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From: General Secretariat of the Council  
To: Delegations  
Subject: Updating legislation on the transport of animals in the EU  
*- Information from the Belgian, Danish, Dutch, German and Swedish delegations*

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Delegations will find in Annex an information note from the Belgian, Danish, Dutch, German and Swedish delegations on the above mentioned subject to be raised under "Any other business" at the meeting of the Council ("Agriculture and Fisheries") on 18 July 2022.

**Updating legislation on the transport of animals in the EU**

*Information from the Belgian, Danish, Dutch, German and Swedish delegations*

Millions of animals are transported in the EU every day. Several well-documented incidents where animals have suffered during transportation have put such transports high on the public agenda in recent years. The political level in the EU has likewise shed light on the transport of animals; e.g. with the European Parliament's establishment of the Committee of Inquiry on the Protection of Animals during Transport.

The ministers responsible for animal welfare during transport in Belgium, Denmark, the Netherlands, Germany and Sweden, share the concerns of the European citizens and strongly support revising animal transport legislation in the EU.

In order to uphold focus on the protection of animals during transport in the EU, as well as to ensure that the future legislation is ambitious and in line with scientific evidence, a joint position paper for a revision of Council Regulation (EC) No. 1/2005 was sent to the Commission on 7 June 2022.

The existing legislation dates back to 2005 and is in dire need of being revised. An update is necessary for the legislation to “align with the latest scientific evidence, broaden its scope, make it easier to enforce and ultimately ensure a higher level of animal welfare” as rightly stated in the Farm to Fork Strategy. The Regulation contains a number of provisions that makes it difficult to ensure that the requirements contained in the Regulation are uniformly enforced across the European Union.

In the position paper the ministers responsible for animal welfare during transport in Belgium, Denmark, the Netherlands, Germany and Sweden, have listed the key issues, which are found to be central in the revision of the legislation. These include journey time, definition of “economic activity”, destination outside of the European Union, distance to ceilings (decks) and requirements for watering and feeding intervals. In addition, important issues such as transport in extreme temperatures are included.

The coming revision is an important window of opportunity to increase the protection of animals during transport. The signatory Member States invite the Commission and all EU Member States to

consider these issues, and strongly welcome their active involvement in the development of an updated legislative framework.



## Position Paper for a Revision of the EU's Legislation on Animal Transport

Millions of animals are transported in the EU every day. Their welfare during transport is currently regulated by Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations (hereafter 'the Transport Regulation'). The governments of Belgium, Denmark, Germany, the Netherlands and Sweden find that the Transport Regulation needs to be updated and brought in line with current scientific findings. The Regulation contains a number of vague provisions making it very difficult to ensure that the requirements contained in the Regulation are uniformly enforced across the Union.

We therefore welcome the Commission's intention as stated in the Farm to Fork strategy to revise the Transport Regulation. We look forward to engaging in the evaluation of the current rules as outlined in the Roadmap for the Fitness check of the EU legislation on animal welfare of farmed animals.

Securing animal welfare during transport is also a high priority for the European Parliament. The European Parliament has established an Inquiry Committee on live animal transport with the aim of providing a source document for the revision of the Transport Regulation. We greatly welcome the efforts made by the Commission and the European Parliament with regard to reviewing the existing legal framework.

The undersigned Member States look forward to engaging in a constructive dialogue with the Commission with the aim of discussing how to improve animal welfare during transport. In that respect, we strongly believe that any future legislation on animal welfare during transport must address the following key issues:

### **Key issues**

#### **1: Journey Time**

The European Food Safety Authority's (EFSA) Scientific Opinion<sup>1</sup> recommends a time limit for the transport of untrained horses of uncertain health status for slaughter of 12 hours. Furthermore, recital 5 of the Transport Regulation states that "For reasons of animal welfare the transport of animals over long journeys (including animals for slaughter), should be limited as far as possible".

A report from 2002 submitted by the Scientific Committee on Animal Health and Animal Welfare (SCAHAW) already indicated that many animal species and categories after a maximum of 8 hours of transport should have a considerable resting period (at least 6 hours)<sup>2</sup>. Maximum journey times must be based on what is acceptable for the animals concerned both ethologically and physiologically, although live animal transports will always involve some degree of stress and discomfort. Journey times should be as short as possible as we want to see a transition towards transporting meat and breeding materials instead of live animals.

<sup>1</sup> EFSA Journal 2011 ; 9(1), p. 78

<sup>2</sup> SCAHAW Report 2002; p. 103

For guidance on this, scientific opinions are essential. We look forward to examining the outcomes of the EFSA evaluation of the Transport Regulation in this respect.

#### Proposed solution

We suggest introducing a maximum of 8 hours of transport for all animals destined for slaughter. A considerable part of animals that are sent for slaughter, are animals removed from production e.g. sows and dairy cows, and their general condition will often make them unfit for long journeys. For animal welfare reasons, most animal species need a longer resting period after 8 hours of transport, as indicated in the said SCAHAW report. We aim for short journey times for slaughter animals for the purpose of improving the animals' welfare. In general, it would be much more advantageous to transport meat, carcasses and breeding materials instead.

Additionally, we propose that EFSA should examine the feasibility of setting a stricter travel time for transporting animals such as breeding animals and production animals within and from the EU in connection with an economic activity. Any such proposal would have to be evidenced-based as well as species-specific.

In accordance with EFSA's recommendations, we also propose that the time spent on a lorry loaded onto a vessel should not be considered as a resting period but as journey time. Such a stipulation would be beneficial for the welfare of all farm animals. In that regard, we strongly believe that a harmonised interpretation and enforcement is needed with regard to the rules governing roll-on-roll-off transport. In addition, facilities should be made available at airports and harbours from which animals are transported, in case there is a need to unload animals in case of delays or an emergency.

For poultry, loading and unloading should be taken into account in line with the overall goal of limiting journey times. Consequently, placing the animals in the containers/crates and the waiting times until removing the animals from the container should be considered as well.

Finally, the number of times that animals may be collected and assembled should be limited to avoid that animals are transported and re-grouped multiple times preventing them from reaching their end-destination for several days, even weeks. These rules should apply to all vertebrate animals e.g. foals, dogs and cats.

#### **2: Definition of "Economic Activity"**

As per Article 1, point 5, the Transport Regulation only applies to the transport of animals in connection with an economic activity. However, the Transport Regulation lacks a clear definition of what an "economic activity" actually entails as the phrase only appears once. For instance, it remains unclear whether the transport of laboratory animals constitutes an "economic activity" if the animals are being transported by a research institution.

#### Proposed solution

A clear and concise definition of what constitutes an "economic activity" should be developed. Such a definition ought to be included on the official list of definitions of various key terms as laid out in Article 2 in the Transport Regulation.



Ministry of Food, Agriculture  
and Fisheries of Denmark



Ministry of Agriculture, Nature and  
Food Quality of the Netherlands



RÉGION DE BRUXELLES-CAPITALE  
BRUSSELS HOOFDSTEDELIJK GEWEST  
BRUSSELS CAPITAL-REGION



Government Offices of Sweden  
Ministry of Enterprise and Innovation



Federal Ministry  
of Food  
and Agriculture

Moreover, the definition of an “economic activity” should also include a threshold limit allowing for the possibility that the provisions pertaining to certificates of competence, vehicle approvals and licenses contained in the Transport Regulation do not apply when transporting live animals for hobby purposes. A clear definition of “hobby purposes” is also called for.

### **3: Destination Outside of the European Union**

The question of live exports to third countries has been revitalized by the 2015 *Zuchtvieh* ruling in which the Court of Justice of the European Union ruled that the Transport Regulation applied to long journeys outside of the EU when the journey began on EU territory. It is essential to safeguard the welfare of animals during the part of the journey, which takes place outside of the EU as well. However, the ruling poses legal uncertainties since it is very difficult to make sure that EU law is enforced extraterritorially.

#### Proposed solution

We would advise the Commission to delineate the scope of the *Zuchtvieh* ruling in order to create a clear and predictable regulatory environment for Member States and stakeholders with regard to livestock transports destined for third countries.

It is vital to clarify what requirements transporters must uphold in order to demonstrate that they are in line with the rules laid down in the Transport Regulation when transporting animals in a third country. Similarly, the competent authorities in each Member State must be provided with clear guidance on how to ensure that transporters do in fact follow the requirements spelled out in the Transport Regulation.

Likewise, we acknowledge the important work undertaken by the European Parliament’s Inquiry Committee on the Protection of Animals during Transport (ANIT). Specifically, the ANIT Committee has focused on the transport of live animals to third countries among other subjects. We appreciate the fact that the ANIT Committee has shed light on this important issue. In that respect, we support the introduction of stricter and clear requirements for vehicles, including on the use of GPS data, temperature data and video, in order to ensure that the provisions contained in the Transport Regulation are abided by. In addition, we propose a certification of control posts in third countries based on uniform standards. Such standards must be equivalent to the requirements laid down in Regulation (EC) 1255/97.

Additionally, we call for a ban on certain long journey exports of live animals to third countries by road and sea. Further analysis and consideration is needed regarding the concrete form and details of such a ban taking into account e.g. climate and sustainability criteria. Moreover, we suggest restricting the live export of farm animals to third countries in those instances where the third country’s legislation is not equivalent to the EU’s standards on animal welfare.

#### 4: Distance to Ceilings (Decks)

The existing paragraphs in the Transport Regulation on distance to ceilings are relatively vague<sup>3</sup>. In its 2011 Scientific Opinion<sup>4</sup>, EFSA has recommended that the ceiling height should be at least 20 cm above the wither's height of the tallest cattle.

For poultry transports, clarification of the internal height of the crates has been specified by the Commission in a letter<sup>5</sup> dated February 1, 2010 with reference to an EFSA Scientific Opinion<sup>6</sup> stating that: "Space allowances recommended for poultry allow each bird to be able to sit in a container with its head and body in natural position".

However, the Commission has not issued an opinion on whether poultry should be able to stand up in its natural position during transport. Hence, there is a need to clarify this.

In that respect, it is worth pointing out that Chapter II, Annex I stipulates in point 1.2: "Sufficient space shall be provided inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals when they are in a naturally standing position, without on any account hindering their natural movement". There appears to be a discrepancy between what the Commission has announced with respect to poultry transport and the stipulations contained in the Transport Regulation.

For piglets, changing trade patterns has led to a substantial rise in the number of piglets being transported on long journeys (> 8 hours) across European borders. This necessitates further research about the ceiling heights required for piglets during transport.

#### Proposed solution

We support EFSA's recommendations concerning the ceiling height for cattle. Moreover, it is crucial that provisions covering e.g. cattle should also be made for (unweaned) calves and other animal species and be laid down in EU legislation. Additionally, there is a need to adopt specific rules about the internal height requirements for poultry transports.

With regard to transport of piglets across long distances and transport of unweaned calves, we encourage the Commission to ask EFSA to initiate further research about the subject.

#### 5: Requirements for Watering and Feeding Interval

At present, the requirements laid down in the Transport Regulation with respect to feeding and watering are unclear and difficult to implement and enforce in practice. Specifically, there is no clear definition of what constitutes either an "unweaned" calf or lamb. Likewise, the Transport Regulation does not provide clear guidance on how the animals should be given access to liquid or feed. Finally, there is a lack of clear guidelines on drinking equipment and what actually constitutes feed or when feeding is deemed 'necessary'. Clarifying these items would also be of great help to transporters.

<sup>3</sup> Article 3 (g), Annex I, Chapter II, Points 1.1(f) and 1.2

<sup>4</sup> EFSA Journal (2011) 9(1), p. 83

<sup>5</sup> SANCO D5/EU D(2010) 450029

<sup>6</sup> EFSA Journal (2004) 2(5) p. 44

### Proposed solution

Due to common production standards, calves are separated from their mothers at an early stage of life. In the framework of the Transport Regulation however, unweaned calves should be defined as calves under the age of two months and unweaned lambs as lambs under the age of 6 weeks as recommended earlier by DG SANCO<sup>7</sup>. This definition should be incorporated under Article 2 of the Transport Regulation.

According to the Transport Regulation, unweaned calves, lambs, kids and foals, which are still on a milk diet, and unweaned piglets must be given a rest period after 9 hours of transport so they can be given liquid and if necessary feed. Afterwards, the animals may be transported for an additional 9 hours. We propose restricting the journey times for unweaned animals.

Moreover, it is necessary that the Transport Regulation clearly defines the intervals for providing the animals with feed (milk or milk replacer).

Current experience from the field suggests that there is a need for specifying how these rules must be implemented. In that regard, it is necessary to list a set of requirements with respect to the drinking equipment used by the animals as well as specifying what kind of liquid the animals require. It must be ensured that each animal receives sufficient fluids and/or food. In order to increase the animal welfare of calve transport further, we suggest that EFSA should examine whether the minimum age for transport of calves in accordance with Regulation (EC) No. 1/2005 should be increased from a scientific point of view.

### Other issues

#### **1: Ventilation requirements and length of poultry transports**

When the preparative work for the Transport Regulation was done, poultry transports only took place within relatively short distances, as most Member States had slaughterhouses on their national territories. This has changed in recent years, and long journeys of up to 12 hours or above are now more common. There is a clear connection between the duration of the journey and the number of animals dead on arrival. As mentioned in the 2011 EFSA Scientific Opinion<sup>8</sup>: “Temperature multiplied by journey duration is an important determinant for deaths in transport resulting from thermal stress. Thus, journeys of over 4 hours for broiler chickens and end of lay hens (spent hens) constitute a greater risk to welfare from thermal stress (heat or cold) than shorter journeys, particularly in more severe weather conditions.”

Today poultry is transported in large vehicles in many layers. This may compromise the ventilation, which is especially the case in the centre of the consignment. The conditions could lead to suffocation of the animals. Therefore, specific provisions are needed for poultry transports with regard to ensuring proper ventilation in order to prevent suffocation of the animals.

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<sup>7</sup> SANCO D5 DS/dj D(2009) 450351

<sup>8</sup> EFSA Journal (2011); 9(1), pp. 48-54 and p. 80





### Proposed solution

We suggest adding a provision to the Transport Regulation requiring vehicles meant to transport broilers and spent hens for more than 4 hours to be equipped with mechanical ventilation with the capacity to maintain satisfactory thermal environments. A transitional period would be required since no such vehicles currently exist. The thermal environment within the animal accommodation should also be monitored and recorded.

## **2: Space allowances during transport**

The existing figures detailing the required space allowances in the Transport Regulation for different animal species only give relatively large intervals and just one figure for pigs, which implies an “open standard” creating difficulties for both the transporters and the authorities to agree on what constitutes an acceptable loading density. This is especially the case when it comes to adjusting the space allowance in order to adapt it to the journey time and ambient climatic conditions. The large intervals spelled out in the tables makes it difficult to justify a needed increase in the space allowance.

In essence, the large intervals mentioned in the Transport Regulations makes it very difficult to ensure a uniform application of the Regulation as the authorities in one Member State might approve an animal transport configured with a specific set of measures that authorities in another Member State might deem insufficient. By clarifying the large intervals mentioned in the Transport Regulation, it is possible to avoid disagreements between transporters and the authorities on what constitutes an acceptable loading density. Likewise, clarifying the large intervals spelled out in the Transport Regulation would also help ensuring that the competent authorities are better able to enforce the rules concerning space allowance.

A more specific Transport Regulation is liable to strengthen legal certainty, insofar as those standards establish criteria which increase the predictability of the requirements of that regulation and thereby contribute both towards compliance with those requirements on the part of the traders concerned and to the effectiveness and objectivity of the checks to be carried out by all the competent authorities to that end. Ultimately, a more precise Transport Regulation will also serve to help strengthening the welfare of animals during transport.

### Proposed solution

We believe that there is a need for a more precise and objective approach for the establishment of space allowance during transport. We recommend the use of an allometric equation for cattle, sheep, goats and pig transports and that the space allowance for horses should be seen in relation to area per kg rather than area per animal. The allometric equation would then form the basis of tables outlining specific space allowances for each species.

As animal transports involve all different age/weight stages, an allometric equation would give a much more objective calculation of the space allowance to the benefit of animal welfare and at the same time be of great help for both the transporters and the authorities.

For the species mentioned in Chapter VII of Annex I of the Transport Regulation, variations on the space allowances are possible depending on their physical condition, the meteorological conditions (hot and cold weather) and the likely journey time.

More guidance is needed based on recommendations from EFSA. For the purpose of inspections, information of vehicles on the available floor space should also be available for vehicles that do not have a certificate of approval (e.g. for journeys <8 hours only).

### **3: Navigation (Tracing) Systems in Animal Transports**

Many attempts have been made in order to set up common standards for tracing systems in animal transports. The Joint Research Centre (JRC) concluded in a report from 2009 that “The system architecture, on-board architecture, functionalities and data availability vary considerably between different providers, which make it difficult to interpret the measured parameters and their relevance for animal welfare”<sup>9</sup>.

#### *Proposed solution*

A common communication standard (e.g. XML) and message structure from the intermediate service provider to a dedicated service provider would ensure a common data structure, irrespective of the origin of the vehicles and the tracing system. Such a common communication standard ought to include all vertebrate animals whether it be cattle, pigs or horses just to name a few examples. Such uniform systems would be of important use for the routine control of the conditions provided for the animals during the journey and for the competent authorities’ control of e.g. the journey log and the conditions. The Commission should consider the pros and cons of implementing such a system providing information about the consignment in real time.

We would also propose mandating that sat-navigation systems should be installed in poultry transports and minimum requirements for out-prints of the navigation data should be established in order to facilitate controls. Likewise, journey logs for poultry transports must be mandatory as well. Currently, there are no requirements on journey logs in accordance with the provisions set out in Annex II of the Transport Regulation for poultry transports. Therefore, there are no required checks in this regard by the competent authorities, and it is not possible to refuse transports because of bad planning or extreme temperatures along the route.

Considering the fast development of sat-navigation systems, mandatory use of such systems should also be considered for short transports in the future. Moreover, temperature sensors should be considered for short journeys as well in order to be able to determine whether a transport complies with the rules laid down in the Transport Regulation.

### **4: Uniform Education of Animal Transport Drivers and Attendants**

While Annex IV of the Transport Regulation does provide for a set of minimum standards in terms of the subject areas drivers and attendants should be familiar with before they are awarded a certificate of competence, Member States have interpreted this differently with regard to how they have chosen to structure the education of drivers and attendants. For instance, the length of the education of drivers and attendants varies between Member States. Likewise, in some Member States the education of drivers and attendants takes place online while psychological attendance is required in other Member States.

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<sup>9</sup> JRC (Joint Research Centre) (2009a). Workshop on “livestock in transport”, 19-20 October 2009, JRC-Ispra.

### Proposed solution

The Transport Regulation should lay out clear criteria and minimum standards on how to educate drivers and attendants with regard to animal welfare during transport. The proposed minimum standards should also include a practical aspect with regard to the education of the drivers. Moreover, drivers should also be required to update their knowledge continuously.

This is particularly pertinent now when animal transport enterprises transcend national borders within the EU, and drivers with a certificate of competence in one Member State are employed by a company in another Member State.

The validity of the certificate also differs among Member States. Some Member States issue life-long certificates while certificates in other Member States are time-restricted. This should be harmonised to a period, limited in time. In order to facilitate and simplify the animal welfare controls carried out by the competent authorities, the certificate of competence should also contain a photo of the respective certificate holder. Likewise, the certificate of competence ought to be issued in English as required by Article 17, point 2 in the Transport Regulation.

Furthermore, experience so far shows that not only drivers and attendants of road vehicles transporting animals and personnel in assembly centres, who are entrusted to handle animals, should receive training on the relevant provisions of the Transport Regulation. Transporters, organisers as well as the personnel who are handling animals in connection with loading (and unloading) the vehicle or containers should also undergo training on the relevant provisions of the Transport Regulation. For the catching of poultry, for example, education and training is essential for welfare friendly handling of the animals. Regular follow-up training should be mandatory.

### **5: The Distance between the First Place of Loading and the Assembly Centre**

At present, Article 2 (r) in the Transport Regulation states that assembly centres may be considered as a “place of departure” provided that (i) the distance travelled between the first place of loading and the assembly centre is less than 100 km **or** (ii) if the animals have been accommodated with sufficient bedding and watered for at least 6 hours prior to the time of departure from the assembly centre.

The Transport Regulation does not limit the number of hours a vehicle can spend transporting animals from the first place of loading to an assembly centre. In essence, this means that animals can spend up to 24 hours in a vehicle before being unloaded at an assembly centre. What is equally troubling is that current rules make it possible for the assembly centre to be listed as place of departure and that the animals are then able to be loaded onto another vehicle after having spent only 6 hours at the assembly centre as per Article 2 part (r-ii).

### Proposed solution

For the sake of the animals’ welfare, the number of hours animals can spend being transported on a vehicle from the first place of loading to an assembly centre should be restricted. Specifically, Article 2 (r) should be amended in order to make it clear that the conditions (i) and (ii) should be ‘and’, not ‘or’.

## 6: Clarification on Temperature Ranges

Chapter VI, part 3.1 in the Transport Regulation specifically states that the means of transport must be capable of maintaining a range of temperatures from 5 degrees Celsius to 30 degrees Celsius within the means of transport for all animals with a +/- 5 degree tolerance depending on the outside temperature. However, because the aforementioned provision is phrased in a vague fashion, Member States have interpreted this provision of the Transport Regulation very differently resulting in an uneven enforcement.

### Proposed solution

The phrases “a range of temperatures from 5 degrees Celsius to 30 degrees Celsius”, “a +/- 5 degree tolerance” and “depending on outside temperature” need to be spelled out in a much clearer manner. In terms of animal welfare, it is important to clarify the specific temperature intervals to which the temperatures within the means of transport must be kept.

Likewise, it is essential to adopt temperature intervals tailored for each species whether it be e.g. poultry, horses or cattle as well as taking into account the animal’s age or whether the animal is pregnant instead of operating with a broad range of temperatures. Transports must only take place within the tailored specific intervals for each animal species category. This should be subject to an assessment by EFSA.

In the case of means of transport without air conditioning, transports should not be allowed when the outside temperatures exceed the aforementioned temperature intervals. Further guidance and specifications for active cooling systems are needed. The system must be able to lower the internal temperatures toward the required range when fully loaded with animals.

Lastly, more specific criteria are necessary for the number of temperature sensors that should be present in the vehicle and their position in the vehicle. This should be based on technical guidance. The temperature recordings should make it possible to determine where in the vehicle the temperature was measured. In time, it would also be sensible setting maximum limits of air humidity inside the means of transport, with the obligation to have sensors and recording as well.

## 7: Transport by Air

The Transport Regulation in Chapter II, Annex I also briefly mentions that transports where animals are transported in containers, pens or stalls must comply with International Air Transport Association (IATA) live animals Regulations. However, it is unclear how the reference to IATA Regulations should be applied together with other provisions included in the Transport Regulation, e.g. the space allowances in Chapter VII, Annex I. Moreover, IATA is a private organisation, not a public law organisation.

### Proposed solution

It is critical to describe exactly how one goes about reconciling the IATA Regulations with the remaining provisions contained in the Transport Regulation.

Finally, instead of referring to a specific version of IATA’s live animal Regulations to which animal transports must adhere, the Transport Regulation should merely state that the most recent IATA Regulations should apply.



## 8: Poultry Catching

Point 1.8 (d) of Chapter III of Annex I says that it is prohibited to lift or drag the animals by head, ears, horns, legs, tail or fleece. However, all poultry is normally caught by their legs. Back in 2017, the EU Animal Transport Guides Project<sup>10</sup> published factsheets to good practices for the transport of poultry<sup>11</sup>. The guide encourages the use of upright catching or otherwise limiting the number of animals per hand and supporting their bodies while carrying them<sup>12</sup>.

### Proposed solution

The better practices on handling of poultry during loading described in the Animal Transport Guide ought to be mandatory.

## 9: Registered Horses

Presently, registered horses are exempted from several of the provisions contained in the Transport Regulation. Specifically, the Transport Regulation states that registered horses are exempted from the provisions on the journey log set out in Annex II with respect to long journeys between Member States and third countries. Similarly, registered horses are not subject to the rules governing watering and feeding intervals, journey times and resting periods laid down in Chapter V of Annex I.

### Proposed solution

The exemptions for registered horses contained in the Transport Regulation should be deleted. The minimum requirements of the regulation should apply to all animals regardless of their status of being registered.

## 10: Strengthening the Exchange of Information Between Member States

We call on all Member States to strengthen the exchange of information regarding certificates of approval of vehicles, certificates of competences and transport authorisations via TRACES NT. Furthermore, we recommend strengthening the cooperation and communication between Member States within the existing legal framework to improve enforcement.

## 11: Other Vertebrate Animals (Fish, Amphibians, Reptiles, Dogs and Cats etc.)

Article 1 in Chapter 1 clearly states that the Transport Regulation shall apply to the transport of live vertebrate animals carried out within the EU. However, the Transport Regulation is conspicuously silent on matters relating to e.g. fish, amphibians, reptiles, dogs and cats despite the fact that these animals are live vertebrate animals as well with specific needs.

### Proposed solution

The Transport Regulation should contain specific rules covering other vertebrate animals, like fish, amphibians, reptiles, dogs and cats, as is already the case with species such as bovine, ovine, caprine and domestic Equidae.

<sup>10</sup> Consortium of the Animal Transport Guides Project (2017). 'Good practices for animal transport in the EU: poultry' p. 32 (SANCO/2015/G3/SI2.701422)

<sup>11</sup> <http://animaltransportguides.eu/wp-content/uploads/2016/05/Poultry-BroilersFINAL.pdf>

<sup>12</sup> Consortium of the Animal Transport Guides Project (2017). 'Good practices for animal transport in the EU: poultry' p. 32 (SANCO/2015/G3/SI2.701422)



## 12: Measures in Cases of Infringement and the Allocation of Responsibilities between Member States

When the National Contact Point (NCP) receives an Article 26 notification from another Member State NCP about a possible infringement of the Transport Regulation, the NCP has to determine whether an offence has occurred requiring measures to be taken to remedy the non-compliance. If such an offence has occurred, the NCP reaches out to the NCP of the Member State that notified the NCP and the other relevant Member States (e.g. the Member State which issued the transport authorisation, the Member State which issued the certificate of approval of the means of transport or the Member State which issued the certificate of competence for drivers and attendants) inquiring whether the Member State in question has decided to impose any measures. If that is not the case, the NCP will have to determine whether the Member State of the NCP itself is able to decide on a measure to remedy the possible infringement that might have occurred.

The responsibility for deciding on measures to handle infringements of the Transport Regulation rests both with the Member State in which the infringement took place, and with the Member State which issued the transport authorisation, the Member State which issued the certificate of approval of the means of transport or the Member State which issued the certificate of competence for drivers and attendants. However, it is not always clear how this shared responsibility should be handled, resulting for example in a situation in which one Member State assigns resources to a task that in fact belongs to another Member State or in situations where the necessary measures are not decided at all.

### Proposed solution

Although we do not have a solution at hand concerning the issue mentioned above, we would nonetheless like to highlight the importance of Member States acting on infringements of the Transport Regulation.

## 13: Changes to Chapter III

Chapter III, part 1.12 states that sexually mature males shall be handled and transported separately from females. This is highly problematic in the case of free ranging beef cattle, as the bull can be extremely violent if separated from his “harem”.

### Proposed solution

Chapter III, point 1.13 derogation from 1.12: point 1.12 (d) should be amended in order to provide for an exemption to sexually mature males. In that regard, we propose the following wording:

*1.12. Animals shall be handled and transported separately in the following cases:*

- A. animals of different species;*
- B. animals of significantly different sizes or ages;*
- C. adult breeding boars or stallions;*
- D. sexually mature males from females;*
- E. animals with horns from animals without horns;*
- F. animals hostile to each other;*
- G. tied animals from untied animals.*

*1.13. Points (a), (b), (c), (d) and (e) of paragraph 1.12. shall not apply where the animals have been raised in compatible groups, are accustomed to each other, where separation will cause distress or where females are accompanied by dependent young.*