

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

in accordance with Article 13(1) of Directive 91/628/EEC

Proposal for a COUNCIL DIRECTIVE

amending Directive 91/628/EEC concerning
the protection of animals during transport

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 19 November 1991 the Council adopted Directive 91/628/EEC on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC⁽¹⁾. Article 13(1) of that Directive requires the Commission, before 1 July 1992, to submit a report drawn up on the basis of an opinion from the Scientific Veterinary Committee, possibly accompanied by proposals, on maximum journey times, feeding and watering intervals, resting periods, space allowances and standards for livestock vehicles.

The Scientific Veterinary Committee has approved a report on these matters, and the attached report and proposal are based on that report. Account has also been taken of previous reports and studies on the subject which have been financed by the Commission.

It is proposed to add two new Chapters to the Annex to include requirements concerning space allowances for animals, and maximum travelling times and minimum resting periods. In view of the latter requirements, it is necessary to add to the Directive definitions of the terms "travelling times" and "resting periods", and to modify Article 5 to facilitate control by the competent authority.

In addition, it is proposed to amend the existing Annex to make specific requirements on headroom in vehicles and on feeding and watering intervals for certain types of animal where sound scientific evidence is available.

Since such scientific evidence is not available for all animals, it is proposed to amend Article 13 of the Directive to allow for the requirements in respect of these animals to be added at a later date by the Standing Veterinary Committee procedure, should the evidence become available.

⁽¹⁾ OJ No L 340, 11.12.1991, p. 17.

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL
IN ACCORDANCE WITH ARTICLE 13(1) OF DIRECTIVE 91/628/EEC

Introduction

Article 13(1) of Directive 91/628/EEC, on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC⁽¹⁾, states that:

"Before 1 July 1992, the Commission shall submit a report drawn up on the basis of an opinion from the Scientific Veterinary Committee, possibly accompanied by proposals, on:

- the question of fixing maximum journey times for certain types of animal;
- the intervals laid down in Chapter I, A(2)(d) of the Annex;
- the length of the rest provided for in Article 5(2)(b);
- the loading density standards applicable to the transport of certain types of animal;
- the standards to be met by means of transport as regards the transport of certain types of animal.

The Council shall act on these proposals by a qualified majority."

The matters referred to in Article 13 were already being examined in respect of farm animals by a working group set up by the Scientific Veterinary Committee, Animal Welfare Section, under the chairmanship of Professor Dr. G. Von Mickwitz. At its meeting of 18 May 1992, the Committee gave a positive opinion on the report of the working group, which has been sent to the Council as Commission Document SEC(92) 2147.

⁽¹⁾ OJ No L 340, 11.12.1991, p. 17.

This report concerns the transport of farm animals, including solipeds. Pets, wild animals and zoo animals are not covered by it; they are being considered by another working group and will be the subject of a future report and proposals.

Maximum journey times

Animals may be transported long distances by air, sea, rail or road. Farm animals which are transported by air are usually of high individual value; in general they are carefully looked after and suffer few serious welfare problems. Similarly, the sea transport of livestock has been greatly improved in recent years and if animals are carried in properly equipped vessels with experienced attendants, their welfare should be good regardless of the distance travelled. The long distance transport of animals by rail has become relatively uncommon in Europe in recent years. Again, however, if animals are transported in purpose-built rail carriages and given the necessary care and attention, they can be carried for long distances without welfare problems.

The report of the Scientific Veterinary Committee notes that road transport is, in general, worse for the animals than rail, sea or air transport and that the transport conditions for slaughter animals are usually worse than for other animals. The long-distance transport of farm livestock by road may sometimes be necessary for the purpose of trade in high value breeding animals or, in case of horses, for sporting purposes. It is rare for serious welfare problems to arise during this type of transport.

Livestock are also occasionally transported long distances by road for further fattening or for immediate slaughter. These journeys account for a very small proportion of the total number of animals transported in the Community but they account for almost all of the complaints received by the Member States and the Commission on the subject of transport.

Vehicles carrying livestock over long distances for further fattening or for slaughter are sometimes followed by animal welfare societies or journalists, who find that the rules on feeding and watering (as well as those concerning drivers' hours) are rarely, if ever, respected. It is highly unlikely that the transports being followed happen to be the only ones which fail to follow the rules. It is far more probable that the law is being systematically flouted. Long distance transport in overstocked vehicles, combined with dehydration and starvation, results in very poor welfare and often in high mortality.

The European Parliament, the Federation of Veterinarians of Europe, the Eurogroup for Animal Welfare and other animal welfare societies have called for limits of 8 to 12 hours to be imposed on journeys to slaughter and for further fattening. A petition containing more than 2 million signatures from all Member States was presented to the Council during the discussions on the draft Directive, supporting the limitation of certain long-distance journeys. The Commission proposed⁽²⁾ a limit equivalent to the time after which animals would have to be fed and watered. The Council did not accept any limit.

The definitions in Directive 91/628/EEC of "place of departure" and "journey" mean that it would be simple to evade a limit on a journey by using intermediate places of destination. The Scientific Committee therefore considered carefully the conditions of transport, including space allowances and resting, feeding and watering requirements, which could protect the welfare of the animals without imposing a limit which could, in view of the new definitions, be evaded easily and legally. They did, however, state that any journey from the place of rearing to the place of slaughter or further rearing should be as short as possible and they pointed out that the occurrence of poor welfare can be reduced considerably by slaughtering near the place of rearing and transporting meat.

⁽²⁾ OJ No C 154, 23.6.1990, p. 7.

The Commission accepts this approach for the present time, and is proposing standards for means of transport, space allowances, resting periods, feeding and watering intervals and staging points based on those put forward by the Committee, without proposing an absolute limit on journeys to slaughter. Article 13(3) of the Directive requires the Commission to submit a report to the Council, three years after the implementation of the provisions of the Directive, on the experience acquired by the Member States particularly as regards the provisions referred to above. Should this experience show that certain transporters are continuing systematically to disregard these basic welfare provisions, the Commission would have to reconsider the question of limiting journeys to slaughter and for further fattening.

Feeding and watering intervals

The provisions of the existing Directive must be amended on this point. Chapter I, A(2)(d) of the Annex states that during transport, animals must receive water and appropriate food at "suitable intervals", which must not exceed 24 hours unless an extension of this period by not more than two hours is required in specific cases in the animals' interest.

The period of 24 hours is not based on the needs of animals; it is carried over from Directive 77/489/EEC on the protection of animals during international transport⁽³⁾, which, in turn, derived it from the European Convention for the Protection of Animals during International Transport. The needs of animals for food and water during transport depend on several factors including their species, age and physiological status as well as environmental conditions. These needs do not depend on the individual value of the animals or the purpose of the journey. It is clear that a single interval of 24 hours is not suitable for all types of farm livestock.

⁽³⁾ OJ No L 200, 8.8.1977, p. 10.

The Scientific Committee considered that, on the basis of the evidence available, requirements could be stated for cattle, horses, pigs and poultry. They considered that in the case of cattle separate requirements should apply for calves (up to six months old), lactating cows and other adult cattle, and that for poultry separate requirements should apply for pullets: hens, turkeys and ducks: broilers: and chicks. The Committee did not consider that firm requirements could be stated for sheep, in view of the current lack of scientific evidence. The Commission is funding a research project by institutes in Germany, Spain and the UK which will examine the welfare of sheep during long-distance transport, including feeding and watering requirements. On the basis of the results of this study the Commission will reconsider the question; in the meantime the basic requirements of Chapter I, A(2)(d) will continue to apply.

In order to allow Member States to check whether the feeding and watering intervals are being observed it is necessary to amend Article 5 of the Directive to ensure that transporters make the proper arrangements before starting a journey and that they draw up an appropriate itinerary setting out these arrangements.

Resting periods

Article 5(2)(b) refers to animals being "rested" as well as being fed and watered. The Scientific Committee agreed that this is necessary in the case of road transport; even where animals are fed and watered on the vehicle while it is in motion they have an additional need for a resting period when the vehicle is not moving and all of the animals can lie down at the same time, on or off the vehicle.

As in the case of feeding and watering intervals, these needs are different for different types of animals. The Committee was able to make recommendations only for cattle (up to six months of age and over six months of age), pigs and horses. In the case of horses, those transported in individual stalls or boxes are able to withstand longer transport without stress than those transported in groups. For other animals, and again, notably, sheep, scientific evidence is lacking at present and the Commission will consider the question when such evidence becomes available.

The addition to the Directive of a new Chapter in the Annex on travelling times and resting periods means that new definitions of these terms are necessary, and that Article 3 must be amended to take account of the new Chapter.

Space allowances

When considering what space allowances are necessary for livestock during transport, the Scientific Committee based its recommendations on the principle set out in Chapter I, A(2)(a) of the Annex to the Directive: that animals must be able to stand in their natural position and, with certain exceptions, must all be able to lie down at the same time. In addition, they considered the requirement in Chapter I, A(2)(b) for appropriate ventilation and air space; for this purpose they stated that the roof must be well above the heads of all animals when they are standing with their heads up in a natural position.

The figures proposed are the minimum allowances, below which there is a danger of serious bruising and other injuries occurring. The idea that animals should be packed into a vehicle as tightly as possible so that they support each other has been shown by experience and experiment to be fallacious. Animals are not like packing cases; they need a certain amount of space around them in order to move their limbs to brace themselves against the motion of the vehicle. They also need enough space to be able to get up if they fall, to avoid being trampled. If they are too closely packed together they may still fall but the others may then close over them and prevent them from rising.

It is proposed to add a new Chapter to the Annex for floor space allowances and to amend Article 3 accordingly. For height inside the vehicle or container it is proposed to add the requirements to Chapter I, A(2)(b).

Standards for means of transport

The Scientific Committee considered that, as a first step, standards could be laid down for road vehicles since a lot of information and experience is available in respect of these vehicles, but their quality varies greatly throughout the Community.

In addition to the basic principles on vehicle construction stated at several points in the Annex, the Committee considered it necessary to make more specific requirements for floors, in terms of structure and quality: for the interior, concerning sharp edges and protrusions, partitions and light: and for loading facilities.

The Commission will propose to incorporate these requirements in the existing Community legislation on standards for road vehicles.

Conclusion

Finally, it is proposed to amend Article 13(1) in order to allow the technical standards to be kept up to date with scientific progress, by a Commission procedure involving a vote by the Member States within the Standing Veterinary Committee.

Proposal for a
COUNCIL DIRECTIVE
amending Directive 91/628/EEC concerning
the protection of animals during transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament⁽¹⁾;

Having regard to the opinion of the Economic and Social Committee⁽²⁾;

Whereas Article 13(1) of 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/EEC⁽³⁾, as amended by Decision 92/438/EEC⁽⁴⁾, requires the Commission to submit a report, possibly accompanied by proposals, on the question of fixing maximum journey times for certain types of animal, on feeding and watering intervals, on resting periods, on space allowances and on standards to be met by means of transport as regards the transport of certain types of animal;

⁽¹⁾ OJ No C

⁽²⁾ OJ No C

⁽³⁾ OJ No L 340, 11.12.1991, p. 17.

⁽⁴⁾ OJ No L 243, 25.8.1992, p. 27.

Whereas the report from the Commission, based on an opinion from the Scientific Veterinary Committee, shows that standards can be established on the abovementioned matters in respect of certain types of animal, based on scientific knowledge and established experience;

Whereas Member States have rules on journey times, feeding and watering intervals, resting periods and space allowances; whereas these rules are, in some cases, extremely detailed and are used by some Member States to restrict intra-Community trade in live animals; whereas persons involved in the transport of animals need clearly defined criteria to enable them to operate on a Community-wide basis without coming into conflict with different national provisions;

Whereas in order to eliminate technical barriers to trade in live animals and to allow the market organizations in question to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned, it is necessary in the context of the internal market to modify the rules of Directive 91/628/EEC with a view to harmonizing travelling times and resting periods, feeding and watering intervals, and space allowances, for certain types of animal;

Whereas the report from the Commission indicates that current scientific knowledge is insufficient in respect of other types of animal to allow rules to be established for them at present;

Whereas it is necessary, therefore, to modify Directive 91/628/EEC with a view to providing a rapid and flexible procedure whereby rules in respect of other animals may be added to the technical annexes at a later date, when such scientific evidence becomes available,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/628/EEC is amended as follows:

- 1. In Article 2(2) the following points (h) and (i) are added:**

"(h) 'travelling time', the time after which the movement of animals by a means of transport is interrupted for resting, feeding or watering;

(i) 'resting period', a continuous period during which animals are not being moved by a means of transport."

- 2. In Article 3(1), the following point (aa) is inserted:**

"(aa) - space allowances for animals comply with the figures laid down in Chapter VI of the Annex, in respect of the animals referred to in that Chapter,

- without prejudice to the provisions of Council Regulation (EEC) No 3820/85*, maximum travelling times and minimum resting periods comply with those laid down in Chapter VII of the Annex, in respect of the animals referred to in that Chapter;

*** OJ No L 370, 31.12.1985, p. 1."**

- 3. Article 5 point 1(b) is deleted.**

4. Article 5 point 2(b) is replaced by the following:

"(b) draws up, for journeys exceeding the travelling times laid down in Chapter VII of the Annex, a route plan - including any staging and transfer points - whereby it can be ensured that the animals are rested within the travelling time and for at least the length of time laid down in Chapter VII, fed and watered and, if necessary, unloaded and given accommodation in accordance with the requirements of this Directive for the type of animal to be transported. For animals not included in Chapter VII, the route plan shall be drawn up for journeys exceeding 24 hours;"

5. Article 5 point 2(c) is replaced by the following:

"(c) is able, where the journey exceeds the length of time laid down in Chapter I A(2)(d) or Chapter II(31) of the Annex or, for animals not included in those provisions, 24 hours, to demonstrate that steps have been taken to meet the animals' needs for food and water during the journey;"

6. Article 13(1) is replaced by the following:

"1. In accordance with the procedure laid down in Article 17, and after consulting the Scientific Veterinary Committee, Animal Welfare Section, the Commission may lay down, for certain types of animal, additional rules on:

- maximum travelling times;
- feeding and watering intervals;
- minimum resting periods;
- space allowances;
- standards to be met by means of transport;
- Community criteria to be met by staging points."

7. In Article 13, paragraph 2 is deleted.

8. Article 17(2) is replaced by the following:

"2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account."

9. Article 17(3) and (4) are deleted.

10. In Chapter I A(2)(b) of the Annex the following is added:

"It shall be ensured that solipeds and adult cattle have at least 20 cm of free space above their heads and calves, pigs and sheep at least 10 cm."

11. In Chapter I A(2)(d) of the Annex the following is added:

"The maximum intervals (in hours) which shall apply for certain types of animal are:

TYPE OF ANIMAL	WATERING	FEEDING
Calves (up to 6 months)	8	8
Lactating cows	8	24
Adult cattle	16	24
Horses	6	6
Pigs	8	24

12. Point 31 of Chapter II of the Annex is replaced by the following:

"31. Suitable food and water shall be available in adequate quantities, save in the case of a journey lasting less than:

- (i) 6 hours for broilers and pullets;
- (ii) 8 hours for hens, turkeys and ducks;
- (iii) 12 hours for other poultry, domestic birds and rabbits;
- (iv) 24 hours for chicks of all species, provided that it is completed within 60 hours after hatching."

13. The following Chapter VI is added to the Annex:

"CHAPTER VI
SPACE ALLOWANCES

47. The following minimum-space allowances apply to rail, air, road and sea transport.

Maximum liveweight (kg)

m ² /animal	Cattle/Horses	Pigs	Sheep
0.15 ...		25	
0.20 ...			18
0.25 ...			30
0.40 ...	50*	60	50
0.50 ...		100	>50
0.70 ...	100	>100	
1.30 ...	300		
1.80 ...	500		
2.20 ...	>500		

*Cattle only"

14. The following Chapter VII is added to the Annex:

"CHAPTER VII
MAXIMUM TRAVELLING TIMES AND MINIMUM RESTING PERIODS

48. The requirements laid down in this Chapter apply to the movement of animals by road vehicles, except when the vehicle is on board a ship. Resting periods may be spent on or off the vehicle.

Minimum resting period (in hours) after
each travelling time of

	8 hrs	12 hrs*	16 hrs*	24 hrs*
Cattle				
- <4 weeks	1			16
- 4 week -6 months	3		16	
- >6 months.			3	6
Pigs	1			10
Horses**				
- in groups.		10		
- singly or in pairs				10

- * Total of travelling times and other resting periods.
- ** Stop every 6 hours for watering and feeding."

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1994. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

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DOCUMENTS

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