

ANNEX II

JOURNEY LOG

(as referred to in Article 5(4), Article 8(2), points (a) and (c) of Article 14 and Article 21(2))

ARTICLE 5(4)

when is it compulsory the J.L.?

who has to comply with the provisions on the J.L.?

4. For long journeys between Member States and with third countries for domestic Equidae other than registered Equidae, and domestic animals of bovine, ovine, caprine and porcine species, transporters and organisers shall comply with the provisions on the journey log set out in Annex II.

COMMENT:

clear and easy to understand:

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(as referred to in Article 5(4), Article 8(2) point (a) and (c) of Article 14 and Article 21 (2))

ARTICLE 8 (2)

other than transporter and organizer, who shall comply with the provision on the J.L.?

2. Keepers shall check all animals arriving at a place of transit or a place of destination and determine if the animals are or have been subject to a long journey between Member States and with third countries. In the case of long journeys for domestic Equidae, other than registered Equidae, and domestic animals of bovine, ovine, caprine and porcine species, keepers shall comply with the provisions on the journey log set out in Annex II.

COMMENT:

clear and easy to understand, but in article 8(2) there are not point: (a) and (c) – error in the heading

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(as referred to in Article 5(4), Article 8(2), points (a) and (c) of Article 14 and Article 21(2))

ARTICLE 14

shall the C.A. look after the compliance of the J.L.?

Checks and other measures related to journey log to be carried out by the competent authority before long journeys

1. In the case of long journeys between Member States and with third countries for domestic Equidae and domestic animals of bovine, ovine, caprine and porcine species, the competent authority of the place of departure shall:

(a) carry out appropriate checks to verify that:

(i) transporters indicated in the journey log have the corresponding valid transporter authorisations, the valid certificates of approval for means of transport for long journeys and valid certificates of competence for drivers and attendants;

Outcome of controls made during the transport

- **expired documents**
- **counterfeit documents**
- **long transport with authorisation type 1**
- **animals species and category transported by vehicle with certificate of approval for different species and category**
- **lack of documents in the transport of registered horses in connection with an economic activity**

COMMENT:

The M.S. decides in different way about the expired time of the certificate of competence

(ii) the journey log submitted by the organiser is realistic and indicates compliance with this Regulation;

Outcome of controls made during the transport

- High percentage with total expected duration of the journey that is not realistic;
- High percentage with lack of data in section 1 (*5.4 estimated total weight of the consignment in kg – 5.5 total space provided for the consignment in m²*)
- *total space provided for the consignment in m² not realistic with regard of the useful surface of the vehicle*

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ARTICLE 21 (2)

2. In the case of long journeys for domestic Equidae and domestic animals of bovine, ovine, caprine and porcine species, official veterinarians of exit points and border inspection posts shall perform and record the checks listed in Section 3 'Place of destination' of the journey log in Annex II. Records of those checks and the check provided for in paragraph 1 shall be kept by the competent authority for a period of at least three years from the date of the checks, including a copy of the corresponding record sheet or print-out as referred to in Annex I or Annex IB to Regulation (EEC) No 3821/85 if the vehicle is covered by that Regulation.

COMMENT:

clear and easy to understand:

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The pages of the journey log shall be fastened together.

**In the Italian translation of the Regulation the word “fastened” Is
“rilegato” that properly means “ BIND”**

Regulation (EC) No. 1/2005 on animal protection during transport as regards the obligation to bind each page of the journey log, leaves no room for an interpretation differing from what is clearly laid down in par. 2 of Attachment II of the Regulation itself,

Rather, an opportunity to discuss this specific aspect may concern the binding modes, not specified in the Regulation, but that in any case shall ensure the unity and indivisibility of the original document

Jurisprudence confirms the above considerations:

- ▶ **COURT OF TURIN** / Section One Civil Case No. 3465/09 of 11/05/09 in the civil lawsuit registered under No. 24739/08-RG sole judge Dr. Rossana Zappasodi
- ▶ **COURT OF TURIN** / Section One Civil Case No. 2712/09 of 22/02/09 in the civil lawsuit registered under No. 22831/08-RGC sole judge Dr. Federica La Marca
- ▶ **COURT OF TURIN** / Section One Civil Case No. 903/2010 of 10/03/10 in the civil lawsuit registered under No. 27464/09-RGC sole judge Dr. A. Aragno
- ▶ **COURT OF TURIN** / Section One Civil Case No. 2328/2010 of 08/04/10 in the civil lawsuit registered under No. 29927/10-RGC sole judge Dr. Rossana Zappasodi
- ▶ **COURT OF TURIN** / Section One Civil Case No. 2732/11 of 19/04/2011 in the civil lawsuit registered under No. 17573/10-RGC sole judge Dr. Stefania Tassone
- ▶ **COURT OF TURIN** / Section One Civil Case No. 3956/11 of 17/06/2011 civil lawsuit registered under No. 27267/2010-RGC sole judge Dr. Maria Gabriella Rigoletti
- ▶ **COURT OF MONDOVÌ** / Case No. 162/2011 civil lawsuit registered under No. 731/2010-RGC sole judge Dr. Rodolfo Magri
- ▶ **COURT OF TURIN** / Section One Civil Case No. 305/2012 of 06/02/2012 civil lawsuit registered under No. 20544/2011-RGC sole judge Dr. Maria Gabriella Rigoletti

As to the binding, the EU Regulation does not specify anything about the modes by which it shall be performed

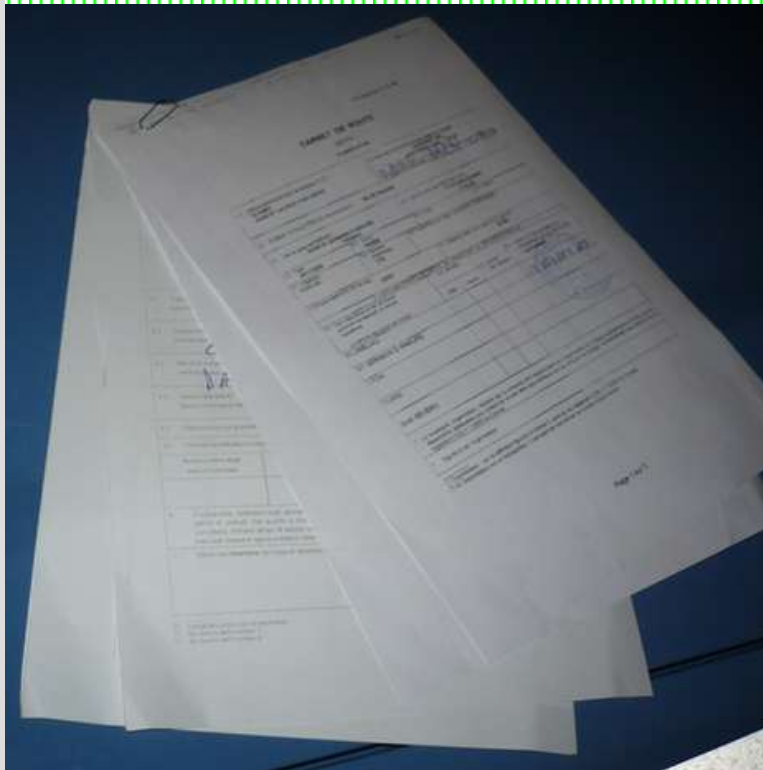
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In the present case, from photographic surveys, it turns out how the various pages of the journey log were kept together by a metallic stitch at the top on the left side of the pages.

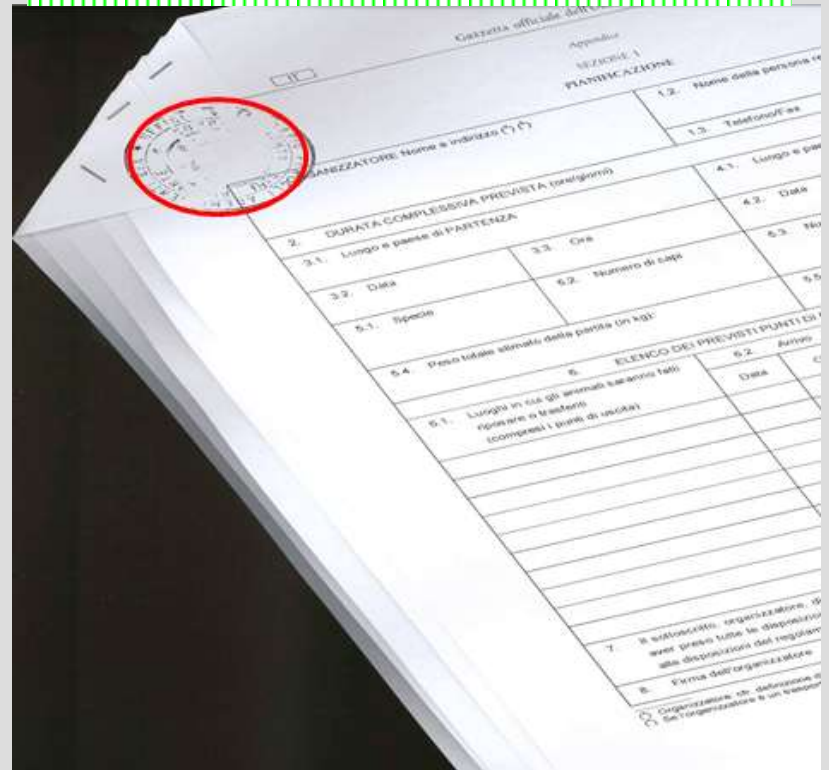
The reason for which Attachment 2 of the Regulation, requires the journey log to be bound, is obviously that of ensuring the unity and indivisibility of the travel document, in view of the purpose that the Journey Log has to fulfill, namely the definite traceability of the journey and the recording of all of the events occurred over the journey, which affect the welfare of the animals. In the light of this, a stitch cannot be considered enough to guarantee the indivisibility of the journey log,

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Journey Log **UNBOUND**



BOUND Journey Log



COMMENT

Italian jurisprudence confirmed the liability of both the transporter and driver, when the Journey Log is not complying, while recognizing that the organiser only has the competence for preparing the Journey Log.

The driver has got a certificate of competence, so he shall know how the J.L. must be prepared. Before starting the driver has to verify the J.L., if it is not complying with the annex 2 of the regulation, he shall not begin the journey and ask for the correction

COMMENT

The Journey Log and a print of the tachograph shall be delivered to the Competent Authority which granted the transporter authorization, within thirty days following the end of the journey.

The Journey Log - a print of the tachograph - a print of the navigation system records shall be kept for at least 3 years by the transporter

COMMENT

**When there are more than one health certificate,
how many journal logs do I need?**

2 ANSWERS

First hypothesis

**FOR EACH HEALTH CERTIFICATE,
ONE JOURNEY LOG.**

**The sole exception is to have a single Journey Log in view of
several health certificates, when the point of departure and the
point of arrival of the animals are identical.**

Second hypothesis

ONE JOURNEY LOG FOR MORE HEALTH CERTIFICATE

SECTION 1 PLANNING

2. TOTAL EXPECTED DURATION

the total expected hours from the time of the first loaded animal and the last unloaded animal

3.1. Place and country of DEPARTURE

the place where is loaded the first animal

4.1. Place and country of DESTINATION

the place where is unloaded the last animal

3.2. Date

3.3. Time

Date and time of the first loaded animal

4.2. Date

4.3. Time

Date and time of the last unloaded animal

**SECTION 1
PLANNING**

5.1. Species

**The indication of the n. of
animals for each Health Cs.
10 + 15 + 20**

5.2. Number of animals

5.3. Veterinary certificate(s) number(s)

**The numbers of the Health
Certificates**

5.4. Estimated total weight of the consignment (in kg):

**The weight of the single
consignment in kg.:
4000 + 6000 + 8000**

5.5. Total space provided for the consignment (in m²):

**The indication of the space provided
for the single consignment in m²
4.2 + 6.6 + 8.8**

SECTION 1 PLANNING

6. LIST OF SCHEDULED RESTING, TRANSFER OR E

6.1. Name of the places where animals are to be rested, or transferred (including exit points)	6.2. Arrival		6.3. Length (in hours)
	Date	Time	
data of the second loaded consignment	day/month	hour	loading expected time
data of the third loaded consignment	day/month	hour	loading expected time
any data about watering intervalls	day/month	hour	watering expected time
any data about resting time in control post(s)	day/month	hour	resting expected time
data of first unloaded consignment	day/month	hour	unloading expected time
data of second unloaded consignment	day/month	hour	unloading expected time
till the penultimate (the data about arrival at the last destination is mentioned in point 4)			

Second hypothesis

section 2: a copy of section 2 for each one place of departure

section 3: a copy of section 3 for each one place of destination

The copy of the Journey Log shall be left at the place of destination, with a copy of section 3.

- ▶ **Controller during the transport,**
- ▶ **Controller at the place of destination**

**All the three Authority
need the data indicated in the presentation to be able
to assess and to check the transport**