

## **Request for revision of Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432EEC and 93/119/EC and Regulation (EC) No 1255/97.**

With reference to recital 11 in the “Transport Regulation” , Regulation No 1/2005 (EC) the governments of Germany, the Netherlands and Denmark would like to urge the Commission to consider a revision of the above mentioned regulation.

Recital 11 runs as follows:

“In order to ensure a consistent and effective application of this Regulation across the Community in the light of its basic principle according to which animals must not be transported in a way likely to cause injury or undue suffering to them, it is appropriate to set out detailed provisions addressing the specific needs arising in relation to the various types of transport. Such detailed provisions should be interpreted and applied in accordance with the aforesaid principle and should be timely updated whenever, in particular in the light of new scientific advice, they appear no longer to ensure compliance with the above principle for particular species or types of transport.”

The request is based on the last sentences marked in italics which stresses that the Transport Regulation should be timely updated specifically in accordance with new scientific advice. The EFSA Scientific Opinion Concerning the Welfare of Animals during Transport (EFSA Journal 2011; 9(1)) describes a series of new scientific achievements that can justify a revision of the Transport Regulation. Furthermore, Member States have since the implementation of the Transport Regulation in 2007 gained a lot of practical experience in the use of the Regulation where it in certain areas has shown to be unsuitable or too rigid and among these also some shortcomings has been evident which in some areas may create difficulties in fully complying with the legal text as there is no space for derogations.

### **Journey time**

The EFSA Scientific Opinion (EFSA Journal 2011; 9(1)) (p 78) recommends a time limit for the transport of untrained horses for slaughter of 12 hours. Furthermore, in recital 5 of Regulation (EC) No 1/2005 it is stated that “For reasons of animal welfare the transport of animals over long journeys (more than 8 hours), including animals for slaughter, should be limited as far as possible”. A report of 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 transport should have a considerable resting period (at least 6 hours). It should, therefore, be considered to set up restricted time limits for the transport of horses and other animals (i.e. cattle, pigs, sheep and goats) for slaughter. A considerable part of animals sent for slaughter are animals drawn out of production e.g. sows and dairy cows and their general condition will often make them unfit for longer transports. As most animal species for animal welfare reasons need a longer resting time after 8 hours transport, as indicated in the SCAHAW report, this would justify a maximum journey time for animals for slaughter of 8 hours, even if they are transported via assembly centers.

## **Space allowances**

A more flexible and objective approach for the establishment of space allowance is needed. The existing tables in Regulation 1/2005 for the different animal species only give relatively large intervals which make it difficult for both the transporter and the veterinary control to agree on what is an acceptable loading density. Transporters will tend to provide the lower specified limit of space of the space-interval for all animals within the weight interval in question. Especially when it comes to adjusting the space allowance in order to be adapted to the length of the travel or ambient climatic conditions, the wide range in the tables makes it difficult to justify a needed increase in the space allowance.

The EFSA Scientific Opinion (pp 81-84) recommends the use of an allometric equation for both cattle, sheep and pig transports and that the space allowance for horses should be seen in relation to area per kg rather than area per animal. 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 the animal welfare and at the same time be to great assistance for both the transporters and the controlling authorities.

## **Distance to ceilings (decks)**

Distance between the decks or to the ceiling for animals that stand up during the transport is also an issue that needs to be dealt with as the existing paragraphs in the transport regulation within this area are relatively vague (Article 3 (g), Annex I, Chapter II, Points 1.1(f) and 1.2). EFSA has in its Scientific Opinion (p 83) recommended that the ceiling height should be at least 20 cm above the withers height of the tallest cattle. Such provisions should also be made for other production animals and be laid down in EU-legislation.

Furthermore, it should be considered to give a more precise definition of the provision in Annex I, Chapter II, Point 1.1(f) with regard to the distance between the decks especially in pig transports to allow proper inspection and care of the animals as well as to ensure proper ventilation around animals. A similar problem applies for closed transport vehicles, especially, for pigs where clarification is needed for the level of accessibility to these vehicles.

For poultry transports clarification of the internal height of the crates has been specified by the Commission in a letter (SANCO D5/EU D(2010)450029) dated 1 February 2010 with reference to an EFSA Scientific Opinion (EFSA Journal (2004) 44) stating "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 way poultry are transported today in large vehicles in many layers may compromise the ventilation especially in the center of the consignment. Specific provisions are needed for poultry transports with regard to ensure proper ventilation in order to prevent suffocation of the animals.

## **Watering and feeding interval/requirements**

Two aspects of this item need clarification in the regulation: both the definition of 'unweaned' calves/lambs and the way they should be given access to liquid and feed require clarification.

Definition: Due to common production systems, calves are separated from their mothers in an early stage of life and are, therefore, sometimes regarded as weaned animals even though their diet consists mainly of

milk (or milk replacer). This interpretation would lead to the conclusion that not nine hours transport time until the first feeding interval, but 14 hours would apply. In the framework of Transport Regulation 1/2005 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 European Commission's DG SANCO on this aspect), and this definition should be incorporated under article 2 of the Transport Regulation 1/2005.

Supply of liquid and feed: According to the EU Transport Regulation 1/2005 unweaned calves and lambs which are still on a milk diet must be given a rest period after nine hours of transport so they can be given liquid and feed. Current experience from the field suggests, that calves and lambs which are still on a milk diet do not eat or drink adequately themselves inside a means of transport during driving time. Hence it is vital that calves and lambs which are still on a milk diet must be given liquid and if necessary feed after at latest nine hours. This would clarify that these calves and lambs must, after nine hours of travel, be given a rest period (of at least one hour), sufficient for them to be given liquid and if necessary fed. (After this rest period, they may be transported for a further nine hours).

In order to increase the animal welfare in calve transport further,

- calves which are less than 14 days old should be classified as not fit for transport in general and
- the number of times that calves are entered into control posts or assembly centers should be limited.

### **Ventilation requirements and length of - Poultry transports**

At the time when the preparative work for the existing transport regulation were done, poultry transports were only within relatively short distances as most MS had slaughterhouses on their national territories. This situation has changed in recent years and long transports close to 12 hours are now more common and there is a clear connection between the duration of transport and number of animals dead at arrival. As mentioned in the EFSA Scientific Opinion (pp 48-54 and 80): "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." The EFSA recommendation for journeys longer than 4 h for broilers and spent hens is that vehicles should be equipped with mechanical ventilation with the capacity to maintain satisfactory thermal environments. The thermal environment within the animal accommodation should be monitored and recorded.

On top of this, there is a general opinion (National Contact Points Transport, Grange, June 2014) that in the current situation there is no satisfying system for giving poultry access to water or (liquid) nutrients. Therefore, under the current state of play and as long as there are no systems which allow sufficient feeding and drinking poultry while transported, the journey times for poultry (except for day old chicks) should be limited to a maximum of 12 hours.

### **Navigation (tracing) systems in animal transports (pp 61-62, 88)**

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”. 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 uniform systems would be of important use for the routine control of the transport conditions for animals during transport and also for the competent authorities’ control of e.g. journey log and transport conditions.

From a practical point of view sat-navigation systems should at least be mandatory also for long poultry transports and minimum requirements for out-prints of the navigation data should be established in order to facilitate controls. Considering the fast development of sat-navigation systems mandatory use of such systems should also be considered for short transport in future.

### **Harmonized rules for roll-on-roll-off transport**

The EFSA Scientific Opinion (EFSA Journal 2011; 9(1) (p. 71) recommends that (for animal welfare reasons) the time spent on a lorry loaded onto a vessel should not be considered as a resting period but as journey time (horses). Such a stipulation could be beneficial for the welfare of all farmed animals. Under all circumstances a harmonized interpretation and use of the rules is needed.

### **Proposals to changes due to practical experience**

#### **Uniform education of animal transport drivers**

Rules should be established in order to set up minimum standards for the educational background for achieving a transport authorization. Especially, now where animal transport enterprises have become more “globalized” within the EU – and drivers with an authorization in one MS are engaged in a company in another MS.

The validity of the transport authorization also differs among MS – in some it is life-long in other it is time restricted. This should be harmonized.

In order to facilitate and simplify the animal welfare controls carried out by the competent authorities, the transport authorization certificates and especially the certificates of competence should contain a photo of the respective certificate holder and should be issued multilingual and in standard format defined in legislation.

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 have received training on the relevant provisions of the EU Regulation No. 1/2005. But also the transporters, the transport organizers as well as personnel who are handling animals in connection with loading (and unloading) the vehicle or transport crates should undergo training on the relevant provisions of the EU animal welfare transport legislation.

#### **Presumed errors in the existing text of the regulation**

*Article 2 (r) definition of “place of departure” for assembly points: the conditions (i) and (ii) should be ‘and’, not ‘or’*

However, assembly centres approved in accordance with Community veterinary legislation may be considered as place of departure provided that:

(i) the distance travelled between the first place of loading and the assembly centre is less than 100 km;  
**and**

(ii) the animals have been accommodated with sufficient bedding, untied, if possible, and watered for at least six hours prior to the time of departure from the assembly centre;

Justification:

In order to prevent the animals from getting tired already before the counting of 'travel time' has already started, the distance travelled between the farm(s) of initial loading until the assembly centre should be less than 100 km and the period of rest & care at the assembly centre should be at least six hours, if the assembly centre should be considered as 'place of departure'. Neither is there justification for a resting period of only 6 hours in a second assembly centre after all the assembly operations and often a maximum travel distance of 2x9 or 2x14 hours.

*Chapter III, point 1.13 derogation from 1.12: point 1.12 (d) should be amended.*

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.

Justification: In case of free ranging beef cattle the bull can be extremely violent if separated from his "harem".

## **Control Posts**

According to Article 3 of Regulation 1255/97 the European Commission publishes the approved control posts, which the Member States have been submitted to the European Commission. So far this list does not include the information whether a control post is equipped with a milking parlour for lactating animals. Therefore it is rather difficult for the competent authority to check the transport plans in regard to Article 14 of the Transport Regulation whether lactating animals can actually be milked after 12 hours journey time. In order to make these checks easier for the competent authorities, the list of approved control posts should contain the information, whether the control post has got a milking parlour. To achieve this the Regulation 1255/97 needs to be amended.