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# Key demands for the revision of the Council Regulation 1/2005 on the protection of animals during transport and related operations



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# Contents

Introduction	1
Shift to transporting meat and carcasses instead of live animals	2
Ban on live animal exports to third countries	2
Prohibition of live animal transport by sea	3
Shorter maximum transport times: 0-4-8	4
Prohibition of transport of unweaned animals & pregnant animals	4
Maximum journey time of 4 hours for poultry, rabbits and animals at the end of their production cycle	4
Maximum journey time of 8 hours for adult cattle, pigs, sheep and goats	5
Temperature limits (general and species-specific)	6
New definition of final destination	6
Independent EU control system and dissuasive sanctions	7
Other measures	8
References	9

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# Key demands for the revision of the Council Regulation 1/2005 on the protection of animals during transport and related operations

## Introduction

Animal transports cause immense animal suffering, which has been documented by animal welfare organisations and journalists for decades. At EU level, a committee of inquiry was established from June 2020 to December 2021. In numerous hearings this committee confirmed the systematic and recurring torture to which animals are subjected on transports on a daily basis. It also confirmed the routine breaches of the already lax legislation. In 2020, the Commission decided, as part of its "Green Deal", to revise the current animal welfare legislation, including the EU Regulation 1/2005 on the protection of animals during transport. A draft is to be presented by the end of 2023. In this position paper, FOUR PAWS presents the necessary key demands for this upcoming revision. As far as, for example, the maximum transport duration in hours is concerned, the demands can be summarised in the formula "0-4-8": Long-distance transports and transports outside the European Union, as well as the transport of unweaned animals that are still dependent on a milk diet, must be banned (0). Poultry and rabbits, as well as animals at the end of their production cycle, must not be transported for more than four hours (4). For all other animals a maximum transport time of eight hours must apply, irrespective of the purpose for which they are transported (8). We call on the decision-makers to support the implementation of our demands within the framework of the revision of the EU transport regulation and to finally put an end to the cruel transport of animals.

## Shift to transporting meat and carcasses instead of live animals

The EU-Transport Regulation 1/2005 should be altered in such a way as to aim for ending live animal transport and shift to a trade of meat and carcasses instead. Particularly long-distance transport over eight hours and live animal exports outside the EU should be replaced by transport of meat and carcasses immediately. Live animal transport must be reduced to an absolute minimum. Transport for slaughter must be limited to transport to the next adequate slaughterhouse.

### Rationale

Exporting animals outside the EU and transporting them for more than eight hours has been proven to cause severe animal suffering. Almost all importing third countries are already importing meat and other animal derived products such as milk powder. This shows that alternatives to live transport are viable. A switch to a 100% export of meat and carcasses and genetic material like semen is achievable. Switching to alternatives to live animal transport not only reduces animal suffering but can also lead to an increase in jobs and create value added in the EU. This was also shown in a study<sup>1</sup>. The author concludes that: "A shift from live animals export to those of refrigerated or frozen meat and meat products and by-products would create jobs in the local economy and provide additional momentum for the accumulation of value-added operations at local level, with a positive effect on Romania's economy. The various scenarios examined have shown that, in the hypotheses presented, the lower the exports of live animals, ovines and bovines, the more jobs are created."

- The European Parliament in the context of the Committee of Inquiry on Animal Transports (ANIT) recommends in its final recommendations<sup>2</sup> a shift to meat and carcasses instead of live animals.

## Ban on live animal exports to third countries

Ban all exports of live animals to all countries outside the EU. Derogations (e.g. whitelists or blacklists of third countries) should not be considered, as animals might end up being transported to prohibited countries via detours. Once the animals leave the EU, control is no longer possible and thus compliance with animal welfare requirements is not ensured.

### Rationale

Animals systematically suffer on exports outside the EU: sheep, goats and cattle – the latter being sent for slaughter, production or being pregnant, are **transported for days and even weeks** to third countries by road and by sea. The past decades have shown that it is not possible to ensure animal welfare during transport outside the EU. Transport conditions in third countries are not in line with the transport legislation, as requested by **ECJ ruling 424/13<sup>3</sup>** and handling of the animals has been documented often to be rough. Animals systematically suffer from the very long duration under unacceptable conditions: being cramped on a road vehicle for days or on a vessel for weeks without sufficient ventilation, being forced to lie in their

excrement. In the third countries, the climatic conditions are often not suitable for the animals, the feeding basis and water supply are insufficient and basic animal welfare cannot be ensured. All animals – be it for slaughter or for breeding – are slaughtered in these countries. Slaughter conditions are cruel and not in line with EU legislation as there is no stunning before slaughter, resulting in severe violence to make the animals defenseless before and when the throat is cut<sup>4</sup>.

- No control is possible once the animals leave the EU. This has also been stated by The Netherlands, Germany and Luxembourg, that are calling for a ban to third countries in an Annex to the Council Conclusions in June 2021<sup>5</sup>.

For these reasons, we call for a complete ban on transport to third countries.

## Prohibition of live animal transport by sea

The EU-Transport Regulation 1/2005 should be altered in such a way as to ban all live animal transport by sea.

### Rationale

Animals systematically suffer during sea transport and many of them die before reaching the final port. E.g. ten thousands of sheep are loaded on vessels on multiple levels, making it impossible to care for single animals in case of injuries or if animals fall ill or need to be accessed due to other circumstances. Vessels cannot be mucked out. Unpredictable situations before and after entering the vessel - like storms or harsh weather conditions at sea - lead to long waiting hours and life-threatening situations for the animals. Once on the vessel, in case of an emergency there is no chance to unload the animals and care for them. Also, it is not possible for animals to re-enter the EU. In case the importing third country refuses the consignment, this can have severe consequences. In 2021 this became apparent at the tragedy of the vessels "Karim Allah" and "Elbeik" that were destined to send 2600 young bulls to the middle east<sup>6</sup>. The animals were stranded at sea for months - possibly without feed or water, over hundred animals died on board, the rest ended up being emergency killed. Animals that die during sea transport, are routinely thrown overboard. The climatic conditions are harsh, and there is no sufficient ventilation: in some areas there is a total lack of airflow, resulting in high ammonia levels on vessels; some cattle go blind by the time they arrive at the destination<sup>7</sup>. Also, the recirculation of exhaust air is a serious issue on livestock vessels, especially on the old substandard ones, approved in the EU.

- The EFSA Scientific Opinions on animal transports<sup>8</sup>, published in September 2022, note there is an increased risk for the welfare of the animals, as they are exposed to additional hazards (such as waiting times at ports, starvation, handling upon arrival) as compared to road transport within the EU.

## Shorter maximum transport times: 0-4-8

### 0 Prohibition of transport of unweaned animals and pregnant animals

**Ban on** transport of unweaned animals.

**Ban on** transport of unfit animals and animals at 40% or more of gestation.

#### Rationale

Unweaned animals are often transported for up to 21 hours without being watered and fed. Numerous animals die during and after such transport. Unweaned animals should not be considered fit for transport. They are susceptible to diseases as their immune system is not yet built up. Mixing animals from different groups leads to diseases, resulting in heavy use of antibiotics<sup>9</sup>. Also, unweaned animals do not have body reserves and are dependent on liquid feed, that cannot be provided during transport. Diseased, injured, distressed, unweaned and pregnant animals for whom 40% or more of the expected gestation period has already passed, as well as animals that gave birth in the 8 weeks before the expected transport, shall be considered unfit for transport, because these animals are at a high risk of suffering. Animals unfit for transport shall not be transported.

### 4 Maximum journey time of 4 hours for poultry, rabbits and animals at the end of their production cycle

Set a max. journey time of **4** hours for poultry, rabbits, and animals at the end of the production cycle. The maximum time inside the transport vehicle and inside the transport boxes must not exceed **6** hours.

#### Rationale

Under current legislation **poultry and rabbits** are allowed to be transported for 12 hours. Afterwards they might have to endure up to 12 hours waiting time at the slaughterhouse. In addition, these animals suffer of feed withdrawal that is done on farm up to 12 hours before loading. Numerous animals regularly die, because of lack of ventilation, heat or cold or because of dehydration or they collapse of exhaustion. Poultry and rabbits are transported in transport boxes on several levels. Watering and feeding are not possible on these transports. The animals at the outsides of the vehicles are exposed to cold and airstream. The animals in the middle of the vehicle suffer of little air flow, often leading to suffocating animals. The longer the journey the higher the mortality. For example, an expert report in which various studies were evaluated shows that the mortality of poultry increases if the transport takes longer than 4 hours<sup>10</sup>. This report also recommends that a waiting time of 2 hours at the slaughterhouse should not be exceeded. Thus, the time animals spend in containers must not

exceed 6 hours. Of these 6 hours, the driving time may not exceed 4 hours. **Animals at the end of the production cycle**, e.g., downer cows, sows, spent laying hens are usually not in a good condition, but are still regularly transported over long distances, leading to severe suffering of the animals. Animals at the end of their production cycle are to be considered vulnerable and should therefore not be transported for longer than 4 hours.

→ The European Parliament in the context of the Committee of Inquiry on Animal Transports (ANIT) recommends in its final recommendations a maximum journey time of 4 hours for poultry and rabbits and for animals at the end of their production cycle.

→ The EFSA Scientific Opinion on the transport of birds and rabbits states that the only way to avoid the welfare consequences of day-old chicks during transport is to not transport chicks and have the fertilized eggs transported and hatched on farm<sup>11</sup>.

### 8 Maximum journey time of 8 hours for adult cattle, pigs, sheep and goats

Max. journey time **8** hours for adult cattle, pigs, sheep and goats. Transport for slaughter should only be permitted to the **nearest appropriate slaughterhouse**.

#### Rationale

The longer a transport lasts, the more likely it is that animal welfare will be compromised. Animal Welfare cannot be ensured on transport that is longer than 8 hours. The animals are in a stressful situation, in cramped conditions inside a transport vehicle. The final destination must be **reachable within 8 hours**. Legislation must ensure that animals are only **transported to the nearest appropriate slaughterhouse**. Mobile slaughter initiatives within the EU with high animal welfare standards should be extended and supported, as they can play a key role in reducing long transport times to slaughterhouses.

→ EFSA notes in its Scientific Opinion on pig transport that pigs will get thirsty after 8 hours of transport and “the available evidence suggests that the provision of water on the vehicle in motion may be ineffective, in that some animals will not, or are not able to drink. Thus, if pigs are to recover from the welfare consequences experienced during transit they need to be unloaded from the vehicle”<sup>12</sup>.

→ The European Parliament in the context of the ANIT recommends a maximum journey time for slaughter animals of 8 hours

## Temperature limits (general and species-specific)

- ➔ Ban on transports when external temperatures are forecasted on any section of the route **<+5 °C or >+25 °C**
- ➔ Ban on transports of spent laying hens when external temperatures are forecasted on any section of the route **<+15 °C or >+25 °C**
- ➔ Ban on transports of rabbits when external temperatures are forecasted on any section of the route **<+5 °C or >+20 °C**
- ➔ Ban on transports of lactating cows when external temperatures are forecasted on any section of the route **<+5 °C or >+15 °C**

Each means of transport needs to be provided with a sensor to record the external temperature and humidity. Additionally, three sensors must be installed inside the vehicle to measure the inner temperature and humidity.

### Rationale

Animal transport is regularly carried out during extreme heat and cold, leading to immense animal suffering. Many animals arrive dead at the final destination due to heat stress, physical collapse, thirst and exhaustion. Ventilation on vehicles is not sufficient to cool down temperatures below the external temperature and on vessels there is usually also no functioning ventilation at all. When animals are transported on deck during extreme heat, mortality during transport usually rises. Legislation is lacking a strict prohibition of animal transport at certain external temperature levels forecasted. Also, legislation is lacking maximum temperature-humidity levels. The present maximum inside temperature is only controllable retrospectively. To avoid suffering beforehand, external temperature limits are needed to make sure no animals are sent on a journey when it is too cold or hot.

- ➔ EFSA notes in its Scientific Opinions<sup>8</sup> on animal transports that the temperature inside vehicles should not exceed the UCT, which is estimated to be 25 °C for cattle, horses and finishing pigs and 22 °C for sows.

## New definition of final destination

Final destination must be defined as a place where animals must stay for at least four weeks

### Rationale

Current legislation defines that a transport ends when the animals stay at least 48 hours at a destination ("final destination" of transport). But very often animals are transported further after 48 hours. This leads to animals being transported further and further for days and weeks. Raising the time of the minimum stay of the animal may ensure that the final destination is not a transit point.

## Independent EU control system and dissuasive sanctions

Vigorous enforcement and strong sanctions are necessary for implementing legislation.

**Establishing an independent control system**, consisting of sufficient, well-trained and **well-equipped EU control staff and strong sanctioning measures** are essential for proper enforcement. The control system should be **implemented by the European Commission** and not at a Member State level to allow for harmonised sanctions across the European Union. For setting up such a control system, a budget must be allocated: staff must be trained on a regular basis. In addition, a **catalogue of sanctions** and instructions for sanctions and corrective measures must be developed. Operators must be denied to continuing transport, when they cannot prove to comply with animal welfare legislation. It must be ensured that a **minimum percentage** of 10% and additionally risk-based **controls at any stage of the journey** are carried out. Controls must also include audits by the Commission to control the competent authorities (transport planning etc.), checks during loading and unloading of the animals, checks at intermediate stops and at the final destination. **Real-time access to navigation data** of all transports must be a pre-requisite for approval. **All transport vehicles**, no matter how long the journey takes, must be equipped with a **navigation system**, inside and outside **temperature** measurements and hygrometers. The condition of the animals must be proven by live web cams. All processes, including the number of transports, must be transparent.

### Rationale

Existing legislation (1/2005 and ECJ 424/13) is not complied with and there are systemic breaches when live animals are transported. Controls and sanctions are not harmonized across the Member States, leading to competitive disadvantages for the countries that comply with the legislation.

E.g. some Member States authorize transport vehicles that others would reject. Some Member States do not take dissuasive measures in case of repeated infringements by companies. Some Competent Authorities approve journeys that should be rejected, be it due to implausible transport plans or due to unsuitable temperature forecasts or else. There are insufficient controls during loading and unloading, hardly any controls on the road, on sea vessels, at ports. Particularly in third countries there are no controls at arrival in the port and when animals are transported further to the final destination. There are hardly any consequences in case of non-compliance, and penalties vary greatly across Member States. We call for a real change in the control system.

- ➔ The heterogeneous interpretation of legislation and systemic infringements were the subject of the ANIT committee of inquiry on animal transport. In its recommendations that were published after the ANIT committee the European Parliament calls on the Commission to compile a list of operators that are culpable of serious and frequent breaches of the regulation, which should be updated regularly and shared with the national authorities.
- ➔ In its recommendations, the European Parliament calls on the Commission to ensure easy access to the TRACES platform, granting wider access for all authorized users and making it easily accessible to competent authorities.

## Other measures

- A severe reduction of production, so that the number of animals is drastically reduced, is necessary to achieve an end to long-distance transport.
- A first step to reduce production could be a longer intercalving period that can result in at least a third less calves born due to a later re-insemination of the cow<sup>13</sup>.
- Establishing local fattening structures to ensure that calves are no longer sent abroad for fattening, establishing mother-bonded and fostered calf rearing structures for male and female calves.
- The use of specialised high yielding breeds should be prohibited. Alternative breeding goals such as extensive and dual-purpose breeds should be supported instead so that breeding companies move away from high yielding breeds.
- Regional/decentralized and on-farm slaughter must be extended to reduce transport times and to make systems less vulnerable.

## Rationale

The numerous problems of animal transport cannot be solved if the number of animals and the intensive production carries on like today. A strong reduction of the number of farm animals and massive changes in animal housing and husbandry are necessary to address these problems. Alternatives are already available and can be implemented on the European level.

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## About FOUR PAWS

FOUR PAWS is the global animal welfare organisation for animals under direct human influence, which reveals suffering, rescues animals in need and protects them. Founded in 1988 in Vienna by Heli Dungler and friends, the organisation advocates for a world where humans treat animals with respect, empathy and understanding. The sustainable campaigns and projects of FOUR PAWS focus on companion animals including stray dogs and cats, farm animals and wild animals – such as bears, big cats and orangutans – kept in inappropriate conditions as well as in disaster and conflict zones. With offices in Australia, Austria, Belgium, Bulgaria, France, Germany, Kosovo, the Netherlands, Switzerland, South Africa, Thailand, Ukraine, the UK, the USA and Vietnam as well as sanctuaries for rescued animals in eleven countries, FOUR PAWS provides rapid help and long-term solutions.



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