



TRANSPORT OF LIVE ANIMALS

Amendments to Draft Council Regulation on the protection of animals during transport and related operations COM(2003) 425, version 3

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What is FVE?

FVE is the umbrella body for veterinary organisations from more than 30 European countries, including all EU and EFTA countries and most of the Eastern and Central European countries. FVE represents and promotes approximately 175,000 veterinarians throughout Europe.

FVE includes four specialised groups, each representing a specific branch of the profession.

- ? Practising Veterinarians (UEVP)
- ? Hygienists and Public Health Veterinarians (UEVH)
- ? State Veterinary Officers (EASVO)
- ? Veterinarians in Industry and Research (FEVIR)

A working group looking into the transport of live animals has been active since 2001. This group has already published several position papers, which can be found on the FVE website: <http://www.fve.org> ? papers ? animal welfare ? transport.

General Comments

FVE welcomes new EU legislation concerning the welfare on animals during transportation since it believes that the current Directive neither provides adequate protection for animals, nor is adequately implemented and enforced in Member States (MSs). For the same reasons, FVE also welcomes the decision of the Commission to draft the new legislation as a Regulation, since this may help to prevent differences in interpretation between MSs.

Furthermore, FVE welcomes the principle embodied in the draft Regulation to upgrade standards and improve enforcement throughout the livestock transport chain and, in particular, the emphasis put on the training of personnel associated with the transportation of animals, the authorisation of transporters and vehicles, the new journey log and the definition of fitness for transport.

However, FVE is aware that some MSs already have national legislation which is, in some respects, stricter than the proposed Regulation; it is important that MSs are allowed to continue to apply stricter national rules to domestic transportation.

President

T. Jorna

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S. O Laoide
G. Micule
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W. Winding

A number of aspects in the draft Regulation, however, remain which must be amended before it will enter into force, if it is to be a practical tool for the protection of animals during transportation. This paper therefore proposes amendments to the draft Regulation, since FVE, speaking for the veterinarians who will be charged with enforcing the Regulation, believes that:

- ? the proposal that sequences of travel times may be repeated indefinitely during a journey is totally unacceptable;
- ? a period spent on a RO-RO vessel by a vehicle carrying livestock cannot be regarded as a rest period for the transported animals;
- ? consignments of animals entering a MS from a third country should be required to undergo a compulsory rest period of 24 hours near the border;
- ? the definition of a “long distance journey” should be amended to start when the first animal is loaded onto the means of transport and end when the last animal is unloaded; Each journey, regardless of its duration should start when the first animal is loaded onto the means of transport and end when the last animal is unloaded;
- ? a veterinarian should inspect the animals for fitness for transport within 24 hours of the start of a long distance journey;
- ? not only authorisations for transporters, but also approval certificates for vehicles should be available to the competent authorities of all MSs *via* an electronic database;
- ? all means of transport used for journeys of more than 50km should be approved for the transport of animals;
- ? some of the space allowances should be reconsidered, especially for sheep and goats. Also a distinction should be made between shorn and unshorn sheep.
- ? it is not always clear which animals are included in „transport for commercial purposes“ e.g. several sport horses travelling together to a competition;
- ? some of the requirements of the Regulation are hardly plausible and/or impractical e.g. Annex I Chapter VI paragraph 3.2.

Proposed amendments

Based on Draft Council Regulation on the protection of animals during transport and related operations COM(2003) 425, version 3

For clarity, the amendments to the draft Regulation proposed by FVE are presented comparatively with the wording in the draft, with justification where necessary.

Whereas

(10) The unloading and subsequent reloading of animals is more stressful than leaving them resting in the vehicle in good conditions. In addition, contact at staging points between animals from different sources can lead to the spread of infectious disease. Therefore, for animal welfare and animal health reasons the use of staging points should be prevented. Accordingly, Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referring to in the Annex to Directive 91/628/EEC, should be repealed.

(10) The unloading and subsequent reloading of animals **may be** more stressful than leaving them resting in the vehicle in good conditions. In addition, contact at staging points **and markets**, between animals from different sources can lead to the spread of infectious disease. Therefore, for animal health and welfare reasons the use of staging points should be **avoided, provided that suitable conditions for the animals can be guaranteed**. Accordingly, Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referring to in the Annex to Directive 91/628/EEC, should be repealed.

Justification

Scientific research suggests that unloading and reloading animals at staging points may be more stressful than resting them on the vehicle, provided that stocking densities, ventilation and feeding and watering arrangements are optimal. But if conditions on the vehicle are (or become) poor, less stress may be caused by unloading the animals, resting them in suitable accommodation and reloading them in accordance with the Regulation, than by leaving them on the vehicle. Verifying the fitness for transport is also more easily done when the animals are unloaded. Furthermore, some of the conditions proposed in the regulation are far from optimal such as the stocking densities (e.g. for unshorn sheep of 40kg and for bovines of 500kg) are much lower than those given in the SCAWAH report and quoted in other sources.

As example:

	Space allowance for „good condition“ according to SCAWAH report	Regulation
Unshorn sheep of 40 kg	0.52 m ² *	0.29 m ²
Bovine of 500 kg	2.03m ²	1.55 m ²

The current practice of loading and unloading can also be greatly improved in order to make the loading and unloading less stressful.

Furthermore, if animals stay on the vehicle to rest there must also be an adequate system for dung removal.

* Other references Cockram et al 1996 and Buchenauer 1996: ~0.40m² for sheep of 40 kg

Chapter I: Scope, definitions and general conditions for the transport of animals.

Article 1: Scope

1. This Regulation shall apply to the transport of live vertebrate animals for commercial purposes taking place in the Community including to the specific checks to be carried out by officials for consignments arriving or leaving the customs territory of the Community.

Comment:

There are some borderline cases in which it is not very clear whether the transport is „transport for commercial purposes“ or not e.g. several sport horses traveling together to a competition.

Article 2: Definitions

(m) 'organiser' means:

- (i) a transporter who has subcontracted to at least one other transporter for a part of a journey; or
- (ii) a natural or legal person who has contracted to more than one transporter for a journey; or
- (iii) a person who has signed Section 1 of the journey log as set out in Annex II.

(s) 'transporter' means any natural or legal person transporting animals on his own account, or for the account of a third party;

delete definition (m) “organiser” and all references to organiser

(s) “transporter” means any natural or legal person transporting animals on his own account **or contracting/subcontracting any part of the journey to another transporter;**

Justification

The draft Regulation defines “attendant”, “keeper”, “organiser” and “transporter” and also refers to “personnel handling animals”, “drivers” and “operators of assembly centres” (who are not defined). While this emphasises the large number of people who share responsibility for the welfare of animals during a journey, FVE believes that it will make it very difficult for the competent authority of a MS to apply sanctions when the welfare of animals being transported is compromised by failure to comply with the Regulation. FVE therefore proposes that the number of people who carry *statutory* responsibility under the Regulation for the welfare of transported animals should be minimised and only these persons should be defined in the Regulation.

Also, it looks as if an organiser when not falling under point (m) (i) does not need to have an authorisation.

In order to replace the organiser by the newly defined transporter articles 5.3, 5.4, 13 a ii, 13 b, Annex II 3 and some of the certificates need to be changed accordingly.

(h) 'journey' means the entire transport operation from the place of departure to the place of destination, including any unloading, accommodation and loading occurring at intermediate points in the journey;

(i) 'journey' means the entire transport operation from **loading the first animal at** the place of departure to **the unloading of the last animal at** the place of destination, including any unloading, accommodation and loading occurring at intermediate points in the journey;

(k) 'long distance journey' means a journey that exceeds 9 hours starting from when the first animal of the consignment is moved by a means of transport excluding 45 minutes of driver rest in the case of road transport;

(k) 'long distance journey' means a journey that exceeds 9 hours starting from when the first animal of the consignment is **loaded on to the** means of transport excluding 45 minutes of driver rest in the case of road transport;

Justification

Loading and unloading of animals can take a considerable time and may be stressful for the animals; it should therefore be included in the total journey time. Otherwise, it could be that animals spend much more than 9 hours on the vehicle, although the vehicle is not moving for 9 hours and the journey does not classify as a long distance journey.

Chapter II: Organisers, transporters, keepers and assembly centers.

Article 4: Transport Documentation

1.No person shall transport animals without carrying documentation in the means of transport enabling the competent authority to make the following checks regarding the animals:

(a)(b)

(c) the date and time of departure

(d)(e)

1.No person shall transport animals without carrying documentation in the means of transport enabling the competent authority to make the following checks regarding the animals:

(a)(b)

(c) the date and time of **loading of the first animal**

(d)(e)

Justification

Same justification as previously given for the definition „journey“.

Article 6: Transporters

4. Transporters shall entrust the handling of the animals to personnel who have received training on the relevant provisions of Annexes I and II.

4. Transporters and **their personnel** to whom they entrust the handling of the animals **must be competent and, if necessary, trained** on the relevant provisions **mentioned in Annex IV, paragraph 1 and 2 and pursuant Article 16(1).**

Justification

Personnel handling the animals should not only be competent on the relevant provision of Annexes I and II but also of all other aspects mentioned in Annex IV such as feeding and drinking needs, practical aspects of handling of animals, with the exception of impact of driving behaviour on the welfare of animals.

Furthermore, training is not only useful for attendants, drivers of road vehicles and staff of approved assembly centres. The person in charge of the planning of the journey and signing section I of the journey log will also benefit from have received the same training.

The competent authority must ensure that these people are competent; either because they have followed an approved training course, either because they have already a lot of practical experience or have former qualifications (e.g. agriculture studies).

Article 7: Prior inspection and approval of means of transport

Art 6 (1) No person shall transport animals by road over long distance journeys unless the means of transport has been inspected and approved under Article 17(1).

Art 6 (1) No person shall transport animals by road **over more than 50 km from the place of departure to destination** unless the means of transport has been inspected and approved under Article 17(1).

Justification:

The draft Regulation only provides for the approval of vehicle used for the long distance transport of animals. But the vast majority of animals are transported for less than this period and the vehicles on which they travel would fall outside the approval procedures. Furthermore, the same vehicle can be used in one journey for long distance transport and in the next journey for not long distance transport. FVE proposes that all livestock vehicles, other than those likely to be used by farmers for the transport of their own animals over short distances, should be subject to inspection and approval by the competent authority. The same 50 km borderline is also used in the European Convention on the protection of animals during international transport adopted in 2003 by the Council of Europe.

Article 9: Assembly centres

Operators of assembly centres that are approved in accordance with Community veterinary legislation shall in addition:

(a) entrust the handling of animals only to personnel who have followed training courses on the relevant technical rules set out in Annex I;

Operators of assembly centres that are approved in accordance with Community veterinary legislation shall in addition:

(a) entrust the handling of animals only to personnel who **must be competent and, if necessary, be trained on the relevant provisions mentioned in Annex IV, paragraph 1 and 2 and pursuant Article 16(1).**

Justification

See justification Article 6 – training of transporters.

Chapter III: Duties and obligations of the competent authorities.

Article 10

Article 10: Authorisations for transporters operating long distance journeys
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Article 10: Authorisations for transporters transporting animals over a distance of more than 50 km from the place of departure to destination

Justification

The vast majority of animals are transported for a short distance and therefore also many infringements can be seen during these short distance journeys. Furthermore, the same transporter can do one day a long distance transport, the other day a short distance transport. Therefore it is more logical to have the same certificate of authorisation for all transport more than 50 km with the same period of validity (2 years).

PS: The specimen of a certificate for authorisation in Chapter I of Annex III (long distance transport) has declared “THIS AUTHORISATION IS NOT VALID MORE THAN 5 YEARS” while in Article 10(2) it is mentioned that this shall not be valid for more than two years from the date of issue. This needs to be corrected.

Article 11

Article 11: Authorisations for transporters not operating long distance journeys
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delete

Justification

By changing article 10 to “Authorisations for transporters **transporting animals over a distance of more than 50 km from the place of departure to destination**”, article 11 is not anymore necessary. Neither is the certificate of authorization in accordance with the specimen set in Chapter II of Annex III.

Article 12.1, 12.2 and 12.3 needs to be changed accordingly (remove reference to art 11(1)).

Article 12: Issue of authorisations by the competent authority

4. The competent authority shall record authorisations issued pursuant to Article 10(1) in an electronic database. Data referred to in the specimen set out in Chapter I of Annex III shall be made publicly and permanently available. The database shall also include decisions notified under Article 25(4)(c) and Article 25(6) and (7).
4. The competent authority shall record authorisations issued pursuant to Article 10(1) in an electronic database. Data referred to in the specimen set out in Chapter I of Annex III shall be made publicly and permanently available. The database shall also include certificates of approval for means of transport issued pursuant to Article 17 and Article 18 (3) and decisions notified under Article 25(4)(c) and Article 25(6) and (7).

Justification

Not only authorisations for transporters, but also approval certificates for vehicles should be available to the competent authorities of all MSs *via* an electronic database. This way, any competent authority can immediately check whether a certain vehicle is approved or not.

Article 13: Checks and measures to be taken by the competent authority before long distance journeys

Art 13 For long distance journeys for domestic equidae and domestic animals of bovine, ovine, caprine and porcine species, the competent authority of the place of departure shall: etc...
Art 13 (1) For long distance journeys for domestic equidae and domestic animals of bovine, ovine, caprine and porcine species, the competent authority of the place of departure shall: etc... (2) An official veterinarian must inspect the animals for fitness for transport within 24 hours of the loading of the first animal for a long distance journey.

Justification

Under the current Regulation, the keeper is the person responsible for the fitness for transport. However, inspection for fitness for transport demands clinical examination, followed by, if necessary, a diagnosis and can therefore only be carried out by a veterinarian. It may frequently be possible for the official veterinarian to combine this with the completion of health certification for the consignment. The visit may also provide the opportunity for the transporter to be reminded of his responsibilities for compliance with the parts of the Regulation for which he is responsible – suitability of the vehicle, stocking densities, provision of food and water, etc. Having notice of the transport 24 hours before, the veterinarian can decide whether to inspect before loading or to inspect during loading. Ideally, a veterinary check should also take place on arrival.

In addition, in paragraph 10 of Section 2 of the journey log the declaration should be read: "I Official Veterinarian, hereby declare that I have inspected all the animals mentioned above, and, in my opinion, they were all fit for the intended journey at the time of my inspection."

At this moment, Annex II, Section 2 has a part called “additional checks at departure (see article 21), but it is not clear where this points to in the Regulation.

Article 16: Training courses and a training certificate

2. The training certificate for drivers of road vehicles transporting domestic equidae or domestic animals of bovine, ovine, caprine, porcine species or poultry as referred to in Article 6(5) shall be granted in accordance with Annex IV. The training certificate shall be drawn up in at least one of the official languages of the Member State where it is issued and of two other official languages of the Community. The training certificate shall be issued by the competent authority or body designated for this purpose by the Member States and in accordance with the specimen set out in Chapter III of Annex III.

2. The training certificate for drivers of road vehicles transporting domestic equidae or domestic animals of bovine, ovine, caprine, porcine species or poultry as referred to in Article 6(5) shall be granted in accordance with Annex IV (3). The training certificate shall be drawn up in at least one of the official languages of the Member State where it is issued and of two other official languages of the Community. The training certificate shall be issued by the competent authority or body designated for this purpose by the Member States and in accordance with the specimen set out in Chapter III of Annex III. **This scope of the training certificate may be limited to a specific species, subgroup, transport times or period of time .**

Justification

Soon 10 additional countries will join the European Union, which will make a total of 21 languages being used in the EU. For the veterinary inspector in Austria, receiving a training certificate e.g. in a central European (“p????????a ue t??? p????te?, ??af????, M?t??? t?? e????f?? ”) or an eastern European (Korespondencja z obywatelami, petycje, rejestr dokumentów i poradnik wyszukiwania or ?????????????????? ? ?????????, ?????????, ????????? ?? ????????? ? ????????? ? ?????????) will not make him any wiser. So ideally, one of the languages in which the training certificate shall be drawn up should be English or the language of country the driver is driving through.

The same should apply to article 12(2), 17(2) and 18(2).

It is necessary for the competent authority to have the possibility to limit the training certificate to a certain time period, for a certain species (transporting poultry needs different knowledge and skills than transporting bovines) or for long or short distance journeys. Place should be reserved on the certificate mentioned in Chapter III of Annex III, similar as to what has been done for Chapter I of Annex III, point 3 Scope of the authorization.

Article 17: Certificate of approval of means of transport by road

Art 17 (1) The competent authority or body designated by Member State shall grant a certificate of approval for means of transport by road used for long distance journeys upon application provided that the means of transport:

- (a) are not the subject of an application submitted to or an approval by another competent authority in the same or another Member State;
- (b) have been favourably inspected by the competent authority regarding the requirements of Chapters II and VI of Annex I applicable to the design, the construction and the maintenance of means of transport by road used for long distance journeys.

Art 17 (1) The competent authority or body designated by Member State shall grant a certificate of approval for means of transport by road used for **journeys more than 50 km**

from the place of departure to destination upon application provided that the means of transport:

(a) are not the subject of an application submitted to or an approval by another competent authority in the same or another Member State;

(b) have been favourably inspected by the competent authority regarding the requirements of Chapters II and VI of Annex I applicable to the design, the construction and the maintenance of means of transport by road used for long distance journeys.

Justification

See justification before art 6(1).

Art 17 (2) The competent authority or body designated by Member State shall issue each certificate with a number unique in the Member State and in accordance with the specimen set out in Chapter IV of Annex III. The certificate shall be drawn up in at least one of the official languages of the Member State of issue and two other official languages of the Community. Certificates shall be valid for a period of not more than five years from the date of issue and shall be renewed any time the means of transport is modified or refitted.

Art 17 (2) The competent authority or body designated by Member State shall issue each certificate with a number unique in the Member State and in accordance with the specimen set out in Chapter IV of Annex III. The certificate shall be drawn up in at least one of the official languages of the Member State of issue and two other official languages of the Community. Certificates shall be valid for a period of not more than **two** years from the date of issue and shall **become invalid as soon as the means of transport is modified or refitted.**

Art 17 (3 new) The competent authority shall record the certifications of the approval of the means of transport in an electronic database in a manner enabling competent authorities in all Member States to identify a means of transport rapidly in particular in the event of failure to comply with the requirements of this regulation.

Justification

The approval document for a vehicle needs to define its layout to confirm that it complies with the Regulation. That approval should therefore be invalidated as soon as the vehicle's layout is altered. A 5-year approval period is too long, in FVE's view. Ideally re-inspection should take place annually, similar to inspections for roadworthiness, but a 2-year period would help to spread the initial workload.

The same electronic database used to record the authorisations of transporters can easily be used to record the certifications of the approval of the means of transport.

Article 18: Certificate of approval of livestock vessels

18 (1) The competent authority or body designated by Member State shall grant a certificate of approval for a livestock vessel upon application, provided that the vessel is:

- (a) regularly operated from the Member State where the application is made;
- (b) (c)

18(2)

18(3) The competent authority shall record approved livestock vessels in a manner enabling them to be rapidly identified in particular in the event of failure to comply with this Regulation.

18 (1) The competent authority or body designated by Member State shall grant a certificate of approval for a livestock vessel upon application, provided that the vessel is:

- (a) ~~regularly~~ operated from the Member State where the application is made;
- (b) (c)

18(2)

18(3) The competent authority shall record approved livestock vessels **in an electronic database** in a manner enabling them to be rapidly identified in particular in the event of failure to comply with this Regulation.

Justification

The same electronic database used to record the authorisations of transporters and means of transport can easily be used to also record the approval of livestock vessels.

Article 20: Checks at exit points and bip's

20 (3) Where the competent authority considers that animals have been neglected or maltreated during the journey and are therefore not fit to complete their journey, they shall be unloaded, watered, fed and rested.

20 (3) Where the competent authority considers that animals have been neglected or maltreated during the journey and are therefore not fit to complete their journey, they shall be unloaded, watered, fed and rested **and, if necessary, action shall be taken in accordance with Article 22.**

Justification

If animals are found to have been neglected or maltreated during a journey, emergency actions may be necessary as described in article 22.

Extra Article 22

The competent authority of each member state shall identify a sufficient number of suitable unloading premises and notify the commission hereof in a regular time period.
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Justification

The use of staging points is not foreseen by the proposal due the demonstrated risk for the health of the animals. Accordingly, the commission proposal proposes that Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referring to in the Annex to Directive 91/628/EEC, should be repealed.

However, when during checks carried out by the competent authority during any stage of the journey, it is considered that animals have been neglected or maltreated during the journey, or out of any other reason are not fit to complete their journey, they shall be unloaded (see article 20.3). Unless competent authorities are obliged to identify such suitable unloading premises (particularly at, or near, BIP's), it will be difficult for an official veterinarian to enforce the Regulation.

ANNEX I – Technical Rules

Chapter I: Fitness for transport

<p>2. Animals that are injured or that present physiological weaknesses or pathological processes shall not be considered fit for transport and in particular if:</p> <ul style="list-style-type: none">(a) they are unable to move independently without pain or to walk unassisted;(b) they present a severe open wound or prolapse;(c) they are pregnant females for whom 90% or more of the expected gestation period has already passed, or females who have given birth in the previous week;(d) they are new-born mammals in which the navel has not completely healed;(e) they are pigs of less than four weeks, lambs of less than one week and calves of less than two weeks of age unless they are transported less than 100 km;(f) they are cervine animals in velvet.
<p>2. Animals that are injured or that present physiological weaknesses or pathological processes shall not be considered fit for transport and in particular if:</p> <ul style="list-style-type: none">(a) they are unable to move independently without pain or to walk unassisted;(b) they present a severe open wound, severe haemorrhage, severe system disorder or prolapse;(c) they are pregnant females for whom 90% or more of the expected gestation period has already passed, or females who have given birth in the previous week;(d) they are new-born mammals in which the navel has not completely healed; with the exception of a foal transported with the mare for mating;(e) they are pigs of less than three weeks, lambs of less than one week and calves of less than two weeks of age, unless they are transported less than 100 km;(f) they are cervine animals in velvet.

Justification:

Animals with a severe haemorrhage or system disorder should also not be transported. Neither do very young animals, also not for less than 100 km. A farmer transporting his lambs to the prairie will not fall under this Regulation, as this is not commercial transport.

<p>3. However, ill or injured animals may be considered fit for transport if they are:</p> <ul style="list-style-type: none">(a) ...
<p>3. However, ill or injured animals may be considered fit for short distance transport only if they are:</p> <ul style="list-style-type: none">(a) ...

Justification:

Ill and injured animals should not be transported at all over long distances.

4. When animals fall ill or are injured during transport, they shall be separated from the others and receive first-aid treatment as soon as possible. They shall be given appropriate veterinary treatment and if necessary undergo emergency slaughter or killing in a way which does not cause them any unnecessary suffering.

4. When animals fall ill or are injured during transport, they shall be separated from the others and **and, if necessary, unloaded and** receive first-aid treatment as soon as possible. They shall be given appropriate veterinary treatment and if necessary undergo emergency slaughter or killing in a way which does not cause them any unnecessary suffering.

Justification:

In some cases, unloading will be necessary to give the animal the first-aid treatment or to care for the animal.

6. Lactating females of bovine, ovine and caprine species not accompanied by their offspring shall be milked at intervals of not more than 12 hours.

6. Lactating females of bovine, ovine and caprine species not accompanied by their offspring **shall not be transported unless it can be proved that they can be unloaded and** milked at intervals of no more than 12 hours.

Justification:

In many cases, in order to milk an animal, it will be necessary to unload it. As the Regulation intends to repeal Council Regulation (EC) 1255/97, it should be planned in advance where to unload the animals for milking.

7. (New) Where there is any doubt about the animal's fitness for transport, a veterinary opinion should be sought.

Justification:

Inspection for fitness to travel demands skills and clinical judgement e. g. to detect a severe system disorder and therefore can only be carried out by a veterinarian. As mentioned in the recently adopted new European Convention on the protection of animals during transport[†] in Article 10(1) "Before animals are loaded for international transport they shall be inspected by an authorised veterinarian of the country where the journey starts, who shall ensure that they are fit for the journey."

Currently in the Regulation the keeper is responsible for the fitness of travel, however, no training requirements are asked from him, and in addition it will be difficult for the competent authority to act in case of an infringement. This is unacceptable.

[†] Council of Europe Convention adopted in 2003
http://conventions.coe.int/Treaty/EN/projets/Animals_revised.htm

Chapter II: Means of transport

1.1 Means of transport, containers and their fittings shall be designed, constructed, maintained and operated so as to:

- (a) avoid injury and suffering and to ensure the safety of the animals;
- (b) protect the animals from inclement weather and adverse changes in climatic conditions; they shall always be equipped with a roof;
- (c) be cleaned and disinfected;
- (d) prevent the animals escaping or falling out and be able to withstand the stresses of movements;
- (e) ensure that air quality and quantity appropriate to the species transported can be maintained;
- (f) provide access to the animals to allow them to be inspected and cared for;
- (g) present a flooring surface that is anti-slip and minimise leakage of urine and faeces;
- (h) provide a means of lighting sufficient for inspection and care of the animals during transport.

1.1 Means of transport, containers and their fittings shall be designed, constructed, maintained and operated so as to:

- (a) avoid injury and suffering and to ensure the safety of the animals;
- (b) protect the animals from inclement weather and adverse changes in climatic conditions; they shall always be equipped with a roof;
- (c) **be capable of being** cleaned and disinfected;
- (d) prevent the animals escaping or falling out and be able to withstand the stresses of movements;
- (e) ensure that air quality and quantity appropriate to the species transported can be maintained;
- (f) provide access to the animals to allow them to be inspected and cared for;
- (g) present a flooring surface that is anti-slip and minimise leakage of urine and faeces;
- (h) provide **fixed** means of lighting sufficient for inspection and care of the animals during transport.
- (i) **provide external and internal ramps inclined at no more than 20° to the horizontal, equipped with cleats with intervals at a maximum of 30 centimetres.**

Justification:

Self-explanatory

1.5 Piglets of less than 10 kg, lambs of less than 20 kg, calves of less than six months and foals of less than four months of age shall be provided with appropriate bedding material. It shall be sufficient to allow the animals to lie down without being in direct contact with the floor.

1.5 All animals shall be provided with adequate and appropriate bedding material which shall be sufficient to allow the animals to lie down without being in direct contact with the floor.

Justification:

Not only very young animals but all animals transported should be provided with adequate amounts of appropriate bedding material.

2.1 Vehicles in which animals are transported shall be clearly and visibly marked indicating the presence of live animals.

2.1 Vehicles in which animals are transported shall be clearly and visibly marked **by an internationally agreed symbol, indicating** the presence of live animals

Justification:

Is much more efficient to have one internationally agreed symbol, then each country having their own marking method.

Chapter III: Transport practices

1.4 Ramps shall not be steeper than 33,3 % on the horizontal level for pigs, calves and horses and than 50 % for sheep and cattle other than calves provided that ramps are equipped with cleats with intervals at a maximum of 30 centimetres.

1.4 **External and internal** ramps shall not be steeper than **20°** for pigs, calves, horses, sheep and cattle and should be equipped with cleats with intervals at a maximum of 30 centimetres.

Justification:

The proposed percentage is much too steep. Internal and external loading ramps should not be steeper than 20°.

1.8 It shall be prohibited to:

- (a) strike or kick the animals;
- (b) apply pressure to any particularly sensitive part of the body;
- (c) suspend the animals themselves by mechanical means;
- (d) lift or drag the animals by head, ears, horns, legs, tail or fleece, or handle them in such a way as to cause them unnecessary pain or suffering;
- (e) use instruments which administer electric shocks;
- (f) use prods or other implements with pointed ends;
- (g) knowingly obstruct any animal which is being driven or led through any part where animals are handled.

1.8 It shall be prohibited to:

- (a) strike or kick the animals;
- (b) apply pressure to any particularly sensitive part of the body;
- (c) suspend the animals themselves by mechanical means;
- (d) lift or drag the animals by head, ears, horns, legs, tail or fleece, or handle them in such a way as to cause them unnecessary pain or suffering;
- (e) use instruments which administer electric shocks **otherwise than as a very last measure on pigs older than 4 month and cattle older than 12 month, which are unwilling to move, and only on the hindquarters when the animals have room in front to move forwards. It must never be used on injured animals.**
- (f) use prods or other implements with pointed ends;
- (g) knowingly obstruct any animal which is being driven or led through any part where animals are handled.

This change also needs to be done in article 33 regarding Directive 93/119/EEC.

Justification:

Some cattle and pigs can be very stubborn and if instruments which administer electric shocks are not anymore allowed to be used, transporters, keepers and operators of assembly centres would use other methods more hurting the animals. Training should also help them to not having to use these methods often at all.

<p>1.11 Animals shall be handled and transported separately in the following cases:</p> <ul style="list-style-type: none"> (a) animals of different species; (b) animals of significantly different sizes or ages; (c) adult breeding boars or stallions; (d) animals with horns and without horns; (e) animals hostile to each other; (f) tied and untied animals.
<p>1.11 Animals shall be handled and transported separately in the following cases:</p> <ul style="list-style-type: none"> (a) animals of different species; (b) animals of significantly different sizes or ages; (c) adult breeding boars or stallions; (d) animals with horns and without horns; (e) animals hostile to each other; (f) tied and untied animals; (g) Sexually mature male and female animals.

Justification:

Mixing of sexually male and females stresses the animals even if they look calm from the outside.

Chapter V: Journey times

1. DOMESTIC EQUIDAE, DOMESTIC ANIMALS OF BOVINE? OVINE? CAPRINE AND PORCINE SPECIES

<p>For the purpose of this Chapter:</p> <p>(a) ‘rest period’ means an uninterrupted period in the course of a journey during which animals are watered and fed, without being moved in a means of transport and allowed to rest. Where vehicles or wagons are loaded onto a roll-on-roll-off vessel, time spent on the vessel shall be considered as a period when animal are not being moved in a means of transport and allowed to rest.</p>
<p>For the purpose of this Chapter:</p> <p>(a) ‘rest period’ means an uninterrupted period in the course of a journey during which animals are watered and fed, without being moved in a means of transport and allowed to rest. Where vehicles or wagons are loaded onto a roll-on-roll-off vessel, time spent on the vessel shall be considered as a period when animal are not being moved in a means of transport and allowed to rest.</p>

Justification

The period spent by a vehicle on a Ro-Ro livestock vessel cannot be counted as a rest period (due to the movement, weather conditions, noise and air quality).

<p>1.1 Long distance journeys are only permitted for domestic equidae and domestic animals of bovine, ovine, caprine and porcine species if:</p> <p>(a)(b)(c)</p> <p>(d) for transport by road, travel times do not exceed 9 hours and rest periods are at least of 12 hours. The 9 hours of travel time do not include the 45 minutes of driver rest during which the vehicle is stationary. Sequences of travel times may be repeated during a journey. Member States may apply shorter transport periods for transport which originates in and takes place exclusively within their own territory;</p> <p>(e) for transport by rail, travel times and rest periods meet the provisions of Table 1. A sequence of travel times and rest periods may be repeated during a journey;</p>
<p>1.1 Long distance journeys are only permitted for domestic equidae and domestic animals of bovine, ovine, caprine and porcine species if:</p> <p>(a)(b)(c)</p> <p>(d) for transport by road, travel times do not exceed 9 hours and rest periods are at least of 4 hours. The 9 hours of travel time do not include the 45 minutes of driver rest during which the vehicle is stationary. This sequence of travel time may be repeated only once during a journey. Member States may apply shorter transport periods for transport which originates in and takes place exclusively within their own territory;</p> <p>(e) for transport by rail, travel times and rest periods meet the provisions of Table 1. A sequence of travel times and rest periods may be repeated during a journey;</p> <p>(f) before changing means of transport (with the exception of a vehicle moving on a Ro-Ro ferry) a 12-hour resting period with unloading should be taken;</p>

Justification

The suggestion that sequences of travel times by road may be repeated during a journey indefinitely totally unacceptable. Furthermore, when animals change the means of transport e.g. from road transport to transport by rail (with the exception of a vehicle moving on a Ro-Ro ferry) a 12-hour resting period with unloading is absolutely necessary to recover and verify the fitness of transport.

Without doubt, normal behavioural patterns of animals change when these are transported for longer than 10 hours. If appropriate, semi-resting conditions (e.g. by more space, feeding, watering) on the vehicle can be established and the time interval between unloading-and-resting periods can be prolonged but certainly not to the extent that sequences of travelling and resting periods on the vehicle may be repeated indefinitely.

In view of our recommendation that a sequence of travel times should be repeated only once, FVE would accept a resting period of 4 hours minimum on the vehicle, in the interest of completing the whole journey quicker because scientific studies show that in most cases 4 hours minimum are preferable in order for the animals to be rested, fed and watered. Afterwards the animals should than be prohibited from starting a new journey for at least 24 hours after the unloading of the last animal.

<p>1.1 Long distance journeys are only permitted for domestic equidae and domestic animals of bovine, ovine, caprine and porcine species if:</p> <p>(a) (b)(c)(d)(e)</p> <p>(f) The provision of points (a),(d), and (e) shall not apply to registered equidae as referred to in Directive 90/426/EEC.</p>
<p>1.1 Long distance journeys are only permitted for domestic equidae and domestic animals of bovine, ovine, caprine and porcine species if:</p> <p>(a) (b)(c)(d)(e)(f)</p> <p>(g) Animals arriving from third countries should have a compulsory resting period of 24 hours near the border on EU territory. Derogation from this can only be allowed if the Commission sees that legislation regarding the transport of live animals is implemented and respected in both countries of origin and countries of transit.</p> <p>(f) The provision of points (a),(d), and (e) shall not apply to registered equidae as referred to in Directive 90/426/EEC.</p>

Justification

Long-distance journeys frequently start outside the European Union and animals are at present reaching the border of the Union after having travelled for long periods of time. Enforcement of the Regulation in Third Countries proves difficult. Therefore, the FVE considers that animals on long distance journeys arriving from Third Countries should have a compulsory resting period of 24 hours with unloading near the border on the territory of the European Union. Derogations from the requirement to rest animals for 24 hours on arrival at the external borders of the EU could be considered by the Commission where they were satisfied that the legislation regarding transport of live animals was implemented and respected in both the country of export and any countries of transit, such as when all those are signatories to, and fully implemented the provisions of the Convention on the Protection of Animals during Transport.

FVE recognizes that the main problem with the transport of horses is the transport of slaughter horses. However, our veterinarians have seen already several times violation with registered horses going for very long distances at the end of their career. We also need to keep in account that the scope of this Regulation is only for commercial transport and excludes an individual animal traveling with a responsible person. FVE also thinks an owner transporting his TWO or 3 horses by accompanying them to a local show should also be excluded from the scope.

Chapter VI: Additional provisions for long distance journeys of domestic equidae and domestic animals of bovine, ovine, caprine and porcine species.

I. ALL LONG DISTANCE JOURNEYS

Feed

1.2 Equidae shall have permanent access to hay
1.2 Equidae shall have access to hay every 8 hours.

Justification

Providing equidae with a permanent access to hay can induce shipping fever[‡], depending on the quality of the hay and the method of serving it (net, on the floor). More beneficial for the horse is to provide it access to food and water in view of the resting periods, e.g. every 8 hours.

Partitions

1.6 Equidae shall be transported in individual stalls or boxes except mares travelling with their foals. 1.7 Animals shall not be tied during movements of the means of transport. This provision does not apply for registered equidae as referred to in Directive 90/426/EEC. 1.8 The means of transport must be fitted with partitions so that separate compartments may be created. 1.9 The partitions shall be constructed in such a way that they can be placed in different positions so that the size of compartment can be adapted to specific requirements, and to the type, size and number of animals.
1.6 Equidae shall be transported in individual stalls or boxes except mares travelling with their foals. Equidae older than 6 months should wear a halter, with the exception of unbroken equidae. 1.7 Animals shall not be tied during movements of the means of transport. This provision does not apply for registered equidae as referred to in Directive 90/426/EEC. 1.8 The means of transport must be fitted with partitions so that separate compartments may be created. 1.9 The partitions shall be constructed in such a way that they can be placed in different positions so that the size of compartment can be adapted to specific requirements, and to the type, size and number of animals. 1.10 Bovines should be transported in a group of maximum 8 adult cattle or 15 calves; pigs in a group of maximum 15 pigs/young sows, 60 piglets (<10 kg), 32 young pigs (10-30 kg), sheep and goats in groups of maximum 30 animals.

Justification

Group separation is very important to reduce stress levels during transport. The maximum number of animals per compartment is dependant on the weight (and as such age) of the animals and the resulting centrifugal force.

[‡] http://www.sporthorsemedicine.com/shipping_fever.htm

2. WATER SUPPLY FOR TRANSPORT BY ROAD, RAIL OR SEA CONTAINERS

2.1 The vehicle shall be equipped with a water supply system self-operated by the animals, that makes it possible for the attendant to provide water instantly anytime it is necessary during the journey, so that each animal has access to water.

2.1 The vehicle shall be equipped with a water supply, self-operated, **in sufficient number and equally distributed over the compartment and adapted to the learned watering behaviour** of the animals, which makes it possible for the attendant to provide water instantly anytime it is necessary during the journey, so that each animal has access to water.

Justification

The animals, in particular cattle, must be familiarised with the type of drinkers and be able to reach the drinkers.

3. VENTILATION FOR TRANSPORT BY ROAD

Table 1:

Some of the proposed minimum and maximum temperatures are not in accordance with the thermal capacity of the species. For example 32° for piglets and pigs with a relative humidity of less than 95 % is too high and 15° for piglets is too low.

Note should also be taken that the requirements for equidae are not exactly the same as for bovine animals. The same counts for Table 2 Feed and Water requirements.

Chapter VII: Space Allowances

1. DOMESTIC EQUIDAE, DOMESTIC ANIMALS OF BOVINE, OVINE, CAPRINE AND PORCINE SPECIES

1.2 An additional 10% shall be given to pregnant females in the last third of gestation for the minimum floor area set out in Tables 1, 2 and 3. An additional 5% shall be given to adult bovines with horns for the minimum floor area set out in Table 1.

1.2 An additional 10% shall be given to pregnant females in the last third of gestation for the minimum floor area set out in Tables 1, 2 and 3. An additional 5% shall be given to adult bovines with horns for the minimum floor area set out in Table 1. **An additional 5% shall be given to unshorn sheep for the minimum floor area set out in Table 2.**

Justification

Unshorn sheep should be given more space as shorn sheep.

1.6 For equidae, the minimum length of an individual stall or box shall be at least 60 cm longer than the distance from nose to back of hindquarters. The minimum width of the stall or box shall be at least 40 cm wider than the width of the widest point of the body.
1.6 For equidae, the minimum length of an individual stall or box shall be at least 60 cm longer than the distance from nose to back of hindquarters. The minimum width of the stall or box shall be at least 20 cm wider than the width of the widest point of the body.

Justification

The proposed length and width of the box/stall of the equidae in the original text of the Regulation could affect the stability of the horse on the vehicle, which at this moment was assured by walls or bars at a distance of 10 cm from the body of the equidae.

The absolute minimum space allowances are determined by physical dimensions of the animals and other factors such as the need of the animals to thermoregulate effectively and whether resting, feeding and watering takes place on the vehicle.

-
1.8 Compartment heights should allow to all animals to stand naturally with sufficient space above the highest part of the body to allow proper ventilation. The minimum internal height of the compartment for cattle shall be at least 20 cm higher than the height of the withers , if present, of the highest animal.
1.9 Adequate inspection is not possible where: there are deck ceilings lower than 1.4 m, animals which can be obscured behind other individuals or animals in crates, so journeys longer than nine hours should not be permitted in these circumstances

Justification

For a good ventilation and freedom of movement, a minimum internal height of the stall for cattle should be the height of the withers of the highest animal +20 cm. During the Catra study and other on the spot checks, it was also clear that if the compartment is less high, severe back bruising occurs.

Table 2 – Sheep and goats

Average weight in kg	Area A1 or A2 per animal in m2
20	0,240
30	0,265
40	0,290
50	0,315
60	0,340
70	0,390
80	0,440

Justification

The proposed values for the space allowance of sheep and goats are extremely low. Better figures for A2 would be for 30 kg – 0.280, for 40 kg – 0.380, for 50 kg – 0.470, for 60 kg- 0.540 and for 80 kg – 0.760 per animal in m2.

NOTE: No comments are given in this paper for other species than equidae, bovine, caprine and porcine although the group has comments on the other species also. However, as the SCAWAH group is finalising a report, we suspect changes will be made in view of this report to the Regulation regarding these other species, therefore we will await the outcome for that.

ANNEX II – JOURNEY LOGS

2. The organiser shall: ...
2. The transporter shall: ...

Justification

See article 2.

Changes need to be done also in the journey log to replace organiser by transporter.

In Section 1 of the journey log - 1.2 Name of person in charge of journey it is unclear who is meant (suppose driver or attendant when present).

10. I, veterinarian, hereby declare that I have checked and approved the loading of the animals mentioned above. According my knowledge, at the time of departure, the animals were fit for transport and the means of transport and the transport practices were in accordance with the provisions of Regulation xxx.
10. "I, veterinarian, hereby that I have inspected all the animals mentioned above, and, in my opinion, they were all fit for the intended journey at the time of my inspection."

Justification:

See article 13.

ANNEX III – FORMS

Chapter III: Certificate for drivers

This certificate needs to be changed so that it can be limited for per species, subgroups and transport times, see Article 16.

ANNEX IV – TRAINING

1. Road drivers as referred to in Article 6(4) and Article 16 (1) shall have successfully completed the training as provided for in paragraph 2 and have passed an examination approved by the competent authority, which shall ensure that examiners are independent.
2. The training courses referred to in paragraph 1 shall include the technical and administrative aspects of Community legislation concerning the protection of animals during transport and in particular the following items:
 - (a) Annexes I and II;
 - (b) animal physiology and in particular drinking and feeding needs, animal behaviour and the concept of stress;
 - (c) practical aspects of handling of animals;
 - (d) impact of driving behaviour on the welfare of the transported animals and on the quality of meat;
 - (e) Emergency care for animals.

1. The competent authority must ensure that personnel of transporters as referred to in Article 6(4) and Article 16(1) and personnel of approved assembly centres as referred to in Article 9(2a) and Article 16(1) must be competent in the subjects as provided in paragraph 2 a, b, c and d.

2. The **subjects** referred to in paragraph 1 shall include the technical and administrative aspects of Community legislation concerning the protection of animals during transport and in particular the following items:
 - (a) Annexes I and II;
 - (b) animal physiology and in particular drinking and feeding needs, animal behaviour and the concept of stress;
 - (c) practical aspects of handling of animals;
 - (d) emergency care for animals;
 - (e) impact of driving behaviour on the welfare of the transported animals and on the quality of meat.
3. Road drivers as referred to in **Article 6(5) and Article 16 (2)** shall have successfully completed the training as provided for in paragraph 2 and have passed an examination approved by the competent authority, which shall ensure that examiners are independent.

Justification

Personnel of transporters and of approved assembly centres must not only be competent in Annex I and/or II but also in the other aspects mentioned in Annex IV such as the animal physiology, drinking and feeding needs, animal behaviour and practical aspects of handling of animals.

The competent authority must ensure that these people are competent; either because they have followed an approved training course, either because they have already a lot of experience or have been trained in these aspects before (e.g. agriculture studies).