II

(Non-legislative acts)

DECISIONS

DECISION (EU) 2020/1089 OF THE EUROPEAN PARLIAMENT

of 19 June 2020

on setting up a committee of inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union, and defining its responsibilities, numerical strength and term of office

THE EUROPEAN PARLIAMENT,

— having regard to the request presented by 183 Members for a committee of inquiry to be set up to look into alleged violations in the application of Union law governing live animal transport both within and outside the Union,

— having regard to the proposal from the Conference of Presidents,

— having regard to Article 226 of the Treaty on the Functioning of the European Union,

— having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry ([1]),

— having regard to Article 4(3) of the Treaty on European Union,

— having regard to Article 17(1) of the Treaty on European Union,

— having regard to Article 13 of the Treaty on the Functioning of the European Union,

— having regard to Article 258 of the Treaty on the Functioning of the European Union,

— having regard to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 ([2]),

— having regard to the judgment of the Court of Justice of 23 April 2015 in Case C-424/13 ([3]),

— having regard to Rule 208 of its Rules of Procedure,

1. Decides to set up a committee of inquiry to investigate alleged violations in the application of Union law in relation to the implementation by Member States and enforcement by the European Commission of Regulation (EC) No 1/2005;

2. Decides that the committee of inquiry shall:

   — investigate the alleged failure of the Commission to act upon the evidence of serious and systematic infringements of Regulation (EC) No 1/2005 which occur when animals are transported live across the Union and to third countries. The Commission has been regularly informed of the systematic and severe violations occurring during

([1]) OJ L 113, 19.5.1995, p. 1.
([2]) OJ L 3, 5.1.2005, p. 1.
([3]) Judgment of the Court of Justice of 23 April 2015, *Zuchtvieh-Export GmbH* v *Stadt Kempten*, C-424/13, ECLI:EU:C:2015:259.

the transport of live animals. Since 2007, the Commission has received approximately 200 reports on breaches to Regulation (EC) No 1/2005. In 2016, the law firm Conte & Giacomini, acting on behalf of Animal Welfare Foundation/Tierschutzbund Zürich (AWF/TSB), issued a formal complaint to the Commission on the violation of Regulation (EC) No 1/2005 during the transport of animals from Europe to Turkey by road ([4]), calling on the Commission to open infringement procedures against the Member States involved in illegal practices,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on space allowance and headroom laid down in Article 3, second paragraph, point (g), of, and in Chapter II, point 1.2, Chapter III, point 2.3, and Chapter VII of Annex I to, Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on the approval of means of transport by road and of livestock vessels, laid down in Articles 7, 18 and 19 of Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on watering and feeding laid down in Article 3, second paragraph, point (h), of, and in Chapter V, point 1.4, point 1.5 and point 2.1 (a) and (b), and in Chapter VI, points 1.3 and 2.2 of Annex I to, Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on bedding laid down in Chapter II, point 1.1 (h) and point 1.5, and in Chapter VI, point 1.2, of Annex I to Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on temperature and ventilation system laid down in Chapter II, point 1.1 (b), Chapter III, point 2.6, and Chapter VI, point 3.1, of Annex I to Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the prohibition to transport unfit animals provided for in Article 3, second paragraph, point (b), of, and in Chapter I of Annex I to, Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the separation of certain animals laid down in Chapter III, point 1.12, of Annex I to Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the additional provisions concerning long distance journey laid down in Article 14 of, and in Chapter VI of Annex I to, Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the checks to be carried out laid down in Article 15(2) and Article 21 of Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the obligation of Member States' competent authorities to, in case of infringements, take specific measures and notify the infringements, laid down in Article 26 of Regulation (EC) No 1/2005,

([4]) (CHAP(2016) 01703-01707-01708-01709-01710-01711-01712-01713-01714-01715-0171601717-01718). In October 2016, the Conte & Giacomini Law Firm sent to the Commission an integration of the complaint.

— investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the obligation of the competent authority to prevent and to reduce delay during transport, and the appropriate measures to be taken in such case, laid down in Article 22 of Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the transportation of unweaned animals, laid down in Chapter V, point 1.4 (a), of Annex I to Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the transport of live animals by the sea, including the loading practices and the structures on vessels, laid down in Articles 19, 20 and 21 of, and in Chapter II, points 1 and 3, Chapter III, point 1, and Chapter IV of Annex I to, Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the means of transport laid down in Chapter II, points 1, 2 and 5, of Annex I to Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively the provisions concerning the handling of animals, including the loading and unloading operations, laid down in Article 3, second paragraph, point (e), of, and in Chapter III, points 1.2, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9 and 1.11 of Annex I to, Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the route planning and the journey log laid down in Article 5(4), Article 8, Article 14(1), points (a), (b) and (c), and Article 21(2) of, and in Annex II to, Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the duties and obligations of Member States' competent authorities laid down in Articles 10 and 13 of Regulation (EC) No 1/2005,

— investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, Regulation (EC) No 1/2005 outside the Union, in accordance with the judgment of the Court of Justice (Fifth Chamber) of 23 April 2015 in Case C-424/13; in its judgment, the Court of Justice recalled that Regulation (EC) No 1/2005 imposes severe obligations not only on transport of live vertebrate animals taking place entirely within the territory of the European Union, but also on transport operations having their points of departure within that territory and their destination in a third country. In the same judgment, the Court held that compliance should be ensured by Member States' competent authorities when they authorise journeys taking place in third countries,

— investigate potential breaches of the duty of sincere cooperation established in Article 4(3) of the Treaty on European Union that are relevant to the scope of the inquiry; to that end, assess, in particular, whether any such breach may arise from alleged failure to take appropriate measures to prevent the operation of modes of transport in such a way that the identity of their ultimate beneficial owners is hidden from the institutions of the Union, competent authorities, and other intermediaries, and violations to Regulation (EC) No 1/2005 are facilitated,

— investigate the alleged failure of the Commission to facilitate the OIE mission of implementing international standards on animal welfare during transport,

— investigate the alleged failure of the Commission to respect the Union's trade values enshrined in the new EU trade strategy 'Trade4All', especially in relation to the horrendous transport practices documented in third countries, which are critical, not only from an animal welfare point of view, but also in terms of food security and public health,

— make any recommendation that it deems to be necessary in this matter, including in respect of the implementation, by Member States, of the above-mentioned judgment of the Court of Justice;

3. Decides that the committee of inquiry shall submit its final report within 12 months of the adoption of this decision;

4. Decides that the committee of inquiry should take account in its work of any relevant developments within the remit of the committee that emerge during its term;

5. Decides that any recommendations drawn up by the committee of inquiry should be dealt with by the relevant standing committees;

6. Decides that the committee of inquiry shall have 30 members;

7. Instructs its President to arrange for publication of this decision in the *Official Journal of the European Union*.