

Introduction

Dear all,

This report covers events for a specific incident for one day in 2012. It is specific, but not to events that happen every day throughout the EU to animals in transport. I would like to draw your attention to the information contained in the following, as I consider that these events are now fairly typical of what is happening in the UK to mainland Europe live export business on a regular basis.

This report is being supplied back to AHVLA at Addlestone, Surrey, as the next 'phase' of what has been an on-going issue with AHVLA for several weeks now regarding one particular event at Ramsgate port, Kent, on one specific day during November 2012. We (KAALE) now formally request a response from AHVLA regarding the information provided in this report.

In addition, we would like to have a response from both Rt. Hon. Owen Paterson MP, Minister Secretary of State for Environment, Food and Rural Affairs (DEFRA), and from Mr David Heath CBE MP, Animal Welfare Minister of State also at DEFRA.

I will attempt to keep the information as short and as specific as possible in this report; but please also accept that there is a lot to tell, and as a result this document will not be specifically short.

I would especially like to thank Valerie Cameron, the official KAALE photographer, for her excellent photographs which have provided essential evidence in enabling this report to be compiled.

Valerie Cameron – KAALE Official Photographer

Valerie Cameron is the official KAALE photographer, well known to many of you who campaign against the live animal export trade from Kent ports. Valerie's excellent photos have been used in the recent past throughout many KAALE reports as well as being published in the 'Photo Galleries' and 'Harbours' sections of our website – www.kaale.org.uk. KAALE is an NGO run by unpaid volunteers.

Valerie is a professional photographer; and in this position is a member of the National Union of Journalists (NUJ). If necessary, post consideration of any responses to this report, contact can and will be made with the NUJ legal department should this case need to be followed further.

Valerie can confirm that she still has the original 'Neff' images stored on computer that were taken on the day in question, that being 21st November 2012 at Ramsgate harbour, Kent; and that using this format, each photograph confirms both the date and time of taking. This evidence detailing every individual photograph is digitally recorded on the image and cannot be modified.

If necessary, Valerie has agreed to meet with AHVLA to further discuss the validity of her photographs taken at Ramsgate on 21st November 2012 should it be necessary.

Overview

On Tuesday 21st May 2013, KAALE issued a Press Release.

This PR detailed that on Monday 20th May 2013, KAALE made a formal 'Freedom of Information' (FoI) request to DEFRA / AHVLA (Animal Health and Veterinary Laboratories Agency) regarding what they considered to be alleged failures at Ramsgate harbour in compliance with EU Council Regulation (EC) No. 1/2005 of 22nd December 2004 on the 'protection of animals during transport and related operations'.

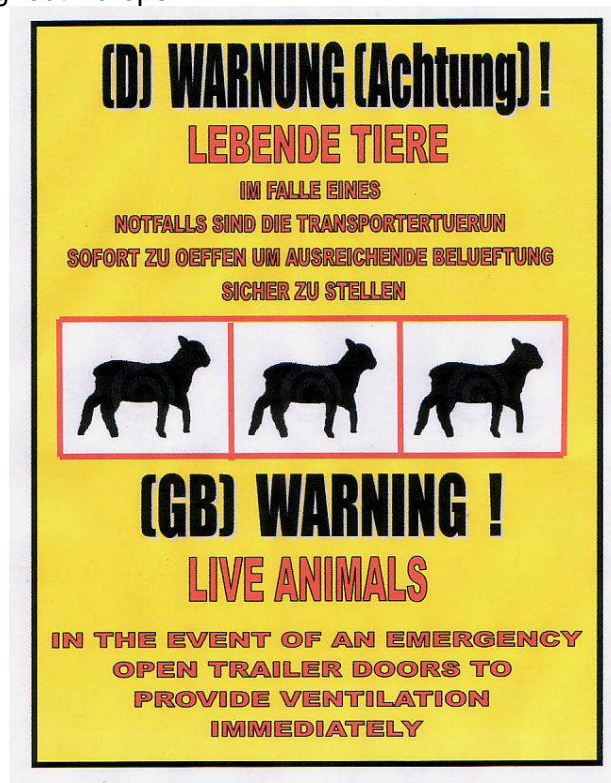
KAALE monitors, who having been present at every export sailing from Ramsgate, frequently identified that some 'regular' Dutch registered livestock carrying vehicles arriving at the port had been of the 'sealed box' type configuration and were subsequently not fitted with conventional slats through which the animals in transit could be seen.

These 'sealed box' trailers are solid sided; looking effectively like any typical refrigerated trailer seen operating on UK roads. Of most concern to animal welfare campaigners is the fact that several of the vehicles regularly observed at Ramsgate, Kent, during the recent period that operations were undertaken from there, have NOT carried any form of exterior identification indicating that live animals are being carried / transported within these trailers.

This has been such a concern for many of us, that I, Mark Johnson; on behalf of KAALE, wrote to Mr Andrea Gavinelli, Head of Unit for Animal Welfare at the DG for Health and Consumers, Brussels, Belgium, on 7th February 2013. Concerned about the lack of identification for animals being carried within these trailers, I provided an example of what was considered to be a draft example of signage which should be carried on ALL sides (and the roof) of livestock trailers throughout the EU, to identify that live animals are being transported. The example of this signage label was considered to be more compliant within KAALE and by others of what should be included within regulation 1/2005, and in addition, the example provided indication in two languages that live animals were being transported. A simple graphic on the sign also indicated the presence of live animals.

The following example graphic below shows what was presented as a draft suitable label in the letter from KAALE to Mr. Gavinelli on 7th February 2013. Note that in this example, the 'live animals' identification is written in both German and English languages. These were examples only for the production of this example graphic, and it was suggested to Mr. Gavinelli that maybe even three (3) 'prime' EU languages should be included onto each label. Sizes were not determined.

The example graphic below and as provided to the EU shows an ovine (sheep or lamb); but it was suggested to the EU Commission that this could easily be amended to show either pigs or cattle / calves if required. Whatever, a graphic showing the picture of a farm animal was suggested to Mr. Gavinelli for inclusion into amendments for Regulation 1/2005 re the labeling / signage of trailers carrying live animals throughout Europe.



Above - Example Graphic as presented by KAALE in their letter of February 2013 to the EU DG.

The 'Specific' Incident – Ramsgate, Kent, UK – 21/11/12

On the morning of Wednesday 21st November 2012, a Dutch registered livestock transporter (as shown in photograph No. 1 below); Registration: BZ HX 63 (front) / OK 16 YN (rear), arrived at Ramsgate harbour, Kent. It was totally obvious to all KAALE and other animal welfare monitors / observers at the port at the time, that this vehicle was NOT compliant with existing EU Regulation 1/2005 rulings; namely CHAPTER II – Means of Transport – 2. Additional provisions for transport by road or rail; sub para 2.1 **by NOT being**: “**clearly and visibly marked indicating the presence of live animals**”.



Photo 1 - Dutch registered livestock transporter, Registration: BZ HX 63 (front) / OK 16 YN (rear), arrives at the entrance to Ramsgate harbour, Kent on the morning of Wednesday 21st November 2012.

KAALE subsequently indicated this lack of signage both through their Report J72 of the days events and through photographic evidence also obtained on the day by Valerie.

Once in the (Ramsgate) harbour, **this vehicle was inspected soon after arrival by inspectors from the 'UK competent authority'; DEFRA / AHVLA.**

It needs to be made clear at this point that **this inspection** of the trailer and the animals contained within **was undertaken when the livestock carrying vehicle HAD LOADED onto the vessel 'Joline', and not before whilst it was still within in the harbour compound.** This can be clearly seen in the KAALE photograph number 2 below which identifies that the trailer was inspected **once it had boarded** onto the 'Joline'. The animals on board the transporter were Ovines, or sheep.



Photo 2 – AHVLA inspection of the ovines (sheep) carried in the trailer are undertaken only once the vehicle has boarded onto the vessel 'Joline'; as the blue (vessel) name sign clearly indicates.

There can be no denying that from the photographic evidence obtained by Valerie Cameron and presented in 'Photo 2', that on the day, an inspection did take place by AHVLA inspectors; but that this was undertaken on board the 'Joline' vessel and not within the harbour compound area. KAALE do not question this point and we also believe that the official 'UK competent authority' (AHVLA) inspectors were fully aware of the standard of the trailer, including the obvious fact that live animals (Ovines) were being transported. This is verified by our photographs.

KAALE feel that DEFRA / AHVLA inspectors, as representatives of the 'UK competent authority' who clearly undertook an inspection of this 'sealed box' type trailer / vehicle at the time, were fully aware of the requirements of EU Regulation 1/2005 (on the protection of animals during transport) which declares that: **"notices must be carried on the exterior of the vehicle identifying that live animals are being transported"**.

Reference source: EU Regulation 1/2005 - CHAPTER II – Means of Transport – Para 2. Additional provisions for transport by road or rail; Sub para 2.1 refers.

In their FoI application, KAALE questioned AHVLA that from their (KAALE) photographs, as shown in Photo 1 on page 3, there were **NO clear and visible markings carried by the vehicle indicating the presence of live animals** being carried on the vehicle that morning when it arrived at Ramsgate.

In their response to KAALE on 4th June 2013 (Ref ATIC0106) regarding the FoI request, KAALE were informed in writing by a representative of AHVLA that:

"I can confirm that although the pictures that you have sent us in your original document do not show signage relating to the carrying of live animals, we can confirm that on that day in question, Wednesday 21st November, the signage was visible on the back of the truck. The AHVLA inspection report (completed at the time of supervised loading) reflects that this requirement was met. There is a photo on the KAALE website, which shows this, it is part of the J72 Album that you gave us a link to in your original document. This being the case, no enforcement action would have been taken".

So an immediate disagreement – KAALE say that on its arrival that morning at Ramsgate, no signage was visible anywhere on the rear of the transporter, whilst AHVLA declare that on that day in question, ie. Wednesday 21st November, the **signage WAS visible on the back of the truck**.

Remember, as we previously said, we can justify our photographs as:

- The digital date and time are encoded on each individual image

As AHVLA informed in their letter to KAALE on 4th June 2013 that signage **WAS visible on the back of the truck** and that the AHVLA inspection report (completed at the time of supervised **LOADING**) reflected that **this requirement WAS met**; and that this is reflected in images from KAALE Report J72, it was time for KAALE to back track through its data and see exactly what the situation was.

For reference, here is the link to Valerie's photographs taken on the day:

<http://www.kaale.org.uk/J72/j72.html>

The arrival of the white 'sealed box' Griffin tractor unit is shown both on the approach to, and arrival at the entrance gates to Ramsgate harbour.. One image on the KAALE website shows the whole vehicle loaded onto the 'Joline'. Images are also shown of AHVLA personnel inspecting the ovines in the trailer from access points at the trailer rear. *Note that this inspection happened on the vessel 'Joline', which is clearly identified in the photograph.*

Importantly, and as declared by AHVLA in their letter, we can also confirm that one of our images DOES show that signage of 'LIVE ANIMALS' **IS being carried** on the rear left hand (as viewed from the back) door of the trailer.

Valerie has provided an enlargement of this image area from our very own photographic records. These are shown in Photo 3 below – the quality of the enlargement is not good (due to the enlargement process) but the 'LIVE ANIMALS' signage on the rear left hand door of the trailer is clear enough. This can be clearly seen to the right of the yellow colored lamp post in the right hand image below and in our J72 photo set referenced above. So have AHVLA got it correct and KAALE wrong ?

Important Note – *it is important here to make a mental note of the **small 'assembly' located at the top of the 'LIVE ANIMALS' signage** as identified on Photo 3 below by green colored arrows.*

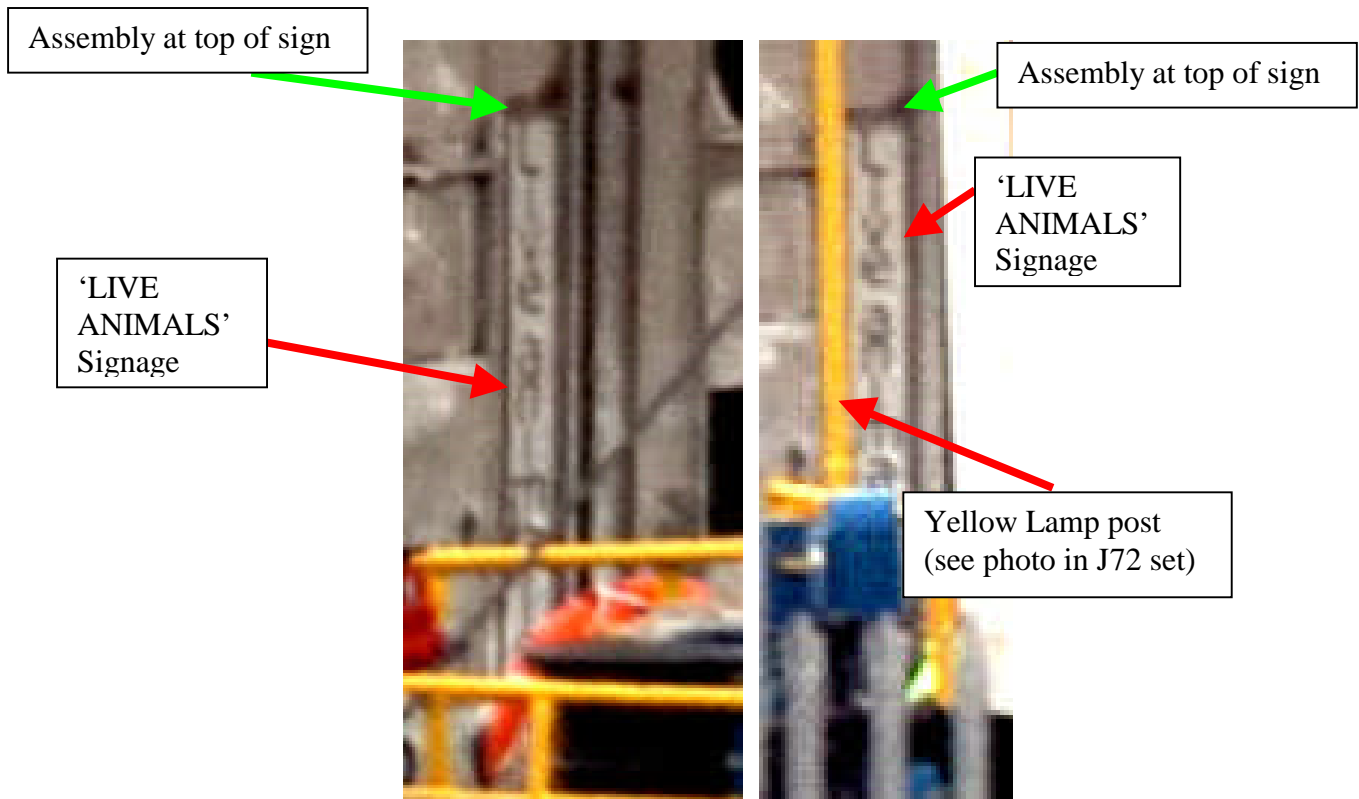


Photo 3 – KAALE enlargements (2 off) of the rear left door section of the trailer clearly showing visible signage indicating 'LIVE ANIMALS' taken on board the 'Joline' vessel.

So, something appears to be happening which is very strange. When Valerie of KAALE photographs the vehicle arriving at Ramsgate harbour entrance, as per 'Photo 1' shown above, there are **NO signs** of any description located on the trailer rear left hand door to indicate the carriage of live animals; and yet, by the time the vehicle makes the short journey through the harbour compound and onto the vessel 'Joline' for subsequent inspection by AHVLA staff; and as verified by the AHVLA in their letter that the "**inspection report (completed at the time of supervised loading) reflects that this requirement was met**", the sign saying 'LIVE ANIMALS' magically appears on the left hand rear door !

– Amazing – EU Regulatory signs 'suddenly appearing' on livestock carrying trailers during a drive through of a Kentish harbour to be inspected by AHVLA personnel !

It was decided that this 'magic truck' thus required further investigation. So this is what was undertaken.

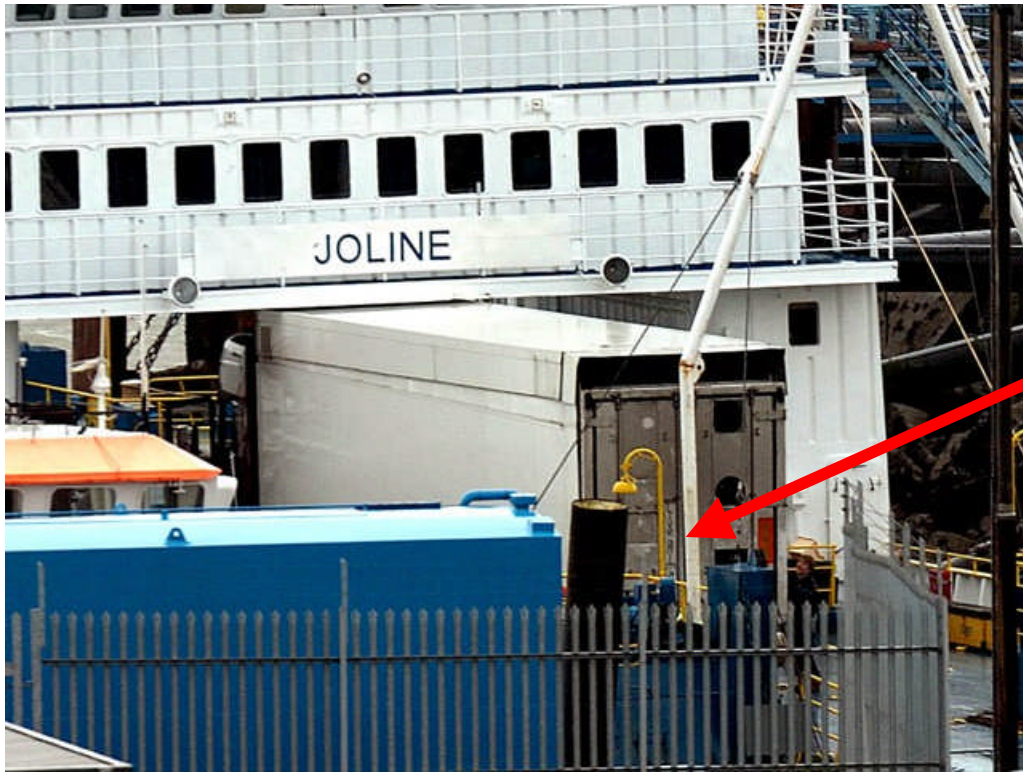


Photo 4 – KAALE image of the vehicle loaded onto the vessel 'Joline' – and as correctly stated by AHVLA in their letter, the 'LIVE ANIMALS' signage is clearly visible (see red arrow).

Using Valerie's photographs as shown on the KAALE website, and as verified by AHVLA who declare that the signage is shown as per Photo 4 above, let's now magnify the image of the rear left hand door of the trailer taken from 'Photo 1' – the situation when the transporter initially arrived to enter Ramsgate harbour.

Let's call this image 'Photo 5', which is shown below.

Refer Photo 5. Let's especially focus in on the small section of the left hand door where the 'LIVE ANIMALS' sign is fitted and concentrate on our 'small assembly' as indicated by the green arrow which is also indicated in 'Photo 3'.

It appears to be a small location plate held in position on the rear left door of the trailer by two simple fixings. And what else do we see? – could this be a **white metal plate the entire length and width of the 'LIVE ANIMALS' sign which was SO visible at inspection time on the 'Joline' ?** – possibly held in position at the bottom by a single split pin device for quick removal?

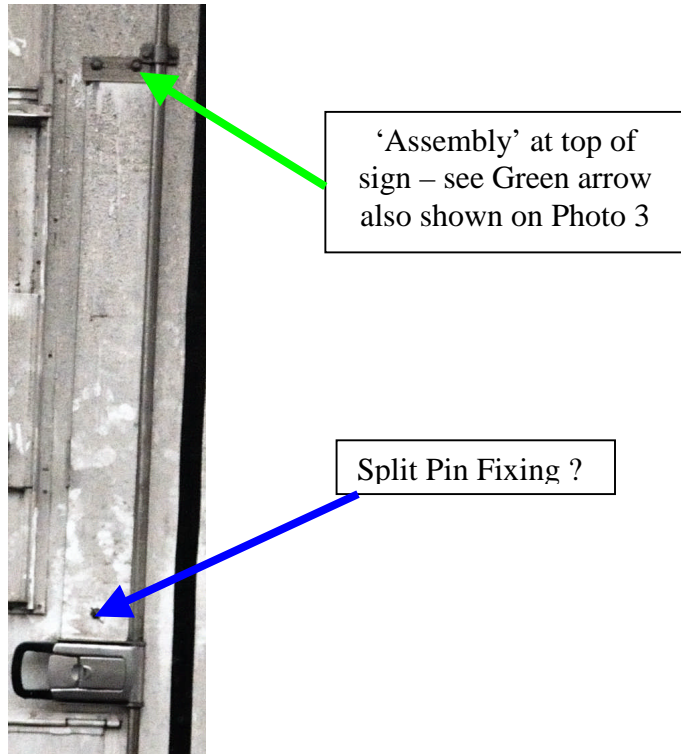


Photo 5 - Small plate completely covering the 'LIVE ANIMALS' signage, and held in position on the rear left door by a simple fixing at the top (green arrow) and a split pin device at the bottom (blue arrow).

Lets now look at the Ramsgate harbour vehicle arrival photograph (Photo 1) taken by Valerie once again, showing the area in photos 4 and 5, identified below by orange colored arrows:



It certainly looks to us as if the white metal plate **has been located directly over the 'LIVE ANIMALS' signage which was seen and verified at original animal loading**; thus rendering it not visible to anyone 'on the road' between the original loading point up until arrival at Ramsgate harbour. Where it suddenly re-appears on the 'Joline' prior to AHVLA inspection. See orange arrowed section.

Now let's go back to 'Photo 5' above – are there some human hand prints shown in the dirt on this blanking plate ? – a plate which must have been handled very recently we suggest, considering the untouched dirty areas on the majority of the rest of the trailer doors. Maybe the handling was done after animal loading when the sign was visible ?

So what does this lead us to think / suggest ?

In accordance with the statement made by AHVLA; and supported by their evidence provided to KAALE in their letter of 4th July 2013 (Ref ATIC0106); the 'Vehicle Inspection / Livestock Report – 'Inspection Checklist' – 'All Journey's' – 'Part 2' – which asks the question:

"Is the vehicle clearly and visibly marked indicating the presence of animals ?" ;

We (KAALE) can verify that according to the documented data supplied by AHVLA to KAALE; **at the point of original loading**, the checkbox **is ticked** to indicate that the vehicle **was visibly marked to indicate the 'presence of live animals'**.

Given this; all we can declare is that according to our photographic evidence of the vehicles arrival at Ramsgate port in Kent, the vehicle **WAS NOT** visibly marked to indicate the presence of live animals.

Oddly and alarmingly; it appears that in-between entering the gates upon arrival at Ramsgate and boarding the vessel 'Joline' in the harbour for inspection by AHVLA personnel; the transporter '**re-gained its markings**' on the rear left door to indicate the presence of live animals in transit. As declared in their letter of 4th July; AHVLA subsequently took no further action – as they stated to KAALE, "***This being the case, no enforcement action would have been taken***".

We further raise the following points for discussion:

- Once the original loading had been completed and the supervising personnel for this procedure had departed, or the vehicle took to the road for the first lay-by or services, is it possible that a white metal plate was suddenly located into our 'assembly' (see photos 3 and 5) at the top of the sign (Green arrows), given a 'good thump' (as shown by the palm prints in the dirt on the photo 5) and then simply secured by the split pin fixing (blue arrow) at the bottom ? – thus **completely covering** the signage indicating that 'LIVE ANIMALS' were being carried ?
- Judging by Valerie's photograph (Photo 1) of the vehicle arrival at Ramsgate port entrance with 'NO signage visible on the rear left hand door'; is it possible that this sheep transporter made its entire road journey from the point of original loading down to Ramsgate **WITHOUT showing any signage** indicating that live animals were being carried ?
- If, by not showing any signage of animals being carried on roads within the UK; **was the transporter 'non-compliant'** with the requirements of EU Council Regulation (EC) No. 1/2005 of 22nd December 2004 on the protection of animals during transport and related operations, which requires 'clear and visible markings indicating the presence of live animals' are shown ?
- If the vehicle DID have a sign on it when it underwent supervised loading at the point of original loading, as verified to KAALE by AHVLA, but possibly not during the road journey all the way to Ramsgate as verified at Ramsgate entrance by Valerie's (KAALE) photographs of its arrival (Photo 1), does it mean that at the time the vehicle is on the road in the UK but not showing any signage in compliance with EU Regulation 1/2005, **does it therefore lose its legal status during transport** within the UK under the Welfare of Animals Transport Order (WATO) ? – ie. was this a 'legal' consignment ?
- What happened in Ramsgate harbour; and by whom; to ensure that the 'LIVE ANIMALS' signage **suddenly re-appeared** prior to the vehicle boarding the 'Joline' and the subsequent inspection on same by AHVLA personnel ?
- As an additional thought, **what happened to the 'LIVE ANIMALS' signage again prior to arrival of the 'Joline' at Calais** ? – was it covered up once again using 'the assembly and split pin plate fixing', thus once more rendering the transporter non-compliant with EU Regulations once on the roads of France ?

The EU Position

Back during February 2013 and as previously stated, KAALE identified their concerns about the lack of clear signage on closed 'sealed box' type animal transporters using Ramsgate port, to Mr Andrea Gavinelli, Head of Unit at Animal Welfare, Directorate General for Health and Consumers, located in Brussels, Belgium.

On Tuesday 14th May 2013, KAALE were subsequently provided with a written response to this (same) letter from Mr Bernard Van Goethem, **the Director responsible for animal welfare** in the DG for Health and Consumers, Brussels.

In his letter to KAALE, Mr Van Goethem makes it very clear that (Page 1, Para 3):

"You alert us to the fact that transports, often do not display notices warning that live animals are being transported. This is indeed contrary to the terms of the legislation, according to which road vehicles carrying live animals "shall be clearly and visibly marked indicating the presence of live animals". The main reason for this rule is to ensure that controlling authorities, and, in the case of an accident, rescue staff, are aware there are animals in the vehicle. This is of course of great importance to ensure the welfare and safety of the animals on board".

Mr Van Goethem continues on page 2 of his letter that:

"the Commission sees that it is important that the Regulation is properly implemented. It is Member States that are primarily responsible for the daily enforcement of EU legislation".

In closing, Mr Van Goethem declares:

"in accordance with the information available to us, the UK authorities have previously taken action against such infractions".

So, this is the KAALE view of events which were observed and photographed at Ramsgate harbour on the day of Wednesday 21st November 2012, and the arrival of Dutch registered livestock transporter registration: BZ HX 63 (front) / OK 16 YN (rear) without any visible signage upon arrival, but which suddenly re-appeared with full signage prior to the vehicle being inspected by AHVLA on the vessel 'Joline'.

We have our own views and opinions on what exactly happened on that day in 2012; and given the above, we guess that others will have theirs.

We now request a written response from AHVLA given the above information. In addition, we welcome views from DEFRA / AHVLA Secretary of State Owen Patterson MP; 'Animal Welfare' Minister David Heath OBE MP, and finally Mr Gavinelli and /or Mr Van Goethem at the EU DG for Health and Consumers, Brussels, Belgium.

We are very keen to ascertain exactly how the 'magic signage' seems to disappear and reappear at specific 'important' intervals involving the AHVLA, but maybe not being visible to the road using UK public during its more 'unimportant' journey down to Ramsgate, Kent.

This report will be forwarded to EU DG for Health and Consumers, Brussels, for review and hopefully comment by the personnel mentioned above. KAALE trusts that the AHVLA will also respond to the same personnel at Brussels with their reply which we (KAALE) have requested in the data provided in this document.

Final

The above 'farce' shows that the current situation for 'the protection of animals during transport' within the EU, as detailed by Council regulation 1/2005 of 22nd December 2004, is **definitely not working**.

Animals can be transported in 'sealed box' type trailers which do not even appear to show to a traveling public, and more importantly, as identified in his letter to KAALE by Mr Van Goethem, **in the case of an accident, RESCUE STAFF, are aware there are animals in the vehicle**, should the vehicle be involved in an accident.

This is completely unacceptable under current circumstances, and we call for immediate changes to EU Regulation 1/2005 on the protection of animals during transport to ensure that clear and **permanent, non-removable signage is displayed** on both sides, the front and the rear, as well as the roof and underside of **ALL vehicles carrying live animals throughout the EU**.

Written and Compiled by Mark Johnson – EU Correspondent – KAALE – 13th July 2013.

With special thanks to Valerie Cameron (KAALE Photographer) for the essential use of her excellent and very detailed photographs in the production of this report.



***BAN LIVE ANIMAL EXPORTS
- ON THE HOOK, NOT THE HOOF !***

If a man aspires towards a righteous life, his first act of abstinence is from injury to animals.

-Albert Einstein

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