



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.07.1998
COM(1998) 478 final

98/0248 (CNS)

Proposal for a

COUNCIL DECISION

amending the Annex to Directive 91/628/EEC with respect
to pigs passing through staging points

(presented by the Commission)

EXPLANATORY MEMORANDUM

Community rules on the protection of animals during transport are laid down in Council Directive 91/628/EEC (1), amended by Directive 95/29/EC (2).

Chapter VII, point 5 of the Annex to this Directive requires that animals must be unloaded at staging points. Pigs are particularly sensitive to stress which may occur at loading and unloading when they are transported.

Recent developments in livestock road vehicle design have led to the possibility of construction of vehicles with much improved facilities for the transport of pigs.

It may be necessary to allow breeding pigs to remain separate from other pigs at staging points in order to preserve their special health status.

It is therefore desirable, subject to very stringent conditions, to provide for the possibility of pigs being rested, fed and watered, and cared for at a staging point while remaining on the vehicle.

The protection of animals during transport is an exclusive Community competence. The proposed Council Decision is the simplest means of achieving the desired objective.

The Council is requested to consult the Parliament on this proposal.

(1) OJ L 340, 11.12.1991, p. 17.

(2) OJ L 148, 30.6.1995, p. 52.

Proposal for a Council Decision
of
amending the Annex to Directive 91/628/EEC with respect
to pigs passing through staging points

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC¹, and in particular Article 14 thereof,

Having regard to the proposal from the Commission²
Having regard to the opinion of the European Parliament

Whereas Chapter VII, point 5, of the Annex to Directive 91/628/EEC requires all animals passing through staging points to be unloaded;

Whereas pigs may be particularly affected by stress at the time of loading and unloading when they are transported;

Whereas recent technical developments in the design of road vehicles for carrying livestock have led to the possibility of constructing vehicles with much improved facilities for the transport of pigs;

Whereas, moreover, it may be necessary to allow breeding pigs to remain separate from other pigs at staging points in order to preserve their special health status;

Whereas it is therefore desirable, subject to very stringent conditions, to provide for the possibility of pigs being rested, fed and watered, and cared for at a staging point without being unloaded,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Directive 91/628/EEC is hereby amended in accordance with the Annex to this Decision.

Article 2

¹ OJ L 340, 11.12.1991, p. 17. Directive as last amended by Directive 95/29/EC (OJ L 148, 30. 6.1995, p. 52).

² OJ C

This Decision shall apply from 1 January 1999.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX

Point 5 of Chapter VII of the Annex to Directive 91/628/EEC is replaced by the following:

“5. After the journey time laid down, animals must be unloaded, fed and watered and be rested for at least 24 hours.

However, pigs need not be unloaded if the staging points and the road vehicles which carry the animals, fulfil, and are operated in accordance with the following conditions, in addition to compliance with the requirements laid down in point 3 of this Chapter and in Council Regulation (EC) No 411/98 concerning additional standards for road vehicles used for the carriage of livestock on journeys exceeding a duration of eight hours¹:

A. Vehicle standards

1. The space available to each animal in accordance with Chapter VI is increased by not less than 40%.
2. The height of each compartment on the vehicle in which pigs remain while at the staging point shall not be less than 150 cm.
3. A ventilation system fulfilling at least the requirements of Regulation (EC) No 411/98 as well as the following specific conditions:
 - The vehicle shall have ventilation equipment with a capacity to replace a minimum of 150 m³ of air per hour per m² floor surface throughout the vehicle whether or not the vehicle is in motion.
 - Such equipment shall be maintained in good working order and shall be operated while livestock remain on the vehicle at all times when the rate of air replacement resulting from the movement of the vehicle falls below that laid down in the first indent. It shall not be necessary to operate the ventilation equipment at its full capacity where, because of low temperature, that would be harmful to the comfort or general welfare of the pigs. However, the ventilation system shall always be operated in such a way as to provide adequate fresh air to the animals and adequate evacuation of stale air and gases. Use of the vehicle's ventilation equipment shall not, however, be obligatory when it has stopped at a place where constant ventilation of equivalent capacity is provided by external equipment.
 - The ventilation system must be capable of operating continuously for periods of at least 24 hours.
 - The operation of the ventilation equipment shall be independent of the engine of the vehicle.
 - The temperature in each compartment and the outside temperature shall be monitored and the results displayed in the driver's cabin. The temperatures recorded whilst animals are on the vehicle must be registered as a retrievable thermographic record. Those records must be handed to the person in charge of the staging point

¹ OJ L 52, 21.2.1998, p. 8.

before the lorry leaves. They must be held by the manager of the staging point at the disposal of the competent authority for at least three years.

4. The ventilation equipment must have an appropriate alarm system to warn of any malfunction.
5. Where the temperature in any compartment falls below 10°C for pigs older than 8 months and 15°C for pigs under that age, appropriate heating arrangements must be available to ensure that the temperature is maintained above that minimum. Equipment on the lorries or at the staging point shall ensure that during the stay of the animals at the staging point the temperature inside the vehicle compartment does not exceed 20° C.
6. The vehicle roof shall be white coloured. If the side and front walls are made of light metal, they shall either be of cavity-wall construction with a gap of ∇ 20 mm or be insulated to an equivalent thermal coefficient.
7. The vehicle must be designed so that persons responsible for the examination, care and treatment of the animals are able to have direct access to any animal without the need to unload it from the vehicle.
8. The bedding material must be replenished immediately after arrival of the vehicle at the staging point, immediately before its departure and at any time where it becomes necessary during the period the vehicle is at the staging point in order to maintain adequate absorption and dispersal of animal urine and dung.
9. The vehicle must be equipped with sufficient feeding facilities to ensure that all pigs in the same compartment may eat at the same time.
10. The vehicle must be connected permanently to a supply of fresh potable water during its stay at the staging point in order to allow the pigs to drink at any time.
11. The vehicle and the staging point shall be equipped in such a way that adequate lighting is available in each compartment of the vehicle to facilitate examination, care and treatment of the animals at any time of the day or night.

B. Additional staging point conditions

1. On arrival at the staging point the vehicle must be parked under a structure providing constant shade from sunlight and shelter of the animals from rain, snow, wind and other elements.
2. The staging point must have available in good working order adequate emergency equipment for use in the case of a breakdown of ventilation, heating and lighting equipment on vehicles.

3. The flooring of the parking place must be constructed of concrete or other impervious material which is easy to clean and has sufficient drainage installations to facilitate the constant evacuation of the waste escaping from the vehicle.
4. The record referred to in Article 5(h) of Council Regulation (EC) No 1255/97² shall, in substitution for the requirement in point C.7.(a) of Annex I to that Regulation, include the date and time when the vehicle is accommodated at the parking place referred to in paragraph 3.

C. General Conditions

Notwithstanding the provisions in A and B, pigs shall be unloaded at staging points if an official veterinarian decides that this is necessary for veterinary or animal welfare reasons. Pigs shall also be unloaded if that is necessary in order to safeguard their health and welfare in the case of an accident, outbreak of fire, breakdown of equipment or similar occurrence, or if it proves to be impossible to carry out any mandatory check on or surveillance of them without unloading.”

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