

EMHF

**European and Mediterranean
Horseracing Federation**



**European Federation of Thoroughbred
Breeders Associations**

SUBMISSION ON BEHALF OF THE EUROPEAN HORSERACING SECTOR
to the EUROPEAN COMMISSION
for its public consultation on:
The Proposal for Regulation 2023/0448 (COD) on the protection of animals in
transport and related operations
April 2024

The **European and Mediterranean Horseracing Federation** and **The European Federation of Thoroughbred Breeders Associations** welcome the opportunity to respond to the European Commission's consultation on their animal welfare in transport proposals. This submission also carries the support of the **Union Europeenne du Trot** and the **European and African Stud Book Committee** and thus can be said to represent the views of the whole European horseracing and breeding sector.

Overview

The transport of racehorses and their breeding and sales stock is an essential requirement for our sector to be able to function. However, the current legislative proposal is based primarily on requirements for the farm livestock sector, which operates on a completely different model. Its focus is also - quite rightly - on the conditions of transport for animals for slaughter.

That is why we welcome the sensible and workable derogation in Article 2.c. based on purpose of transport, aimed at replacing the previous derogations for registered, as opposed to non-registered, equidae. This, together with the broader Article 4 provisions, ensures legislative protection for commercially transported equidae in EU law, while at the same time providing more detailed and more suitable legislative protection for the 13% of horses transported within the European Union for slaughter.

We also welcome other positive proposals such as priority lanes for animals at Border Control Posts and a better clarification of the responsibilities of stakeholders.

However, despite these positive developments in the text, the Commission's proposal fails to replace the important derogations in the previous legislation in relation to our breeding and sales stock, transported with the same high levels of welfare and supervision.

Derogated Equidae – changes needed to Art 2.2

Article 2 of the proposal introduces a derogation to the rules for, *'the transport of animals for the purposes of participating in training, exhibitions, competitions, cultural events, circuses, and equestrian sport and leisure activities'*; indicating that, for these cases, only Article 4 would apply.

We welcome this derogation which is necessary for our sector to function. Our sector is already highly self-regulated, with high levels of identification, training, and veterinary oversight.

However, having to apply the whole Regulation to essential activities such as breeding, and participation in auction sales would have a disastrous economic impact on our sector.

The thoroughbred breeding sector, where artificial insemination is banned by international agreement, would be particularly affected, as mares must necessarily travel regularly to visit stallions.

The previous legislation explicitly recognises this, stating that *'(21)... it appears appropriate to derogate from certain provisions where registered Equidae are transported for competition, races, cultural events or breeding...'*

Breeding and reproduction are organised around the mare's reproductive cycle and the current proposal's rules are too constrictive for this kind of activity. They also contain provisions such as a maximum of one unloaded rest period which, while suitable for the welfare of farm animals, would restrict and reduce welfare and health conditions for our breeding and young stock.

Likewise, the proposal stipulates detailed plans for the whole of the journey (place of departure, place of destination, transport organiser, transporter). However, these requirements cannot be adhered to for auction sales which take place over two or three days and where this information is not known in advance, because the organiser at the place of departure cannot know who will be buying that horse.

The sector also wishes to ensure that 'horse races' are added to the list of derogated equine activities, for the avoidance of all possible doubt. In the previous, (EC) 1/2005 Regulation, horse races were specifically mentioned in the list of equine activities, and this is also mirrored in other legislation such as the 'license' to be added to the identification document in Article 92 of Delegated Regulation (EC) 2020/688 which allows derogations for a limited time delivered by a competent national federation for equestrian activities or by a racing authority. Therefore, the wording should be uniform throughout all relevant legislation **in order to avoid any misinterpretation or ambiguity, and horse races should be explicitly added to the list of derogated activities.**

Therefore, Article 2.2 (c) should be amended as follows:

(c) the transport of animals for the purposes of participating in training, exhibitions, competitions, horse races, cultural events, circuses, and equestrian sport and leisure activities;

And extended for:

(d) equidae transported for the purposes of reproduction, breeding, or for sale at auction

We appreciate that some equine welfare organisations have concerns about the proposed derogation and also its extension to breeding and sales. Our sector already has the ability to verify if transport is

for legitimate purposes, and we have undertaken to engage with them to work on these areas where we can improve even further, such as enhanced traceability, and development and implementation of technology for these purposes.

Significant issues which will arise if breeding and sales stock are not added to the Article 2.2 derogations

Veterinary supervision Art 17.2 and Art 25.3

The proposal introduces the obligation for a vet to supervise loading and unloading operations. We understand why this has been introduced to improve the welfare of unhandled farm animals, particularly those destined for slaughter. **However, for our sector, this requirement is unrealistic, disproportionate, and impossible to implement.**

Putting into place such a requirement risks overloading veterinary services who already find themselves under-staffed on the ground and could lead to a reduction in time allocated for more important veterinary treatment being taken up by unnecessarily supervising loading and unloading.

Moreover, loading and unloading can happen early in the morning or at night, particularly in the summer, to avoid excessive heat. It would be difficult to find available vets at these times. Horses are sometimes picked up individually from different establishments, so this proposal also runs the risk of *lowering* welfare by increasing waiting and travel times while waiting for veterinary attendance.

Temperatures - Article 31

The Commission's decision to base its rules solely on external temperatures is concerning for the sector. **These requirements do not seem to be based on scientific foundations** and do not take into account essential parameters, namely:

- **Ratio of temperature/humidity**
- **Presence of a ventilation system and circulation of air**
- **Difference in temperatures throughout the Union, and equine accustomisation** There are large temperature differences between member states. Consequently, horses in different countries do not react to temperatures in the same way. Applying uniform rules to all member states would unduly penalise Southern member states, leading to unfair competition and an unlevel playing field.

We believe that, as happens largely at the moment in individual EU countries, **each member state should be given autonomy to adapt transport conditions according to its own national conditions.**

Foals at foot (accompanied foals) - Article 29

Throughout the equine sector, foals are transported with their mother before weaning. Article 29 regarding non-weaned animals is problematic as it needs more clarification to specifically exclude foals travelling with their dam (mother). Non-weaned foals should be excluded from this article as the measures (such as feeding stations) are not at all relevant to our sector or the welfare of these animals.

Space allowances Article 31 (e) and Annexe 1, Chapter 7

If our breeding and sales horses are not derogated, we would have also serious concerns over space allowance proposals.

Article 31(e) has an obligation for transporters to increase space allowances by 20% when temperatures are over 30 °C. **Unlike other species, horses are transported in individual stalls. In practical terms, it is impossible to modify the size and the layout/design of stalls during transport to take into account changes in temperature.**

Likewise, the design of stalls to standard dimensions **makes it impossible to adapt vehicles to the individual physical characteristics of each Equidae, stipulated in Chapter 7 of Annexe I.**

Moreover, certain horses need the help of the stall sides to keep their balance. **The increase in space is therefore not equivalent to increased welfare and could even result in the opposite, heightening the risk of injuries and falls in transport.**

In terms of environmental impact, these requirements are contrary to the EU's own carbon reduction targets. **These requirements would force transporters to use more vehicles to transport the same number of Equidae,** leading to higher greenhouse gas emissions to transport horses.

The increase in space allowance would represent an economic problem with significant investment needed to conform to new vehicle specifications for limited or even adverse welfare benefits.

Reinforcing TRACES Article 5, 7, 8, 15, 16, 25, 53

We understand and fully support the need to reinforce traceability of animals and using TRACES to monitor the implementation of the legislation, particularly across borders, but wish to draw attention to the difficulties in the use of the TRACES system, particularly for the many equine journeys for shorter distances, which are often return journeys.

Where the proposal seeks to reinforce the use of TRACES the platform should be simplified to ease access, use and design. In addition, a realistic timescale for implementation should be put in place to allow development and deployment of simple and effective solutions (access via sites and portals identified by users, taking into account interoperability with other information platforms, etc).

Specificities of the equine breeding sector in Europe

Unlike farming operations, the majority of thoroughbred or trotting breeders in the EU have a very small number of mares, and these need to travel to the stallion or, in the case of trotters, perhaps to an insemination centre.

- Foaling – small breeders need to be helped by professionals who have foaling surveillance equipment. The equine sports and leisure breeding sector is made up of 80% 'amateur' breeders who have only one or two mares. Most of them have another professional activity in parallel with their breeding activity which means they cannot monitor broodmares 24/7. The majority of amateur breeders usually transport their broodmares to specialised centres between 8 to 15 days before the end of gestation. For health and safety reasons and for their welfare it is preferable for the mares to stay as long as possible at their habitual residence. Once they have arrived at the professional structure, to avoid accidents and to limit disease spread they are housed in individual boxes (away from their usual herd) and only go out for a few hours in a paddock until they have foaled. Reducing this period as much as possible, therefore, is aimed at maintaining their welfare.

Gynaecological monitoring of the mares: To ensure optimum fertility, broodmares have regular gynaecological monitoring. For economic reasons it is essential that breeders reduce

the time between foaling and natural breeding or insemination. It is sometimes useful to use the first ovulation after foaling (milk heat) between day 6 and 13 (average day 10).

- Transport conditions. Broodmare transport, including those in foal (accompanied with their foal) is undertaken by individual transport in good secure conditions. The foal is a significant financial investment for the breeder (from insemination to and beyond its birth) and needs to grow up safely and in good health to ensure a return on investment. Therefore, transport is undertaken very carefully in order to guarantee the welfare and safety of both mare and foal.

The provisions contained in the European Commission proposal would threaten the continuation of breeding activities for the equine sector, which have been put in place to ensure the very welfare and safety of these breeding animals.

Provisions incompatible with the continuation of breeding activities

Obligation to remain for one week at place of departure

Article 14, 2 (a) stipulates an obligation to keep the horse at the place of departure for at least one week before transport, thus 7 days. This requirement is a problem in a number of different scenarios where the outward/inward journey is made within an interval of a few days, and for certain auction sales as if this were to be counted as one journey then these horses would not be able to be rested off the vehicle during a journey, and this would lead to many journeys being counted as long journeys as time would be doubled with the return journey, even if the horses have rested fully off the vehicle at the sales or at stud.

As stated before for other provisions, in the case of auction sales, this envisages that the organiser of the transport has all the information relating to the journey, from place of departure to place of destination, with different stages (compulsory stops, other transporters, etc...) which is impossible. It is not possible to know in advance the final destination of the horse. The place of sale is just a stop-over. The organiser of the journey can, therefore, not register into TRACES in advance the information about where the horse is going after being sold.

Transporter authorisation requests

The requirement for authorisation applies to all transport over 50km.

The administrative delay of this requirement is not compatible with the constraints experienced by breeders. Breeders often move their mare when she ovulates. The success of the natural service or sometimes insemination (in the case of trotters) therefore depends on the monitoring and reactivity of the breeder, who should not have to have these unnecessary administrative constraints, which risk missing a cycle, imposed, as they will not bring any welfare benefits to his horses..

Ban on transport for pregnant mares of 80% or more or for mares who have foaled in last 7 days

Annexe I, Chapter 1(f) stipulates that pregnant females who have passed 80% or more or who have given birth in last 7 days are unsuitable for transport. This requirement is incompatible with equine

breeding practices where mares are often moved at the latest possible date to a specialised structure to foal. This is *expressly* to improve their health and welfare.

Equally, mares can be taken to the stallion at their first ovulation after foaling between 5 to 13 days after foaling.

The equine stud and AI centre are structures which simply do not exist in the general farming model, and this further demonstrates why equines for sports and racing breeding do not fit into these generalised farm animal welfare requirements.