistic to feed and water the animals in 1 hour under the given circumstances:

Appearing very unrealistic to plan only 1 hour for feeding and watering 33 heifers per transport, especially considering that the watering must be conducted manually because of frozen water systems due to extreme cold. According to AA observations, it took 1 hour to fill one long bucket with water for 5 compartments (without the additional time to ensure each animal eats/drinks)¹⁰. When there is only one hose, in case of convoys waiting for each other like in this case, time increases

- No indication of the real place of destination:

¹⁰ Please note that the drivers hereby did not ensure that each animal was supplied with hay and water.

Only "Ferghana"¹¹ indicated as place of destination, but no exact address of the stable of destination. During the AA observations, the drivers had to call several times the farm owner after crossing the border to Uzbekistan in order to find the way to the stable as the place of destination was not clearly indicated from the beginning on of the journey.

- ➔ Violation of article 3 letter a
- ➔ Violation of article 14 point 1 letter a (ii)
- ➔ Violation of article 5 point 4 in combination with annex II point 1 of Council Regulation (EC) No. 1/2005

11. Insufficient checks of the competent authority at the place of departure in Germany

Regarding the transport conditions for the animals on board the vehicles (insufficient ceiling height, temperatures expected to fall below minimum, maximum allowed journey time expected to be exceeded, ensuring the existence of appropriate unloading stables outside the EU, approving unrealistic planning) and thus accepting and causing additional suffering for the animals.

- ➔ Violation of article 14 of Council Regulation (EC) No. 1/2005

12. Insufficient checks of the competent authority at the EU exit point in Poland

Regarding the transport conditions for the animals on board the vehicles (insufficient ceiling height, temperatures expected to fall below minimum, maximum allowed journey time expected to be exceeded) and thus accepting and causing additional suffering for the animals.

- ➔ Violation of article 21 of Council Regulation (EC) No. 1/2005

13. The pregnant heifers were transported in such a way causing them unnecessary suffering.

Due to the extremely long journey time, lack of adequate resting periods, insufficient supply with water and feed, extremely adverse weather conditions, insufficient ceiling height and dirty bedding.

- ➔ Violation of article 3 of Council Regulation (EC) No. 1/2005

Unnecessary suffering was inflicted on the animals by:

- the organiser
- the transporter and the drivers
- the competent veterinary office at the German place of departure and at the Polish border inspection post.

¹¹ Please note that Ferghana is a city as well as a district of 7005 km², but not the real address of the stable of destination.

CONCLUSION

Transporting animals over 6000 km and for more than 9 days in a country without any animal protection guarantees is ethically and legally most reprehensible.

These transports prove once again that Council Regulation (EC) No. 1/2005 fails to achieve its main objective, namely the improvement of animal protection during transport. Among others, to this conclusion comes also the EU Parliament in its recently published report on the implementation of the Regulation 1/2005 within and outside the EU¹².

How can the competent veterinary office in Germany, the organizer and transporter ensure compliance with Council Regulation (EC) No. 1/2005 and safeguard the wellbeing of these pregnant heifers when sending them during extreme winter on a journey where nearly 80% of the journey (4700 km of ~6000 km) lie outside the EU?

Latest with the judgement C-424/13 of 23rd April 2015, it has become compulsory that all transports, including those with their place of destination lying outside the EU territory must fully comply with the requirements of Council Regulation (EC) No. 1/2005 until the final place of destination. **However, these transports of pregnant heifers from Germany to Uzbekistan demonstrate impressively once again the disregard of the ECJ's ruling and the provisions of Regulation 1/2005.** In this context, the implementation report of the EU Parliament also confirms that *"Member States are not enforcing Regulation 1/2005 stringently or strictly enough within the EU and are not seeking its enforcement at all outside the EU"*.

Furthermore, the implementation report states that *"transport is stressful for animals as it exposes them to a range of challenges deleterious to their welfare (...); as regards trade with certain third countries, additional animal suffering is caused by very long journeys"*.

For the sake of the animals the implementation report of the EU Parliament suggests that *"animal journey times should be reduced as far as possible, in particular long and very long journey times"* and *"calls for a ban on journeys that exceed eight hours"*.

Since years, Animals' Angels has been calling for a transportation time limit of maximum 8 hours and for banning exports of live animals. It is high time to set clear limits to purely economic interests and to finally put an end to the suffering of the animals on transport.

For further evidence, please see:

https://www.youtube.com/watch?v=d_2nh3wozbM&feature=youtu.be

¹² Report on the implementation of Council Regulation No 1/2005 on the protection of animals during transport within and outside the EU (2018/2110(INI))

Empiric examples:

1.) Conditions of the animals:



Several heifers with wet coats and covered by snow, insufficient ceiling height, transport no. 2, position 9, temperature minus 7.2°C and snow storm, observed on 19.02.2019 at 05:20 am (UTC+4).



Heifer Lisa with ear tag no. DE 01 226 27 951 on transport 2. Observed at position 9, on 19.02.2019 at 05:20 am (UTC+4).



Temperature measured inside transport 2, observed at position 11 on 20.02.2019, 06:06 (UTC+5)



Insufficient ceiling height above the animals: transport 1 (left) and transport 2 (right)



Insufficient ceiling height above the animals: transport 2



Heifers with sunken flanks, left: transport 1/right: transport 2, 18.02.2019



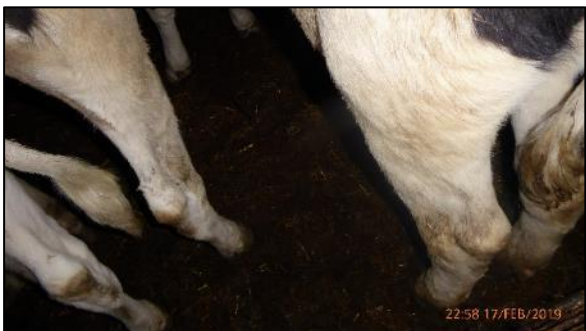
Exhausted and skinny animals: transport 2 on 17.02.2019 and on 20.02.2019



Tired, exhausted heifers with sunken flanks: transport 1, position 11, 20.02.2019



Thirsty animals, licking on hands/bars of the vehicle and obviously searching for water: position 14, 21.02.2019



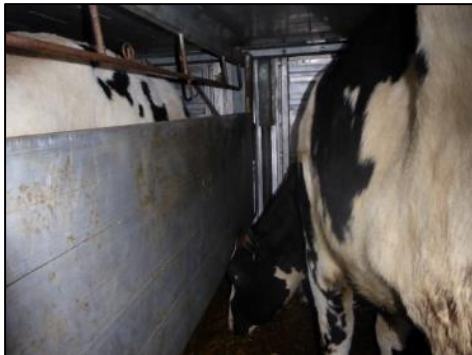
Transport 2: dirty and wet bedding, already observed on 17.02.2019/ Heifer with wet flank resulting from lying on dirty and wet bedding, observed at position 11 on 20.02.2019



Dirty bedding, floor partly visible, example left: transport 2, example right: transport 1. Observed on 18.02.2019



Left: dirty, wet bedding, transport 2, 18.02.2019/ right: insufficient bedding and big gap between divider and floor, transport 1, 18.02.2019



Left: transport 1 – big gap between the divider and the floor and ceiling respectively. / right: frost formed on the ceiling; thin heifers, position 14, 21.02.2019

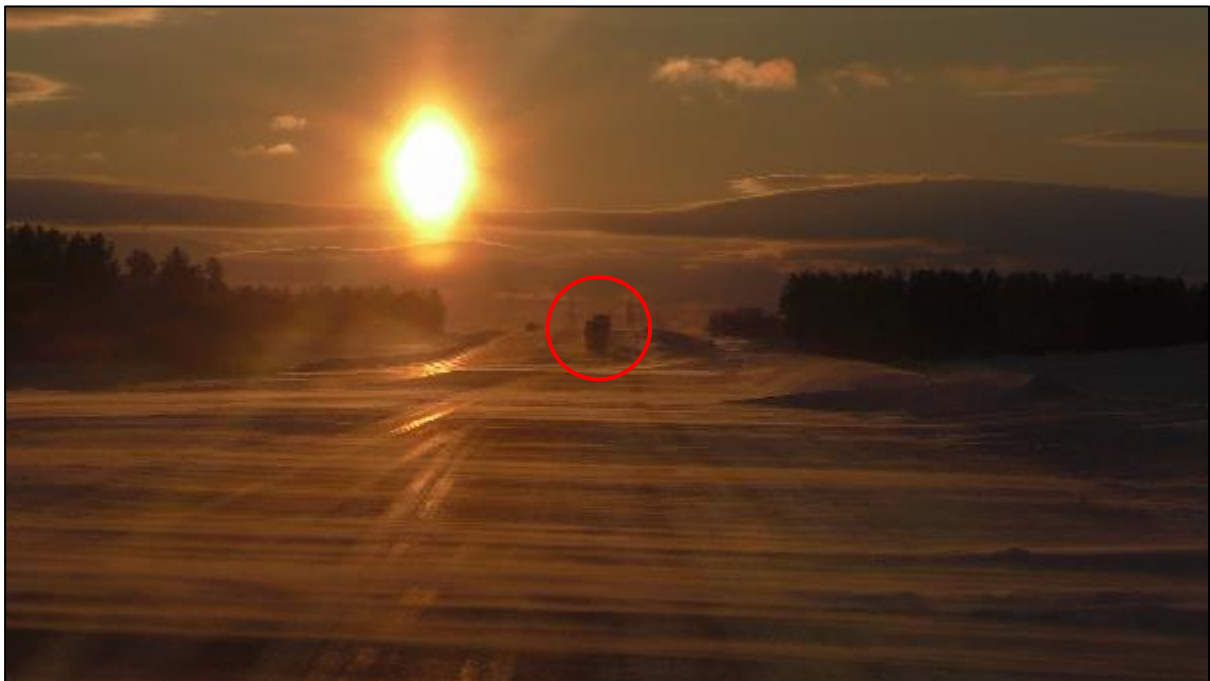
2.) Adverse weather conditions and road conditions:



18.02.2019, E30, between Moscow and Samara: snow-covered road



24h stop at position 9 (18.-19.02.2019): No adequate weather protection for the animals, no possibility for unloading the animals. During the snow storm, the left side of transport 2 was directly exposed to the storm and snow was blowing into the side flaps which were not closed to protect the animals.



Dangerous road conditions: icy road and extreme snow drifts, observed near Orenburg on R239, 19.02.2019. The drivers were driving up to 90-95 km/h (transports in red circle).



Snow drifts (left) and snow-covered, slippery road (right) on R239 between Orenburg and border to Kazakhstan, 19.02.2019.



Icy road and iced snowplough, temperatures minus 10.5°C, on R239, close to the RU-KZ border, 19.02.2019.



Drivers' break on TIR parking, animals on board at minus 10°C: 20.02.2019, Khromtau KZ, Position 11



Snow drifts and snow-covered road: E38 between Karabutak and Yrgyz (KZ), 20.02.2019



Pure ice/icy road: E38 between Karabutak and Kyzylorda (KZ), 20.02.2019

