



Press and Information

Court of Justice of the European Union
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Judgment in Case C-424/13
Zuchtvieh-Export GmbH v Stadt Kempten

Protection for animals under EU law does not stop at the outer borders of the EU

The requirements relating to watering and feeding intervals and duration of journeys and resting periods also apply to those stages of the transport taking place outside the EU

Under the EU treaties, since animals are sentient beings, the EU and the Member States are to pay full regard to the welfare requirements of animals. To that end, the EU legislature has laid down detailed provisions in a regulation governing the protection of animals during transport.¹ That regulation is on the principle that animals must not be transported in a way likely to cause injury or undue suffering to them and on the consideration that, for reasons of animal welfare, the transport of animals over long journeys should be limited as far as possible.

A German Court, the Bayerischer Verwaltungsgerichtshof (Administrative Court, Bavaria)² has referred a question asking whether the requirements pertaining to the journey log and the powers conferred on the competent authority of the place of departure enabling it to require changes in certain circumstances also apply, in the case of transport between Member States and third countries, to those stages of the journey taking place outside the EU.

By today's judgment, the Court of Justice answers that question in the affirmative.

Thus, in order for a transport operation involving a long journey for horses, cattle, pigs, sheep or goats³ to be authorised by the competent authority of the place of departure, the organiser of the journey must submit a realistic journey log which indicates that the provisions of the regulation will be complied with, including for the stages of the journey taking place outside the EU. The planned journey as stated in the journey log must show that the planned transport will observe, inter alia, the technical rules on watering and feeding intervals and journey times and resting periods.⁴ Should the journey log not satisfy those requirements, the authority is empowered to require changes to those arrangements.

The regulation does not subject the transport of animals with a point of departure within the territory of the EU and a destination in a third country to any particular approval scheme, different from that applicable to transport taking place within the EU. The organiser of a long journey must

¹ 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 (OJ 2005, L 3, p. 1, and corrigendum OJ 2011, L 336, p. 86).

² The Bayerischer Verwaltungsgerichtshof is hearing a case involving the German undertaking Zuchtvieh-Export GmbH and the municipality of Kempten (Germany) regarding the decision taken by latter, as the competent authority of the place of departure, to refuse clearance for a consignment of cattle to be transported by road from Kempten to Andijan (Uzbekistan) and to require changes to the transport plans. The municipality of Kempten took the view that the journey log for the 7 000 km journey (via Poland, Belarus, Russia and Kazakhstan) did not comply with the requirements under the regulation because it did not provide for any resting or transfer points for the stages of the journey which were expected to take approximately 146 hours on the territory of third countries between the cities of Brest (Belarus) and Karaganda (Kazakhstan).

³ More specifically, the animals concerned are domestic Equidae other than registered Equidae, and domestic animals of bovine, ovine, caprine and porcine species.

⁴ Thus, as far as cattle are concerned, subject to certain conditions, long journeys by road must include, after 14 hours of travel, a rest period of at least one hour during which they must be given liquid and if necessary fed, after which they may be transported for a further period of up to 14 hours, at the end of which animals must be unloaded, fed, watered and be rested for at least 24 hours.

provide the competent authority of the place of departure with a duly completed copy of section 1 (Planning) of the journey log.

The information contained in that section, concerning matters such as scheduled resting, transfer or exit points must cover the entire planned transport operation, from the place of departure to the place of destination. Thus, in the case of a long journey with a destination in a third country, the journey log must contain the necessary information on watering and feeding intervals and journey times and resting periods both for the stages of the journey taking place in the territory of the EU and in the territory of third countries.

The Court considers that, in the check to be carried out prior to the journey, the competent authority has a certain margin of discretion allowing it to take due account of the uncertainties involved in a long journey, part of which is to take place in the territory of third countries.

Should it be the case that the law or administrative practice of a third country through which the transport will transit verifiably and definitely precludes full compliance with the technical rules of the regulation, the margin of discretion conferred on the competent authority of the place of departure empowers it to accept realistic planning for transport which, in the light of factors such as the means of transport used and the journey arrangements made, indicates that the planned transport will safeguard the welfare of the animals at a level equivalent to those technical rules.

In any event, the authority may require, among other things, changes to the arrangements for the intended transport in order to ensure that it will pass by enough resting and transfer points to indicate that the transport will comply with the requirements as to watering and feeding intervals and journey times and resting periods.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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