Dear Sir / Madam,

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information (FoI) act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

I am the EU and legal affairs correspondent for ‘Kent Action Against Live Exports’, or KAALE. Our web site can be visited at www.kaale.org.uk.

Overview

There have been regular exports of live animals conducted from the port of Ramsgate, Kent, for the last 18 months or so. KAALE, an NGO run solely by unpaid volunteers, have monitored, photographed and produced a documented report of every export sailing which has taken place. Copies of these can be viewed on the KAALE website.

KAALE monitors present at these export sailings from Ramsgate have frequently identified that some livestock carrying vehicles arriving have been of the ‘box’ type configuration and not fitted with conventional slats through which the animals can be seen as is the ‘norm’. These are solid sided trailers looking effectively like a typical refrigerated trailer seen operating on UK roads. Of most concern to us is the fact that several of the vehicles observed at Ramsgate have not carried any form of exterior identification indicating that live animals are being carried within the trailer.

Following are some pictures of these ‘box’ type trailers; all photographed by KAALE at Ramsgate. It should be made clear that ALL of these trailers are carrying live animals.
EU Council Regulation (EC) No. 1/2005

I bring to your attention, EU Council Regulation (EC) No. 1/2005 of 22nd December 2004, on the protection of animals during transport and related operations; reference - CHAPTER II – Means of Transport – Para 2. Additional provisions for transport by road or rail; Sub para 2.1, which declares:

“vehicles in which animals are transported shall be clearly and visibly marked indicating the presence of live animals”;

I refer you to KAALE Report J72 and the associated photographs for the (Ramsgate) sailing of Wednesday 21st November 2012 which are available on the KAALE website.


We specifically refer to the Dutch registered ‘Griffin’ logo transporter towing a white ‘box’ trailer which arrived at Ramsgate port on 21st November at 10.32 hrs. – Registration: BZ HX 63 (front) / OK 16 YN (rear). This vehicle arrival is shown in the following photograph.

We are fully aware from observations undertaken by KAALE monitors on the day, that Defra / AHVLA personnel DID undertake an inspection of this particular vehicle when it arrived at the harbour.

This can be verified by the following photograph taken by KAALE. As can be seen, the trailer contained live animals – Ovines (sheep).

It was totally obvious to all KAALE and other animal welfare observers at the port on the morning of Wednesday 21st November 2012, that this vehicle was not compliant with existing EU Regulation rulings (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”. We suggest that this can be verified by the above photo, and also that immediately below.
The events of this day, as well as the photograph of the vehicle shown on sheet 5 of this request were supplied in a letter dated 7th February 2013 to Mr Andrea Gavlinelli, Head of Unit, Animal Welfare, Directorate General for Health and Consumers, Brussels, Belgium. A full copy of this letter is supplied as an attachment for your reference – the photo detailed can be seen at the bottom of page 6 of this letter.

On Tuesday 14th May 2013, KAALE have now been provided with a written response to this (same) letter (EU dated 6th May 2013), from Mr Bernard Van Goethem, the Director responsible for animal welfare in the DG for Health and Consumers. A full copy of this letter is also supplied as an attachment for your reference.

In this letter, 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”.

Underlining above and below added by KAALE for emphasis.

Mr Van Goethem continues on page 2 of his letter to KAALE 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”.
The following information is requested by KAALE under FoI

As we have clearly identified in our evidence above of the days events (KAALE Report J72 for Wednesday 21st November 2012), and also from photographs taken by our official photographer at the time, which are included above, we believe that there is a clear infraction of EU regulation 1/2005 by the vehicle registration number BZ HX 63 (front) / OK 16 YN (rear) in that it is not clearly and visibly marked indicating the presence of live animals.

As we have also indicated through our report and the photograph above, this vehicle was inspected at the time by inspectors from the ‘UK competent authority’; namely yourselves at Defra / AHVLA. There can be no denying from the photograph that an inspection of this trailer did not take place. As it did, we can obviously say that inspectors were fully aware of the standard of the trailer, including the fact that live animal warning signs were not carried externally by same.

We thus consider that an infraction of Chapter II of EU Regulation 1/2005 was made by this vehicle in not indicating that live animals were being carried.

We also feel that Defra / AHVLA inspectors, as representatives of the ‘UK competent authority’ who clearly undertook an inspection of this vehicle at the time, should have been fully aware of the requirements of Regulation 1/2005 declaring that notices must be carried on the exterior of the vehicle identifying that live animals were being carried.

We still declare that this vehicle did not carry any such notices. If this was the situation, and it did not, then it was clearly the responsibility of the AHVLA inspectors in the harbour that morning to identify and formally record this position of regulation failure, by undertaking written records of what was observed by the inspectors, what was deemed as missing on the trailer (ie. ‘animals carried labels’) and what was verbally relayed by the inspection team to the driver of the vehicle in question.

Request

Please provide us with full details of ALL observed, written and verbal records of these infractions of EU regulation 1/2005 at Ramsgate harbour on Wednesday 21st November 2012 by vehicle Registration: BZ HX 63 (front) / OK 16 YN (rear), and what the responses were from the vehicle driver in question when the lack of signage in accordance with Regulation 1/2005 was discussed with him.

Further, we also request to be informed why this same vehicle was regularly seen at Ramsgate post this date, still not carrying any exterior signs indicating the presence of live animals being carried. Please inform.

I understand that under the act, I should be entitled to a response normally within 20 working days.

I would be grateful if you could confirm in writing (or via e mail) that you have received this request by yourselves to me at the e mail address or postal address provided on page 1.

Responses to this request for information can be provided electronically by e mail to:

Howlingwolfmoon@blueyonder.co.uk or by snail mail to the same address.

Many thanks in advance.

I very much look forward to hearing from you in the near future.

Yours sincerely,

Mark Johnson.
Copies – all sent by e mail:

- Mr Andrea Gavinelli, Head of Unit, Animal Welfare, Directorate General for Health and Consumers, Brussels, Belgium.
- Mr Bernard Van Goethem, Director responsible for animal welfare in the DG for Health and Consumers, Brussels, Belgium.
- Mr Ian Birchall – KAALE Chairman; Sholden, nr Deal, Kent, UK.
- Mr David Heath MP - Minister of State, Department for Environment, Food and Rural Affairs.
- Various Kent MP’s via their own constituents.