



Before filling in this form, please read 'How to submit a complaint to the European Commission':

https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/

All fields with * are mandatory. Please be concise and if necessary continue on a separate page.

1. Identity & contact details

| | Complainant* | Your representative (if applicable) |
|---|-------------------------------------|-------------------------------------|
| Title* Mr/Ms/Mrs | Ms | |
| First name* | Caroline | |
| Surname* | Rowley | |
| Organisation: | Ethical Farming Ireland CLG | |
| Address* | 69 Esker Wood Drive, Lucan, | |
| Town/City * | Dublin | |
| Postcode* | K78 PX45 | |
| Country* | Ireland | |
| Telephone | 00353 87 7912817 | |
| E-mail | info@ethicalfarmingireland.com | |
| Language* | English | |
| Should we send correspondence to you or your representative*: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

2. How has EU law been infringed?*

| | Authority or body you are complaining about: |
|-------------|---|
| Name* | Department of Agriculture, Food and the Marine, Ireland |
| Address | Agriculture House, Kildare Street |
| Town/City | Dublin |
| Postcode | D2 |
| EU Country* | Ireland |
| Telephone | +353 (0)1 607 2000 |
| Mobile | |
| E-mail | minister@agriculture.gov.ie |

2.1 Which **national measure(s)** do you think are in breach of EU law and why?*

The Irish competent authority is approving the transportation of unweaned calves from Ireland to continental Europe in ways that breach Regulation 1/2005.. Unweaned calves are not being fed on roll-on roll-off vessels in compliance with the maximum feeding intervals, as required by Point 1.4(a) of Chapter V of Annex I to Regulation (EC) No 1/2005. Accordingly, Ireland should not approve journey logs for journeys that they know will be carried out in breach of Regulation 1/2005 due to the failure to feed the unweaned calves during the roll-on roll-off ferry journey.

The European Commission conducted an audit of Ireland from 7th – 17th June 2022 in order to evaluate the protection of unweaned calves during long journeys. It concluded that calves are not being fed, contrary to legislation. The report stresses that “the fact that calves are not given liquid feed on the roll-on roll-off vessel is contrary to the legal requirements of feeding intervals laid down in Chapter V, Annex I to the Regulation, in particular Point 1.4(a)” and the Irish authorities were given 25 days to respond, by

detailing actions taken and planned, including deadlines for their completion. The recommendations resulting from the audit included "To ensure that unweaned calves are fed on roll-on roll-off vessels in compliance with the maximum feeding intervals, as required by Point 1.4(a) of Chapter V of Annex I to Regulation (EC) No 1/2005."

2.2 Which is the **EU law** in question?

Council Regulation 1/2005 on the protection of animals during transport

2.3 Describe the problem, providing facts and reasons for your complaint* (max. 7000 characters):

Legislative provisions: Chapter V of Annex I to Reg 1/2005 provides that journey times "shall not exceed eight hours". As a derogation, longer journey times are permitted provided that unweaned calves are after 9 hours of travel given "a rest period of at least one hour sufficient in particular for them to be given liquid and if necessary fed. After this rest period, they may be transported for a further nine hours". After this they must be unloaded, fed and watered and be rested for at least 24 hours or, in the case of transport by roll-on roll-off (RORO) ferry, they must be unloaded for 12 hours at the port of destination or in its immediate vicinity. Feed for unweaned calves is milk replacer.

Article 3 of Reg 1/2005 provides: "No person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them."

Calves exported from Ireland may be on a truck for some 6 hours, often more, before the ferry to France leaves Ireland. This time includes loading onto the truck, the journey to the port, and waiting at the port before the truck embarks on the ferry. Moreover, it may be around 3 hours before loading onto the truck since the calves were last fed.

The ferry journey to Cherbourg takes 18 hours and at least 1.5 hours is needed to drive to the control post near Cherbourg, for unloading, plus as 2,500 calves arrive at the same time they can wait up to 8 hours before being fed.

Our investigations carried out at marts and assembly centres and examination of journey logs have shown that unweaned calves are in some cases deprived of feed for 30 – 40 hours, it is a lot more than the 19 hour maximum limit set out in the legislation.

Scientific position: Leaving unweaned calves without milk replacer for 30 hours leads to the following problems:

- Unweaned calves have a daily need for energy & protein. A journey on a vehicle (whether it is on the road or on a ferry) causes calves to use up more energy than they would if kept in normal farm conditions. Calves in the first weeks of life have almost no food reserves. Calves that go without feed for 30 hours or more will experience severe hunger & fatigue.

- Young calves are not able to control their body temperature well. Calves that receive no feed during a long journey will be more susceptible to cold & heat stress.
- Young calves do not have a fully developed immune system. Reduced feeding has an adverse impact on the immune system of calves that, because of their age, are in an “immunological gap” – no longer protected by maternal antibodies as they were in the earlier colostrum (cow’s milk received by calf in the first 6 hours of life) phase and not yet having a fully developed immune system of their own. Young calves are being transported at a particularly vulnerable age as regards their underdeveloped immunity.
- Transport is inherently stressful and stress is a key factor in undermining immunity. It is essential that calves are supported during the journey by receiving adequate nutrition. To leave them without nutrition for 30 hours will compound the stress of the journey and further compromise their immune system.

The EFSA published a scientific opinion in September 2022 stating that calves should not be transported for more than 8 hours as they must be fed every 12 hours, and they need to rest for 2 – 3 hours after each feed. The report stated that calves must be given milk or milk replacer, electrolytes are not sufficient.

Teagasc conducted a study on the transport of unweaned calves in April and May 2022. It concluded that calves showed a decline in their physiological status during the journey between Ireland and the Netherlands and the changes were most obvious during the ferry journey between Ireland and France. It found that calves suffered from dehydration, hypoglycaemia and weight loss. The calves in the study were aged between 26 and 32 days old, which is older than many exported calves that are sometimes just 15 days old.

In August 2023 a review was published by the European Union Reference Centre for Animal Welfare on the frequency and quantity of milk feeding to dairy calves. It states calves should not be subjected to once a day feeding before 6 weeks of age, as they cannot start to digest solid feed until then. It states that “Based on scientific evidence, pre-ruminant calves should receive milk quantities per day equivalent to 20 % of their birth weight, divided into at least 2 milk feedings per day and be given sufficient time to ingest their milk. The volume of milk (replacer) that can be fed through OAD feeding is unlikely to satisfy calves’ behavioural and nutritional needs because they cannot compensate for low milk intake by concentrate consumption.”

The above factors show:

- it is “necessary” for unweaned calves to be fed after 9 hours travel as otherwise they are likely to go for around 30 hours without feed
- unweaned calves that are transported for around 30 hours without feed are likely to experience undue suffering contrary to Art 3 of Reg 1/2005.

European Commission Audit: The response to the audit from the Irish authorities is a denial that depriving unweaned calves of feed for 30 – 40 hours whilst dealing with the stresses of long distance transport does not cause injury or undue suffering. They are basing this opinion on a study that was conducted in 2015 by Wageningen University and on a study of calves between 2017 – 2020 where they have cherry picked statistics to back up their opinion. The study conducted in 2015 found that Irish calves on Dutch veal farms in the study required 30% less antibiotics than calves from other member states. That figure alone is meaningless. Irish calves still required antibiotics, how much the study does not say. It also gave an explanation for this – calves born in spring in general tend to be stronger and healthier and in Ireland most dairy farms follow compact calving in spring. Just because Irish calves

might be healthier in general than calves from other member states does not in any way show that they are not negatively impacted by being deprived of feed for extended periods.

The second study showed mortality rates for 15 member states at different stages after arrival at the veal farm. It found that the mortality rate for Irish calves at 56 days was lower than average, and was the fourth lowest after the Czech Republic, Italy and Luxembourg, and was in fact lower than the rate for Dutch calves. However, the Irish authorities failed to mention that the mortality rate of Irish calves was higher than average at day 7 and was in fact the fifth highest and higher than the rate for Dutch calves. The mortality rate for Irish calves was around average at day 14.

Practicality of feeding unweaned calves on a truck: Whilst trials are being carried out in trucks with feeding systems, there is currently no such truck in operation. A trial was conducted in October 2023 using a prototype owned by a German company. There have been no results published. There is therefore currently no possible way of feeding the calves whilst in transit.

2.4 Does the Country concerned receive (or could it receive in future) EU funding relating to the subject of your complaint?

Yes, please specify below No I don't know

2.5 Does your complaint relate to a breach of the EU Charter of Fundamental Rights?

The Commission can only investigate such cases if the breach is due to national implementation of EU law.

Yes, please specify below No I don't know

3. Previous action taken to solve the problem*

Have you already taken any action in the Country in question to solve the problem? * Yes

IF YES, was it: Administrative Legal ?

3.1 Please describe: (a) the body/authority/court that was involved and the type of decision that resulted; (b) any other action you are aware of.

Correspondence with Irish competent authority and with Stena Line and Irish Ferries. This has not led to a resolution of the problem so I initiated judicial proceedings in July 2022.

I also submitted a complaint to the European Commission in March 2021 where I was told that: "The Commission cannot start any infringement procedure without clear and sufficient evidence of the alleged infringement by the Member State concerned." The EC has since conducted an audit and now has evidence.

3.2 Was your complaint settled by the body/authority/court or is it still pending? If pending, when can a decision be expected?*

The complaint was not settled.

IF NOT please specify below as appropriate

- Another case on the same issue is pending before a national or EU Court
- No remedy is available for the problem
- A remedy exists, but is too costly
- Time limit for action has expired
- No legal standing (not legally entitled to bring an action before the Court) please indicate why:

It is expected that there will be a court hearing in Ireland at some point in the summer of 2024. No date has been set as yet.

- No legal aid/no lawyer
- I do not know which remedies are available for the problem
- Other – specify

4. If you have already contacted any of the EU institutions dealing with problems of this type, please give the reference for your file/correspondence:

- Petition to the European Parliament – Ref:.....
- European Commission – Ref **CHAP(2021)1384**
- European Ombudsman – Ref:.....
- Other – name the institution or body you contacted and the reference for your complaint (e.g. SOLVIT, FIN-Net, European Consumer Centres)

5. List any supporting documents/evidence which you could – if requested – send to the Commission.

 Don't enclose any documents at this stage.

- Effect of source and journey on physiological variables in calves transported by road and ferry between Ireland and the Netherlands
 - Transport of unweaned calves: from Irish mart to first control post in France 02.03.22 – 04.03.2022
 - Investigation into the welfare of Irish calves exported to veal farms in The Netherlands 20-24.03.2023
EFSA Welfare of cattle during transport Scientific Opinion
 - European Union Reference Centre for Animal Welfare on the frequency and quantity of milk feeding to dairy calves - mini review
 - EC audit report

6. Personal data*

Do you authorise the Commission to disclose your identity in its contacts with the authorities you are lodging a complaint against?

- Yes No

 *In some cases, disclosing your identity may make it easier for us to deal with your complaint.*