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FOUR PAWS position on the European Commission's proposal for a Regulation of the European Parliament and of the Council on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005

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Contact

Marilena D'auria

Farm Animal Advocacy Officer

marilena.dauria@four-paws.org

Ina Mueller-Arnke

Expert for Farm Animal Welfare

ina.mueller-arnke@vier-pfoten.org

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In the framework of the **Farm to Fork Strategy**¹, the Commission announced its intention to revise the EU legislation on animal welfare, including on the welfare of animals during transport.

The current legislation on the protection of animals during transport was adopted in 2004 (**Regulation (EC) No 1/2005, 'the Transport Regulation'**²) and it no longer reflects current realities, latest scientific evidence and recommendations, sustainability goals and legitimate concerns of European citizens when it comes to animal welfare.

This revision seeks to contribute to sustainable agricultural and food production by ensuring a higher level of animal welfare, and avoiding distortions on the internal market, thereby contributing to a shift towards an economically, environmentally, and socially sustainable food system, in line with the **European Green Deal**.

Despite some improvements, such as limitation to journey times, increased space allowances, slightly higher requirements for the minimum age of unweaned animals, the attempt to favour measures aiming at replacing live transport with transport of carcasses and meat³, and specific requisites for the transport of dogs and cats, the European Commission's proposal of 7 December 2023 is inadequate and does not address the core problems from which animals suffer during transport.

¹ https://food.ec.europa.eu/horizontal-topics/farm-fork-strategy_en.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005R0001>.

³ See the section "Objectives" of the proposal on the protection of animals during transport and related operations, COM (2023) 770 final.

Journey times

Animals transported for slaughter

The Commission proposal states that **animals for slaughter should only be transported for a maximum of nine hours⁴**, but that competent authorities could grant an authorisation for longer journeys if no adapted slaughterhouse is reachable within 9 hours⁵.

The 9-hour limit represents an improvement with respect to the provisions of Regulation (EC) No 1/2005 which foresees longer, species-specific journeys for animals for slaughter⁶. For example, according to the current rules, pigs can be transported for up to 24 hours and domestic animals of bovine, ovine, caprine species can be transported for 29 hours (14h+1h rest+ 14h).

No exemption should be allowed to the 9-hour limit since this could entail a misuse of the provision and the risk of making the limit obsolete.

A precise definition for **“animals for slaughter”** is missing in the legislative text of the proposal. This in practice could lead to rules being circumvented by transport organisers who could claim that their journey is for fattening or breeding rather than for slaughter⁷.

Animals transported for purposes other than slaughter

A serious flaw is the perpetuation of long-distance transport of animals not intended for slaughter. **These animals could still be transported by road and rail for a maximum of 21 hours**, the time after which they should reach the place of destination. If the animals do not reach the place of destination after 21 hours, the proposal requires the animals be unloaded for a rest period of at least 24 hours at a control post before the transport may continue for an additional 21 hours. A break of 1 hour without unloading is foreseen after a 10-hour journey also for this category of transport⁸.

The fact that exceeding the prescribed maximum journey times, for all kind of journeys (e.g slaughter, fattening and breeding), would not constitute a **serious infringement**, unless the overtime goes beyond 30% excluding rest periods, is also severely problematic⁹.

⁴ Par. 37 of the preamble.

⁵ Art. 28.

⁶ Chapter V and VI of Regulation (EC) No 1/2005.

⁷ The new legislation should ensure that rules on the journey time for slaughter are not circumvented, for example by transporting animals for slaughter to seaports within 9 hours and loading them onto ships to then transport them for an unlimited time to other countries for slaughter.

⁸ Art. 27.

⁹ Art. 44.

Journey times for poultry, rabbits and vulnerable animals

Journeys times, up to 12 hours including loading and unloading¹⁰, for poultry¹¹ and rabbits¹² are excessive and directly connected to higher mortality rates.

The limit for the transport of end-of-lay hens is set at ten hours, including loading and unloading¹³.

However, end-of-lay hens, together with other animals at the end of the production cycle such as dairy cows and sows, should be considered as **vulnerable animals** and not be transported for longer than four hours.¹⁴

Considering the above, we urge for:

- ➔ A ban on long-distance transport
- ➔ A maximum journey time of eight hours for cattle, pigs and sheep, independently from their ‘use’ (slaughter, fattening, breeding)
- ➔ A maximum journey time of four hours for poultry, rabbits and vulnerable animals
- ➔ A maximum time of six hours in vehicles and containers for animals transported in containers.

Export of live animals to third countries and transport at sea

Despite the evidence provided by the **European Parliament committee of Inquiry on the protection of animals during transport¹⁵ (ANIT)** and by several NGOs¹⁶ on the conditions and suffering endured by animals during **transport at sea**, including to third countries¹⁷, **this kind of journey is still foreseen under the current transport proposal and time spent at sea does not even count as journey time¹⁸.**

¹⁰ ANNEX I – CHAPTER V.

¹¹ Poultry can endure feed deprivation for up to 12 hours before the beginning of the journey. This is an additional reason why journey times for poultry should not exceed 4 hours and the animals should be slaughtered within 2 hours upon arrival at the place of destination so that they shouldn't spend more than 6 hours in containers (https://tierschutz.hessen.de/sites/tierschutz.hessen.de/files/2022-11/gutachten_gefluegeltransport_final_2021_1.pdf).

¹² For breeding rabbits journey times would be even longer as they could be transported for up to 24 hours provided they have constant access to feed and water.

¹³ ANNEX I, Chapter V, point. 2.

¹⁴ Regulation (EC) No 1/2005 sets journey times up to 12 hours for poultry, including ‘end-of-lay hens’ and rabbits excluding loading and unloading. The current proposal would bring some improvements, but those new measures still fail to address species-specific needs.

¹⁵ <https://www.europarl.europa.eu/committees/en/anit/events/events-hearings>.

¹⁶ <https://orf.at/stories/3203435/>; https://www.animal-welfare-foundation.org/files/downloads/AWF_Berichte_01-2021_Web_final.pdf.

¹⁷ <https://www.animals-angels.de/en/news/news-detail/tiertransporte-in-die-tuerkei-wochenlange-tortur-fuer-schwangere-faersen-an-grenze-und-weiter-in-den-irak.html>.

¹⁸ See par. 41 of the preamble and Art. 29 and 30 of the transport proposal (COM(2023) 770).

In the last years, numerous tragedies involving thousands of animals have happened at sea¹⁹, as sea transport is permitted under the current legislation, and they are likely to continue happening if the proposal goes forward as such.

At the moment, the re-import of animals exported from the EU to third countries, but rejected because of insufficient documentation or suspicion of diseases, is not allowed. With the current proposal, this will continue to be the case and bring situations in which animals can remain stuck in transport vehicles or vessels for days or weeks and eventually killed in emergency.

Moreover, once they arrive **in third countries, animals are transported, kept and finally slaughtered²⁰ in conditions which do not even respect minimum welfare standards²¹.**

The lack of a ban on live animal exports in the proposal means that in practice the European Court of Justice judgement C-424/13²², which states that the EU provisions on animal transport have also extra-territorial applicability and must be observed for the entirety of the journey, including therefore when a consignment has left the Union, continues to be ignored.

Inspections, evaluations and monitoring

In order to demonstrably comply with the Court ruling C-424/13, on-site inspections by independent EU inspectors would be essential. However, controls in such a form are not allowed due to a lack of EU jurisdiction in those countries²³.

In addition, the proposal foresees that the **organiser of the journeys**, who is also the one profiting from the exports, shall arrange for a **certification body²⁴** to evaluate the first journey to a place of destination in a third country. If certain conditions are met during the first journey²⁵, the certification body can then issue **a 5-year certificate for transport of animals to third countries** for the organiser. The obligation for certification

19 In December 2020, more than 3,000 cattle left the Spanish ports of Tarragona and Cartagena on board of the ships Elbeik and Karim Allah heading for Turkey (<https://www.four-paws.org/our-stories/blog-news/tragedies-at-sea-cartagena-and-suez-canal>), all of which were either slaughtered in emergency conditions or thrown overboard after 3 months navigation and after having been rejected by several countries due to a suspicion of bluetongue (<https://www.theguardian.com/environment/2021/mar/31/how-nearly-3000-cattle-came-to-be-stranded-at-sea-for-three-months>). See also https://www.eurogroupforanimals.org/files/eurogroupforanimals/2021-05/2021_06_01_joa_accountability_report.pdf.

More recently, several dead cattle were found on the beaches of Brittany (France) without their identification tags (<https://france3-regions.francetvinfo.fr/bretagne/finistere/brest/une-dizaine-de-vaches-echouees-sur-les-plages-du-finistere-les-premieres-reponses-2890760.html>), and since January 2024 two live animal transport vessels containing bulls from Portugal have been detained in the Moroccan port of Tangier-Med. The bulls were found in extremely unhygienic conditions, forced to stand ankle-deep in their own excrement causing many of them to develop respiratory problems and inflamed eyes (<https://www.eurogroupforanimals.org/news/nearly-three-weeks-suffering-bulls-trapped-trucks-moroccan-border>).

20 The animals' throats can be cut without stunning and anaesthesia and the agony can last up to 30 minutes (https://tierschutz.hessen.de/sites/tierschutz.hessen.de/files/2022-11/maisack_rabitsch_tiertransporte_0.pdf).

21 <https://www.animals-angels.de/en/news/news-detail/tiertransporte-in-die-tuerkei-wochenlange-tortur-fuer-schwangere-faerschen-an-grenze-und-weiter-in-den-irak.html>.

22 The Judgment of the Court (Fifth Chamber) of 23 April 2015 – Zuchtvieh-Export GmbH v Stadt Kempten (Case C-424/13).

23 See [14TH MEETING OF THE EU PLATFORM ON ANIMAL WELFARE – Streaming Service of the European Commission \(europa.eu\)](#), minute 11:21:43.

24 The fact that the certification body has to be arranged by the organiser of the journey suggests that the certification body is not independent.

25 Art. 33.2.

bodies to perform **a minimum of two unannounced evaluations of journeys** carried out by the organisers within the 5 years of validity of their certificate is insufficient. In order to verify compliance with the conditions listed in Art. 33.2, more frequent unannounced checks should be carried out.

These dynamics cast serious doubts on the independence and neutrality of the certification issuance.

Similarly, the **attendant**, who is the person directly in charge of the welfare of the transported animals and accompanies them during a journey on road or rail transport (Art.3.13), and the **animal welfare officer**, who is directly in charge of the welfare of transported animals by livestock vessel, are employed by and provide services to the transporter. This also does not guarantee neutrality and independent monitoring.

There are also doubts regarding **control posts** compliance with standards in line with European legislation, particularly with those laid down in **Regulation (EC) No 1255/97**, as there is no independent certification that can determine their compliance with those standards in the first place.

In light of all this, we call for:

- A ban on sea transport and transport to third countries
- Compliance with ECJ judgement C-424/13
- Independent checks and certifications by neutral EU bodies.

Additionally, until transport to third countries and transport at sea are not banned at EU level, we call for:

- Re-importation to the EU to be allowed
- The time spent by animals on vessels to be counted as part of the journey time
- Veterinarians²⁶ to be on board ships so that they can treat and, if necessary, euthanise injured or sick animals.

26 The animal welfare officer, who is the person referred to in Art. 21 of the proposal and who is directly in charge of the welfare of transported animals by livestock vessel, is not necessarily a veterinarian.

Vulnerable animals

Unweaned animals

The proposal represents a slight improvement with respect to the current regulation²⁷ when it comes to **unweaned animals**, but **it does not ban their transport**. It merely establishes **a minimum age of five weeks for the transport of calves, three weeks for piglets, lambs and kids and 48 hours for rabbits**.

It also sets **a maximum journey time of eight hours for unweaned calves, foals, lambs, kids and piglets**. However, **19-hour journeys**, including a one-hour break without unloading (9+1+9), would still be allowed **for unweaned animals**, provided that the vehicle is equipped with **a milk feeding system**.

Transport at sea is not counted as journey time also for unweaned animals.²⁸

This would mean, for example, that calves that are transported from Ireland to the mainland by roll-on roll-off vessels (Ro-Ro ships) could travel for an unlimited period of time during the crossing.

It is important to highlight that trials have shown that **calves find it difficult to use drinkers installed in vehicles**²⁹ and that it is not possible to ensure proper feeding³⁰. Calves would also need a three-hour break after a meal³¹ to avoid indigestion, something which is not feasible during long journeys on vessels and trucks.

Day-old chicks

The proposal sets a **maximum journey time for day-old chicks of 24 hours** with an **obligation to complete the transport of the animals within 48 hours after hatching**.³²

This constitutes a modest progress, as the current regulation also establishes a maximum journey time of 24 hours for day-old chicks, but with a completion of the transport operations within 72 hours after hatching.

In its scientific report on the transport of poultry and rabbits, the European Food Safety Authority (EFSA) recommends the transport of incubated eggs instead of live chicks³³.

In any case, it has been proved that animal welfare cannot be guaranteed either on the road or during air transport³⁴.

²⁷ With respect to unweaned animals, regulation (EC) No 1/2005 states that 'unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets must, after nine hours of travel, be given a rest period of at least one hour sufficient in particular for them to be given liquid and if necessary fed. After this rest period, they may be transported for a further nine hours' (Chapter V, section 1). In addition, unweaned animals can't be transported if 'they are pigs of less than three weeks, lambs of less than one week and calves of less than ten days of age, unless they are transported less than 100 km' (Annex I, Chapter I, par. 2).

²⁸ See Art. 29 and Annex I, Chapter I, h) and j).

²⁹ https://mlr.baden-wuerttemberg.de/fileadmin/redaktion/m-mlr/intern/dateien/PDFs/SLT/2020-05-10_Gutachten_Rabitsch_Transport_nicht_entwoehnter_Kaelber.pdf.

³⁰ <https://www.animals-angels.de/neuigkeiten/beitrag/italien-hitze-und-schlechte-wasserversorgung-ueber-2000km-transport-fuer-franzoesische-bullenkaelber-nach-griechenland.html>.

³¹ https://www.europarl.europa.eu/cmsdata/227426/A.%20Rabitsch_transport%20unweaned%20calves.pdf

³² Annex I, Chapter V, 2.2 b).

³³ <https://www.efsa.europa.eu/en/efsajournal/pub/7441>.

³⁴ Delays at airports have repeatedly resulted in tens of thousands of chicks dying in agony (<https://www.fr.de/rhein-main/7500-kueken-sterben-flughafen-11637544.html#:~:text=7500%20K%C3%BCken%20m%C3%BCssen%20am%20Frankfurter,N%C3%A4chte%20an%20Flugh%C3%A4fen%20verbringen%20m%C3%BCssen>).

Pregnant animals

According to the proposal³⁵, **pregnant animals up to 80% of the gestation time could still be transported**. Although this represents an improvement over the fact that today it is possible to transport animals up to 90 % of the gestation period³⁶, it would still expose the animals to the risk of miscarriage and other complications³⁷. Transporting animals at this stage of pregnancy should be prohibited.

Considering all the issues highlighted above, we demand:

- ➔ A ban on the transport of unweaned animals and a minimum age of 12 weeks for calves, sheep and goats, six weeks for rabbits and 30 days for piglets
- ➔ A ban on the transport of day-old chicks and incubated eggs³⁸
- ➔ Animals beyond their 40% gestation time not be considered fit for transport³⁹.

Bio-secure transport

The proposal states that animals defined under the **Directive 2010/63/EU on the protection of animals used for scientific purposes** are to be exempted from the provisions related to journey times, rest periods, feeding and watering intervals.

However, it is not clear under which conditions these animals are to be transported as Directive 2010/63/EU is not exhaustive.

We call for:

- ➔ Animals used for scientific purposes to be transported according to their species-specific needs
- ➔ More thorough rules on the conditions under which animals used for scientific purposes are transported.

³⁵ Annex I, Chapter I, 1. f).

³⁶ Regulation (EC) No 1/2005, Annex I, Chapter I, 2. c).

³⁷ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0015_DE.html

³⁸ Given the massive animal welfare problems connected to specialised breeds for laying and fattening production, we strongly advocate for a shift to dual-purpose breeds in the EU. A drastic reduction in their transport is needed to mitigate animal welfare risks and suffering.

³⁹ Annex II, p. 98 [2024 february_efa_live animal transport due time to change the rules white paper_eng.pdf](https://www.efsa.europa.eu/en/efsajournal/pub/7441) (eurogroupforanimals.org).

Temperature limits

While the Council Regulation (EC) No 1/2005 permits the transport of live animals if the vehicles ventilation systems are capable of maintaining a temperature between 5 and 30 degrees within the means of transport (with a tolerance of +/- 5 °C⁴⁰), **the Commission's proposal removes the requirement to measure the internal temperature, which is the one directly impacting the animals, and establishes limits only based on the external temperatures** beyond which transport can only take place under certain circumstances⁴¹.

Specifically, the proposal states that:

"2. For transport of terrestrial animals by road, except for dogs and cats:

- (a) when the temperature forecast indicates temperatures below 0°C, road vehicles shall be covered and air circulation in the animal compartment controlled to protect animals from exposure to windchill during the journey;
- (b) when the temperature forecast indicates temperatures below -5°C, in addition to the measures in point (a), the journey time shall not exceed 9 hours;
- (c) when the temperature forecast indicates temperatures between 25°C and 30°C, the journey time during the period between 10h00 and 21h00 shall not exceed 9 hours;
- (d) when the temperature forecast indicates temperatures above 30°C, only journeys taking place fully between 21h00 and 10h00 shall be allowed.
- (e) when the temperature forecast indicates temperatures above 30°C between 21h00 and 10h00, the space allowance for the animals shall be increased by 20%."⁴²

Specific requirements are set for cats and dogs and animals used for scientific purposes:

"3. Dogs and cats shall be transported in a compartment with an ambient temperature ranging between 20 and 25 °C and with a humidity between 30 and 70%.

4. Paragraphs (1) to (3) shall not apply to animals transported in bio-secure transports for the purposes of an authorised project or breeding under Directive 2010/63/EU."⁴³

Against these provisions, we recommend that **limits be set for temperatures inside the vehicles and that these should not be below 5 °C or above 25 °C** and always be species-specific as recommended by EFSA. Additionally, **animals should not be transported with external temperatures below 5 degrees or above 25 degrees for the whole duration of the journey** (the weather forecast shall be taken into account before the approval of any journey).⁴⁴.

⁴⁰ ANNEX I, Chapter VI, part. 3.

⁴¹ We welcome the measurement of external temperatures, but this shouldn't replace the need to measure temperatures inside the means of transport and set species-specific temperature limits accordingly.

⁴² Art. 31.

⁴³ Art. 31.

⁴⁴ <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2022.7441>.

Although the proposal sets **minimum values of 15 °C inside the vehicle for end of production laying hens**⁴⁵, none have been set for other poultry or rabbits.

Also, the proposal foresees registration of external temperatures only at departure, destination and relevant control posts and it fails to include provisions for checking the weather forecast along the journey, hence **ignoring temperature variations during trips**.

Temperature limits should also take into account species-specific needs:

- ➔ **end of career laying hens** should **not be transported with external temperatures of less than 15 degrees or more than 25 degrees**;
- ➔ **rabbits** should **not be transported with external temperatures of less than 5 degrees or more than 20 degrees**;
- ➔ **cows** during lactation should **be transported only with external temperatures between 5 and 15 degrees**⁴⁶.

Provisions on the transport of cats and dogs are welcome, including on temperatures. However, **breeds with extreme features would need more precise temperatures and humidity parameters**.

Humidity plays an important role in the welfare of animals and should be included on a **species-specific** basis in accordance with the EFSA recommendations.⁴⁷ For example, the temperature-humidity index for rabbits should not exceed 27.8.

We demand that:

- ➔ Temperature limits continue to be set considering external temperatures and temperatures inside the vehicles for the whole duration of the journey. These latter should be between 5 °C and 25 °C and always be species-specific⁴⁸
- ➔ Vehicles be equipped with thermometers and hygrometers
- ➔ Animals are not transported with external temperatures below 5 °C or above 25 °C
- ➔ Humidity be included on a species-specific basis in accordance with EFSA
- ➔ Parameters be based on the EFSA recommendations⁴⁹ and be species-specific as mentioned above.

⁴⁵ Annex I, Chapter V, par. 2.3 b.

⁴⁶ https://www.eurogroupforanimals.org/files/eurogroupforanimals/2021-02/2020_01_27_efa_transport_white_paper_0.pdf.

⁴⁷ <https://www.efsa.europa.eu/de/news/more-space-lower-temperatures-shorter-journeys-efsa-recommendations-improve-animal-welfare>.

⁴⁸ See also the species-specific recommendations included in this paragraph.

⁴⁹ [https://www.efsa.europa.eu/en/infographics/animal-welfare-during-transport-free-moving-animals#:~:text=More%20space%2C%20lower%20temperatures%2C%20shorter,new%20scientific%20opinions%20by%20EFSA.&text=Severe%20heat%20stress%20for%20animals,upper%20critical%20temperature%20\[UCT\]](https://www.efsa.europa.eu/en/infographics/animal-welfare-during-transport-free-moving-animals#:~:text=More%20space%2C%20lower%20temperatures%2C%20shorter,new%20scientific%20opinions%20by%20EFSA.&text=Severe%20heat%20stress%20for%20animals,upper%20critical%20temperature%20[UCT].).

Space allowances

In the proposal, space requirements for transport of animals by road, by rail, or by sea are calculated using the following **allometric equation**:

$$A = kW^{(2/3)}^{50}$$

The application of this principle would slightly improve space allowances for animals⁵¹ as the current regulation⁵² does not provide for a similar calculation method and only considers the weight of an animal (rather than both size and weight as it is proposed). The resulting space allowances are, however, insufficient to guarantee animal welfare.

Negative aspects include the deletion of the differentiation of spaces granted to sheep based on shearing and to all animals based on the means of transport, differentiations that were present in the regulation (EC) No 1/2005 instead⁵³. Also of note is the worsening of conditions for pigs transported by sea as the minimum space allowance would pass from the current 0.85 m² to 0.58 m² per pig.

Moreover, the indications provided for the **minimum vertical height** between the animal and the vehicle/container's ceiling are also **not fit for sufficient air flow**⁵⁴.

Lastly, it is alarming that an **infringement** is considered serious only if the space allowance for animals transported is less than 80% of the requirements for space allowances set out in Chapter VII of Annex I.

50 A=area per animal [m² or cm² for transport of birds and rabbits in containers], W=live weight [kg], k= k-value (specific to species/category, as laid down in tables at par. 2 and par. 3 of Chapter VII, Annex I).

51 For example, according to the proposal 0.58 m² is provided for pigs weighing 100 kg, while under the current regulation the space allowance is 0,51 m²; 2,28 m² for cattle weighing 550 kg instead of a space between 1,30 and 1,60 m²; 0.5 m² for sheep weighing < 50 kg instead of a space between 0,20 and 0,30 m²; 460 cm² for chickens weighing 2 kg instead of just 160 cm²; 562 cm² for rabbits weighing 3 kg (in the current regulation indications are missing for rabbits)

52 Annex I, Chapter VII.

53 Regulation (EC) No 1/2005 grants different spaces to shorn and unshorn sheep and in general to animals depending on whether they are transported by rail, road, ship, air (Annex I, Chapter VII).

54 For example, for cattle of 1.50 mt at the withers, a height of only 21 cm above the withers is required, but a serious infringement would occur only with a height of less than 16 cm; this would represent a deterioration from the custom adopted in certain member states of providing for cattle to have at least 20 cm of vertical height above their backs (https://www.openagrar.de/servlets/MCRFileNodeServlet/openagrar_derivate_00050841/Handbuch_Tiertransporte_122022.pdf).

Considering all of the above, we demand:

- Space allowances granting the animals enough space to lay down (sideways), reach the drinkers, turn around and stand in a natural position
- A vertical height of at least 50 cm for heifers, of 30 to 50 cm for bulls, 30 cm for dehorned cattle and for pigs, of 20 to 30 cm for sheep and young cattle above the backbone of each animal. These minimum vertical heights must be maintained at every level at which the animals are transported
- A vertical height for poultry allowing the animals to sit comfortably with their heads raised during transport
- A height of the transport boxes for rabbits of at least 40 cm allowing the animals to sit in a comfortable position with their ears upright, as recommended by EFSA for breeding rabbits⁵⁵.

Handling

Under the current Council regulation (EC) No 1/2005, **catching and carrying poultry or rabbits upside down** is not allowed⁵⁶, but it would not be unlawful under the new proposal⁵⁷. This practice is responsible for unnecessary stress and poses risks of injury to the animals. EFSA recommends carrying the animals close to the operator's body and in an upright position⁵⁸.

The proposal would also permit the use of **instruments administering electric shocks**⁵⁹ on bovines or pigs over 80 kg of weight and when an animal refuses to move without any visible reasons. The use of electric cattle prods causes pain and stress to the animals, and it should be prohibited.

We call for:

- A ban on practices which cause unnecessary pain and suffering to the animals and expose them to the risk of injury such as lifting and carrying them from the legs in an upside down position or subjecting them to electroshock.

55 <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2022.7441>

56 Annex I, Chapter III, 'Handling', 1.8 (d).

57 Annex I, Chapter 3, par. 3.1 (d).

58 <https://www.efsa.europa.eu/en/plain-language-summary/welfare-domestic-birds-transported-containers>.

59 The current Council regulation allows the use of these tools under certain conditions that regulate how and how often electric prods can be employed. However, these provisions have been ignored in practice (<https://www.deutschlandfunk.de/tiertransporte-in-drittlaender-100.html>).

Place of departure and destination

The new definitions of **place of departure and place of destination** for the animals transported constitute an improvement in comparison to the current legislation. While the present regulation only requires a minimum of 48-hour stay for the animals at the place of departure and destination prior to the time of any other movement⁶⁰, the proposal foresees an obligation to keep the animals at least **7 days at the place of departure and destination** with the aim of preventing the phenomenon of ‘**assembly centre hopping**’.

To avoid animals being transported from a holding to several assembly centres consecutively and the common practice of indicating only the last assembly centre as place of departure, art.3, par.2 (b) establishes that an **assembly centre can be considered as a place of departure only if the animals have been collected from a distance of no more than 100 km**.

We consider a permanence of seven days at the place of departure and destination as a progress. However, a stay of four weeks would be more efficient in preventing the assembly centre hopping⁶¹.

Positioning systems and access to data

The proposal⁶² is more detailed than regulation (EC) No 1/2005⁶³ when it comes to navigation systems. It requires each means of transport by road to be equipped with a positioning system connected with an information system accessible to **TRACES** that the Commission will have to develop by 3 years of the date of the entry into force of the regulation.

This positioning system would be operational from the place of departure to the place of destination but **only data related to the place of departure, control posts, exit points from the Union and border crossings between Member States and place of destination would be retrieved from the information system and stored in TRACES** for the purpose of **official controls and audits in the Member States** and for the preparation by the Commission of **annual reports**.

It is not clear whether real-time tracking positioning systems would be operational only during long journeys or also during short journeys.

We demand that:

- ➔ Real-time tracking positioning systems be applied to all means of transport
- ➔ Access to data as well as its recording be possible for the whole duration of the journey and not just at short intervals for the purpose of effective monitoring, reporting, official controls and complaints.

⁶⁰ Art. 2, par. (r) and (s).

⁶¹ https://www.eurogroupforanimals.org/files/eurogroupforanimals/2021-01/2020_01_27_efa_transport_white_paper_0.pdf.

⁶² See Artt. 24 and 51.

⁶³ See Art. 2 (o) and Annex I, Chapter VI, par. 4.

Serious infringements

While regulation (EC) No 1/2005 refers in a generic way to **serious infringements**⁶⁴ without identifying their casuistry, the proposal lists a number of situations that would constitute a serious infringement when committed **deliberately or negligently**⁶⁵. However, serious infringements would materialise only in the case of **wide deviation from standards** set by the proposal and significant failure to comply with certain obligations⁶⁶.

For example, a serious infringement would occur only if **“the vertical height provided to animals transported is less than 80% of the requirements for vertical height set out in point 6 of Chapter III of Annex I”**⁶⁷. This provision would allow operators to have animals transported in particularly poor conditions and without the necessary space for air circulation without it constituting a serious infringement.

Equally worrying is the **loosening related to space and maximum journey time requirements**⁶⁸, which would be tolerated as not constituting serious infringement. In fact, exceeding the prescribed maximum journey times for all journeys would not constitute a serious infringement, unless the overtime goes beyond 30% excluding rest periods. Giving the animals transported less space than what is set in Chapter VII of Annex I would constitute a serious infringement only if this space is less than 80% of the established requirements for space allowances. This would imply a deterioration in the welfare of the animals transported.

We ask for:

- ➔ Stricter provisions when it comes to serious infringements⁶⁹ and that those serious infringements are sanctioned accordingly. The sanctions referred to in Article 43 are too mild.

With respect to Art. 44, we would suggest the following amendments:

‘Serious Infringements

- ➔ ‘The following infringements shall be considered serious when committed deliberately or negligently:
 - [...]
 - (c) the vertical height provided to animals transported is less than **100 %** ~~80%~~ of the requirements for vertical height set out in point 6 of Chapter III of Annex I;
 - (d) the space allowance for animals transported is less than **100 %** ~~80%~~ of the requirements for space allowances set out in Chapter VII of Annex I;
 - (e) the journey time exceeds the maximum journey time by **1 %** ~~30%~~, excluding rest periods.’

⁶⁴ Art. 26.6.

⁶⁵ Art. 44.

⁶⁶ Art. 44.

⁶⁷ art. 44 (c).

⁶⁸ Art. 44 (d), (e).

⁶⁹ For example, space and height requirements should not be less than 100% of the values set by the proposal and Journey times should not exceed the established times of more than 1%.

Stricter national measures

As already foreseen in the regulation (EC) No 1/2005⁷⁰, **Member States may adopt stricter national measures to improve the welfare of animals during transport** also under the new legislative proposal⁷¹. The proposal also clarifies that the Member States are permitted to adopt stricter national rules not only regarding transport within a Member State, but also in relation to transport from a Member State to a third country. Whilst this clarification is welcome, it is also specified that the functioning of the internal market must not be impaired. However, the subordinate clause ‘[...] provided those measures do not interfere with the proper functioning of the internal market’ should be deleted. In fact, it is essential for animal welfare to allow for stricter national regulations, in-line with Article 36 of the Treaty.

We welcome this clarification, and we demand that it should be possible for Member States to use this provision to adopt national bans on live animal exports to third states until an EU-wide ban materialises.⁷²

Transport of companion animals

We welcome the inclusion in the proposal of more detailed provisions on the transport of dogs and cats.

The **minimum age of 12 weeks**⁷³ for the transport of companion animals constitutes an advancement with respect to the 8 weeks foreseen by regulation (EC) No. 1/2005⁷⁴, but it is still not enough considering that the anti-rabies vaccine is effective after 3 weeks, which means animals must be over 15 weeks of age before being safely transported⁷⁵.

Also, there is no provision for the use of **objective body condition scores** – that would be essential to identify animals whose weight is suboptimal and as such are subject to temperature and stress-related risks during transport. This is particularly relevant for brachycephalic breeds, for which the adaptation of existing parameters of a constant temperature between 20 and 25 °C and humidity between 30 and 70% will not be sufficient⁷⁶.

With respect to **feeding and watering requirements**, while the current regulation sets out that dogs and cats being transported shall be fed at intervals of not more than 24 hours and given water at intervals of not more than 8 hours⁷⁷, the proposal is more specific and establishes that ‘‘adult dogs and cats being transported

⁷⁰ Art. 1, par. 3.

⁷¹ Art. 52.

⁷² As the clause of Art. 52 of the transport proposal stating that Member States can adopt stricter national measures to improve the welfare of animals during transport ‘‘provided those measures do not interfere with the proper functioning of the internal market’’ could be too open for interpretation and could prevent Member States from adopting national bans on live animal exports to third states, we recommend to revise the article by deleting the reference to the functioning of the internal market.

⁷³ Annex I, Chapter I, 1. i).

⁷⁴ Annex I, Chapter I, 2. f).

⁷⁵ [2024_febbruary_efa_live_animal_transport_due_time_to_change_the_rules_white_paper_eng.pdf](#) [eurogroupforanimals.org], p. 41.

⁷⁶ https://food.ec.europa.eu/system/files/2020-11/aw_platform_plat-conc_guide_dog-cat_transport-land.pdf

⁷⁷ Annex I, Chapter V, 2.2.

shall be fed at intervals of not more than 24 hours. Puppies and kittens until the age of 6 months shall be fed at intervals of no more than 8 hours. Water shall be available ad libitum or at intervals of no more than 4 hours’.

However, this is not enough and ideally food should be offered twice a day for both adult dogs and cats, morning and evening, with breaks every 3 hours to provide water; young cats and dogs should be offered food 3 times a day every 3 hours with breaks every 3 hours to provide water⁷⁸.

Preventive veterinary treatment⁷⁹ is also welcomed, but clinical examinations should be registered in **digital pet passports** to avoid the risk of falsification of information.

Lastly, the **fit for transport requirements**⁸⁰, including space allowances, temperature and humidity, should be less generic and adapted to the different breeds and body conditions.

With regards to the transport of companion animals, we demand that:

- ➔ Cats and dogs be over 15 weeks of age before being transported
- ➔ Use of body condition score indicators
- ➔ Food be offered twice a day for both adult dogs and cats, morning and evening, with breaks every 3 hours to provide water; food be offered to young cats and dogs 3 times a day every 3 hours with breaks every 3 hours to provide water
- ➔ Clinical examinations be registered in a digital way
- ➔ The fit for transport requirements be adapted to the different breeds and body conditions.

⁷⁸ [2020_01_27_efa_transport_white_paper_0.pdf](#), p. 43.

⁷⁹ Annex I, Chapter I, 10.

⁸⁰ Annex I, Chapter V, 3.3.

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 Dugler 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.



FOUR PAWS – European Policy Office

Rue Ducale 29
1000 Brussels | Belgium
office@four-paws.be
Tel: +32-2-74 00 888



[four-paws.be](https://www.four-paws.be)



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