

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2003/0171(CNS)	Procedure completed
Protection of animals during transport		
Amended by 2013/0140(COD) See also 2018/2110(INI)		
Subject 3.10.04.02 Animal protection		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AGRI Agriculture and Rural Development		29/09/2003
		PPE-DE MAAT Albert Jan	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health, Consumer Policy		02/10/2003
		V/ALE MCKENNA Patricia	
	RETT Regional Policy, Transport and Tourism		10/09/2003
		ELDR VERMEER Herman	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2633	21/12/2004
	Agriculture and Fisheries	2619	22/11/2004
	Agriculture and Fisheries	2592	21/06/2004
	Agriculture and Fisheries	2578	26/04/2004
	Agriculture and Fisheries	2564	24/02/2004
	Agriculture and Fisheries	2555	18/12/2003
European Commission	Commission DG	Commissioner	
	Health and Food Safety		

Key events			
16/07/2003	Legislative proposal published	COM(2003)0425	Summary
22/09/2003	Committee referral announced in Parliament		
18/12/2003	Debate in Council	2555	Summary
24/02/2004	Debate in Council	2564	Summary
16/03/2004	Vote in committee		Summary
16/03/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0197/2004	
30/03/2004	Debate in Parliament		
30/03/2004	Decision by Parliament	T5-0222/2004	Summary

26/04/2004	Debate in Council	2578	Summary
21/12/2004	Act adopted by Council after consultation of Parliament		
21/12/2004	End of procedure in Parliament		
05/01/2005	Final act published in Official Journal		

Technical information

Procedure reference	2003/0171(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2013/0140(COD) See also 2018/2110(INI)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/5/19919

Documentation gateway

Legislative proposal		COM(2003)0425	16/07/2003	EC	Summary
Committee draft report		PE329.843	22/01/2004	EP	
Amendments tabled in committee		PE329.843/AM	24/02/2004	EP	
Economic and Social Committee: opinion, report		CES0326/2004 OJ C 110 30.04.2004, p. 0135-0138	25/02/2004	ESC	
Committee opinion	RETT	PE331.395/DEF	01/03/2004	EP	
Committee opinion	ENVI	PE337.038/DEF	04/03/2004	EP	
Committee report tabled for plenary, 1st reading/single reading		A5-0197/2004	16/03/2004	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0222/2004 OJ C 103 29.04.2004, p. 0036-0412 E	30/03/2004	EP	Summary
Follow-up document		COM(2011)0700	10/11/2011	EC	Summary

Additional information

European Commission	EUR-Lex
---------------------	-------------------------

Final act

[Regulation 2005/1](#)
[OJ L 003 05.01.2005, p. 0001-0044](#) Summary

[Corrigendum to final act 32005R0001R\(06\)](#)
[OJ L 336 20.12.2011, p. 0086](#)

[Corrigendum to final act 32005R0001R\(09\)](#)
[OJ L 226 01.09.2017, p. 0031](#)

Protection of animals during transport

PURPOSE : to overhaul animal transport rules in Europe. **PROPOSED ACT** : Council Regulation. **CONTENT** : the proposal from the Commission repeals all existing Community laws in relation to the protection of animals during transport. It also incorporates the requirements of the Commission proposal for a Council Regulation amending Regulation 411/98/EC as regards ventilation in road vehicles carrying livestock on long journeys. The process of revision has been developed following the recommendations of the Scientific Committee on Animal Health and Animal Welfare and by close scrutiny of the economic impact of the proposed measures. The proposal takes also into account the outcome of the stakeholders' consultation. Furthermore in recent years, livestock markets have been proved to be an area where rules to protect the animals are necessary. Similarly, welfare requirements are needed for livestock vessels. Both issues are addressed by the present proposal. The Commission proposal aims to: - establish stricter conditions for the transporters operating long distance journeys; - update journey times and space allowances; - improve the mandatory training of personnel and widen the scope of this obligation to personnel at markets and assembly centres; - ban the transport of very young animals and set out definitions for when animals are unfit for transport; - set up stricter rules for the transport of horses; - upgrade technical standards for road vehicles; - introduce specific requirements for all livestock vessels operating from community ports; - reinforce the responsibilities of the transporters as well as of the other operators concerned by the transport of animals; - emphasise the role of competent authorities in supervising transport operations and strengthen the cooperation between the services concerned; - reinforce instruments for control and better enforcement. Several measures considered in the Commission proposal aim to prevent the spread of diseases, as for example, the stricter regime that would be applied for the transporters operating long distance journeys.?

Protection of animals during transport

The Council took note of the technical progress achieved under the Italian Presidency concerning the proposal for a Council Regulation on the protection of animals during transport, and agreed to continue the technical examination of the proposal during the first three months of 2004. The Council noted that the Irish Presidency intended to expedite discussions in order that a decision might be taken on this dossier on receipt of the opinion of the European Parliament, which is expected in the spring of 2004. The Presidency suggested basing the animal transport provisions on the social legislation for hauliers, together with a number of specific requirements taking into account the nature of the cargo (feeding, watering, rest periods and veterinary checks). The Belgian, Danish, Swedish, Netherlands and Austrian delegations, while open to such an approach, wanted a maximum limit to be set for the transport of animals for slaughter and a ceiling placed on the number of transport stages for other types of animal. The Swedish and Danish delegations in particular emphasised the need for more account to be taken of animal welfare, with animals being slaughtered close to the place of rearing and meat transported instead of animals. The United Kingdom, Netherlands, German, Swedish and Danish delegations also called for more checks to be carried out throughout the journey.?

Protection of animals during transport

The Council took note of the progress report (6582/04) presented by the Presidency concerning the proposal for a Council Regulation on the protection of animals during transport and of the comments of the delegations, pending the opinion of the European Parliament, which is expected in March 2004. The Council also took note of the intention of the Presidency to make progress on this issue in order to reach a possible agreement at the Council meeting in April. All delegations acknowledged the need to improve animal welfare during transport on the basis of sound scientific data. However several delegations reiterated their request to include a limitation of journey times in particular for slaughter animals, and of the number of transport cycles for some categories of animals. Several other delegations, whilst taking duly into account animal welfare concerns, also drew the attention of the Council to the need to analyse the situation of the meat industry as well as the transport industry carefully. Some of these delegations also stressed the need to take into account geographical specificity, especially for remote areas as regards transport costs. The Commission hopes for an agreement on the proposal in April 2004.?

Protection of animals during transport

The committee adopted the report by Albert Jan MAAT (EPP-ED, NL) amending the proposal under the consultation procedure. MEPs stressed that animals should be moved around as little as possible and should be slaughtered as close as possible to their point of origin, rather than being taken to a different country just to find a cheaper slaughterhouse. As a way of reducing the frequency of animal transport, they proposed that mobile slaughterhouses be created and called for "the development of local slaughterhouses and hence employment, in particular in disadvantaged areas". Whereas the Commission was proposing that, for road journeys of more than 50km, the driver should stop every 9 hours and let the animals rest for 12 hours, MEPs felt that this was impractical and instead proposed limiting journey times to a maximum of 9 hours in total for animals intended for slaughter, in journeys exceeding 100 km. However, they said that this restriction should not apply if there were not at least two slaughterhouses available within a radius of 500 km from the place of departure. MEPs also said that animals intended for public performances, shows or training activities (like racehorses) should not be covered by the new regulation. Moreover, animals with a serious illness or those that are too young should not be allowed to travel either. To ensure that animals do not suffer unnecessarily, the committee wanted transport vehicles to meet minimum standards regarding the maximum number of animals per lorry, temperature, space per animal, ventilation system and availability of feed and fresh water. Furthermore, the use of instruments for administering electric shocks should be prohibited. MEPs believed that extra measures were needed to ensure that companies obey the new rules and therefore called for each Member State to appoint a national authority in charge of granting a certificate of approval to vehicles which meet the equipment requirements. Moreover, drivers should also be required to have undergone special training "on animal physiology and drinking and feeding needs, animal behaviour and the factors causing stress, and, in particular, the practical aspects of handling of animals and emergency care for animals". In the event of negligent or deliberate infringements causing severe suffering of animals, it should be

possible to withdraw the transporter's authorisation for one year. MEPs stipulated that penalties must include the possibility of imprisonment up to two years. Lastly, the committee wanted government inspections to be tightened up and adopted an amendment stating that "the competent authority shall carry out at any stage appropriate checks on a random or targeted basis to verify that declared journey times are credible and that the journey complies with the regulation". MEPs said that at least 20% of journeys should be checked, of which at least 10% should be in the form of a spot check on the road. Moreover, they said that exports and imports of animals should also meet the same welfare standards during transport, otherwise the competent authority could refuse to allow the animals to enter EU territory. ?

Protection of animals during transport

By adopting the report by Albert Jan MAAT (EPP-ED, NL) by 261 votes for, 194 votes against and 44 abstentions, the European Parliament approved the proposal subject to amendments proposed by the committee responsible. Parliament stresses that animals should be moved around as little as possible and should in particular be slaughtered as close as possible to their point of origin, rather than being taken to a different country just to find a cheaper slaughterhouse. As a way of reducing the frequency of animal transport, the report suggests the creation of mobile slaughterhouses and calls for the development of local slaughterhouses and hence employment, in particular in disadvantaged areas.?

Protection of animals during transport

After several hours in plenary session and after bilateral meetings were held in the margins of the meeting, the Council agreed to leave this file. The Presidency concluded there had not been sufficient movement to reach a political agreement by qualified majority on the subject.?

Protection of animals during transport

PURPOSE : to establish rules for the transport of animals taking place in connection with an economic activity.

LEGISLATIVE ACT : Council Regulation 1/2005/EC on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation 1255/97/EC.

CONTENT : This Regulation applies to the transport of live vertebrate animals carried out within the Community, including the specific checks to be carried out by officials on consignments entering or leaving the customs territory of the Community.

The Council adopted this Regulation by qualified majority. The Danish delegation voted against it, while the delegations from Belgium, Luxembourg, Germany and Sweden abstained. The majority of the amendments adopted by the European Parliament and accepted by the Commission became part of the Regulation. In particular, two amendments were introduced regarding, on the one hand, the review clause (the Commission's report will take into account the socio-economic implications of the Regulation, the implementation of the satellite navigation system and scientific evidence on welfare needs of animals) and on the other hand provisions regarding transport by farmers of their own animals for sale: the administrative requirements will not be applied to this category of transporters on a maximum journey of 65 km (instead of 50km) between the point of departure and the destination.

The new rules aim to ensure that animals will not be transported in a way likely to cause injury or undue suffering to them.

The Regulation applies not only to transporters but also to other categories of operators such as farmers, traders, assembly centres and slaughterhouses. It aims to improve the following aspects:

- conditions applicable to transporters making long journeys;
- the length of the journey and the space available for the animals;
- training of personnel;
- assembly centres must ensure that Community legislation on the protection of animals during transport is known and respected by their employees and visitors;
- rules on the transport of horses;
- Council Regulation 3821/85 provides for recording equipment to be installed and used to ensure effective checking on compliance with social legislation concerning road transport. Such record data will be made available and checked so as to enforce travelling time limits under animal welfare legislation;
- flexible procedures will improve the level of collaboration between the competent authorities in the different Member States;
- A significant number of animals are transported by livestock vessels over very long journeys from and within the Community and transport by sea can be checked at the place of departure. The Regulation sets up specific measures and standards for this mode of transport;
- the use of cattle-prods is regulated;
- the Regulation provides for the possibility of establishing derogations to take account of the remoteness of certain regions from the mainland of the Community, in particular for outermost regions.

ENTRY INTO FORCE : 25/01/2005.

Protection of animals during transport

The Commission presents a report on the impact of Council Regulation (EC) No 1/2005 on the protection of animals during transport. The report describes the impact of the Regulation on animal welfare and intra-Union trade, its socio-economic and regional implications as well as the implementation of the navigation systems. It also contains information in relation to enforcement of the EU legislation.

Main conclusions

Animal welfare: the Regulation has had beneficial impacts on the welfare of animals during transport. Available data indicate that since 2005 the overall quality of animal transport on long journeys has improved, notably due to improved vehicles and better handling of the animals. The latter appears to be the result of the proper implementation of the stricter training obligations for personnel handling animals, which was introduced by the Regulation.

The percentage of transported animals with lameness, injuries, dehydration and exhaustion decreased, or remained unchanged, between 2006/29 and 2009. Concerning the animals reported "dead on arrival", the numbers decreased significantly from 2005 to 2009. The difference was greater for long transport than for shorter transport. There has also been a significant decrease in the number of animals "observed unfit for travel upon arrival at destination".

Even though animal welfare in general has improved after the introduction of the Regulation, the available information shows that severe animal welfare problems during transport persist. Most of these problems appear to be related to poor compliance of some requirements of the Regulation. Available information shows there are some recurring examples of poor compliance such as transport of unfit animals, overstocking of vehicles, transport of animals in vehicles in which the internal height of the compartments is inappropriate, and animals being transported longer than the maximum allowed travelling time. Often, poor compliance appears to be related to improper enforcement.

The Commission does not believe that an amendment would be the most appropriate approach to address problems. A steady legal situation will allow Member States and stakeholders to focus on enforcement within a stable legal framework.

Navigation systems: the Regulation introduced the requirement for vehicles approved for long journeys to be equipped with navigation systems. However, it appears that the full potential of the systems to decrease the administrative burden for industry and to improve official controls is not being utilised. Despite the fact that the Regulation has been applied for more than four years, there are still important differences between Member States as regards the implementation of the requirements related to navigation systems. Most Member States do not yet have a comprehensive approach on how to check whether the systems installed comply with the Regulation, and few controlling authorities use the data collected via the navigation system to carry out checks in accordance with the Regulation. In many cases the data is only considered after the competent authority has detected an infringement during a physical control before or during transport or at the place of destination. It is therefore concluded that the navigation systems are not used in a wide perspective to improve controls.

Volume of trade: according to the available data, the Regulation has not had any impact on the volume of the intra-Union trade in live animals.

Costs: the Regulation appears not to have provoked any impact on the animal production in remote regions. The introduction of the Regulation has led to an increase of transport costs but, probably due to competition in the transport sector, this increase has not been evenly distributed along the food chain and transport operators are mainly bearing the extra costs.

Scientific knowledge: in the EFSA opinion adopted on 2 December 2010 scientists recognise that parts of the Regulation are not in line with current scientific knowledge, and point out specific areas where future research is recommended. In particular, scientists recommend that transport time for horses for slaughter should be shorter than that provided in the Regulation. The Commission feels that, for the time being, this is best addressed by the adoption of guides to good practices.

Enforcement: enforcement of the Regulation remains a major challenge, partly because of differences in interpretation of the requirements and because of lack of controls by the Member States. Furthermore, the quality of monitoring data, submitted to the Commission by Member States, is often insufficient to provide a clear analysis of the situation and to allow planning of specific corrective measures at EU level.

Live fish: the Commission will launch a study on the welfare of fish during transport, with a view to determining the appropriateness of a revision of the provisions of the Regulation to improve the clarity of the legal framework on the transport of live fish for aquaculture operators, in accordance with the Commission Aquaculture Strategy.

To correct the problems identified, the appropriate enforcement of existing rules should remain the priority. The Commission will consider the following actions for the near future:

- adopt implementing measures concerning navigation systems as provided by the Regulation, and establish a simplified version of the journey log. Furthermore, in close co-operation with the European GNSS Supervisory Authority, it should be ensured that drivers are informed on how to profit from the device. The objective is to improve harmonisation of the implementation of the Regulation, and improve animal welfare through controlling the journey times, space allowance etc. of animal transports. This action should also contribute to a reduced administrative burden for the transporters, but may increase the administrative burden for Member State authorities. However, this should result in better enforcement of animal transport legislation;
- adopt implementing measures concerning the controls to be performed by the competent authorities of the Member States, in accordance to Article 27(1) of the Regulation. At the same time, the structure of the reporting system should be further harmonized. The objective is to increase in the number of inspections, which should lead to improved enforcement. The information received from Member State's reports would provide better and more comparable data when based on the same structure;
- increased co-operation and communication with the competent authorities of Member States and stakeholders, including non-governmental animal welfare organisations. The objective is to collect and analyse information on difficulties and share experiences on possible solutions related to the implementation of the Regulation;
- dissemination of Commission guidance on the interpretation of the Regulation and supporting the development of guides to good practice. These could focus on different aspects of day-to-day management that may be problematic and would encourage best practice that considers the latest scientific knowledge. The aim is to resolve ambiguities and inefficiencies in the current animal welfare legislation and improve harmonisation of the implementation of the rules. At the same time it would encourage industry and other relevant parties to exceed the minimum welfare standards for transporting animals.

The Commission invites the European Parliament and the Council to discuss the issues highlighted in this Report

