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Ministero della Salute

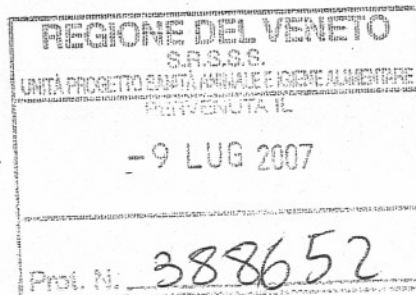
Dipartimento della Sanità Pubblica Veterinaria
la Nutrizione e la Sicurezza degli Alimenti
Dir. Gen. della Sanità Animale
e del Farmaco Veterinario
Ufficio VI D. G. I. A.

Agli Assessorati alla Sanità delle Regioni e
delle Province autonome di Trento e Bolzano
Servizi Veterinari
LORO SEDI

N° DGSA/VI/1350/P

Risposta al Foglio del.....

N°



OGGETTO: Regolamento 1/2005 - Trasmissione nota della Commissione.

Si invia per opportuna conoscenza l'allegata nota della Commissione Europea relativa all'applicazione del Regolamento (CE) n.1/2005 in merito al trasporto degli animali non deambulanti.

Con la suddetta nota la Commissione Europea ha ribadito la inidoneità al trasporto degli animali affetti da lesioni o problemi fisiologici ovvero patologie ai sensi dell'allegato 1, capo 1, punto 2, del regolamento chiudendo definitivamente ogni possibile diversa interpretazione della norma suddetta.

Si richiamano, pertanto le Autorità in indirizzo alla puntuale applicazione del regolamento e a vigilare affinché esso venga uniformemente applicato su tutto il territorio nazionale.

IL DIRETTORE GENERALE

Alle AZIENDE ULSS DEL VENETO

DIPARTIMENTO DI PREVENZIONE

SERVIZIO VETERINARIO

LORO SEDI

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PER CONOSCENZA E PER QUANTO DI COMPETENZA

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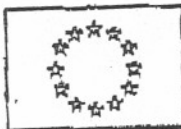
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COMMISSION EUROPÉENNE
HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL

SANCO

Directorate D - Animal Health and Welfare
D2 - Animal Welfare and Feed

12.06.2007

Bruxelles,
SANCO D2 DS/A D(2007) 426327

Dear Mr Stevenson,

On behalf of Mr Madelin, I would like to thank you for your letter of 23 March 2007 regarding the fitness of animals to be transported.

You refer in your letter to a Commission reply (Ref D(2006) 121190) to a question from the Italian authorities regarding the way Article 12 of Directive 93/119/EC on the protection of animals at the time of slaughter or killing should be interpreted in the light of the new provisions of Council Regulation (EC) No 1/2005 on the protection of animals during transport.

As the Commission's reply seems to have raised misunderstandings, I would like to clarify here the Commission's views on the subject.

The Commission believes that the provisions of paragraph (2) of Chapter I of Annex I to the Regulation should be strictly adhered to in all circumstances and the Regulation does not attribute to the competent authorities any discretionary power to take measures that would conflict with these provisions.

In particular in the case of downer cows, or other similar situations, where the pain or the exhaustion is manifest, it is the Commission's view that the competent authorities are not entitled to allow the transport of such animals. However, there are some exceptional cases where the animal may have difficulties walking without necessarily enduring severe pain. Those cases are foreseen under the provision of paragraph (3) of Chapter I of Annex I as mentioned in our previous reply to the Italian authorities.

In practice, in those cases, there is a need for a competent person to evaluate the level of pain. Indeed paragraph (3) of Chapter I of Annex I to Regulation (EC) No 1/2005 foresees that in case of doubt, veterinary advice shall be sought.

Compassion in World Farming
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The Commission therefore considers that, even in this context, veterinary advice should be provided on a case by case basis to ensure that no abuse takes place.

The Commission also considers that Article 12 of Directive 93/119/EC should be exclusively interpreted in the light of paragraph (3) of Annex I to Regulation (EC) No 1/2005, where animals are slightly injured or ill. In fact Article 12 states clearly that, as a guiding principle, *"injured or diseased animals must be slaughtered or killed on the spot"*. In the Commission's opinion, it would clearly be the case that only "slightly injured or ill" animals would be able to be transported without "further suffering for the animals". Under the Directive this condition would have to be assessed by the competent authorities.

As previously stated, it is ultimately for the European Court of Justice to give binding legal interpretations of Community law.

Yours sincerely,

Andrea Gavinelli
Deputy Head of Unit