

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 322 final

Brussels, 29 June 1989

Proposal for a
COUNCIL REGULATION (EEC)
on the protection of animals during transport

(presented by the Commission)

EXPLANATORY MEMORANDUM.

The protection of animals during transport is the subject of two Council Directives, which apply the provisions of the European Convention on the protection of animals in international transport to the transport of animals between Member States and require systematic inspections for welfare purposes at the internal frontiers of the Community.

In order to realise the free circulation of live animals in the internal market, it is necessary to abolish these internal frontier inspections. At the same time, it is important to establish measures to safeguard the welfare of animals during transport.

The attached proposal continues to be based on the European Convention, and takes account of the European Parliament's Resolution of 20 February 1987 on animal welfare policy, which called on the Commission to make certain proposals in this field.

The proposal sets out requirements which will apply to all transport of animals within, to and from Member States. Frontier checks will take place only at the external frontiers of the Community. The proposed rules follow closely the existing text, with a new system of control added to replace internal frontier checks.

Provision is made for exchange of information between Member States and for Commission checks where necessary. Detailed rules of application will be laid down by an advisory committee procedure: pending the adoption of such rules Member States will be obliged to accept each other's present standards.

Proposal for a
COUNCIL REGULATION (EEC)
on 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,

Having regard to the opinion of the Economic and Social Committee,

Whereas the European Parliament, in its Resolution of 20 February 1987 on animal welfare policy (1) called on the Commission to bring forward proposals on the protection of animals during transport;

Whereas in order to eliminate technical barriers to trade in live animals and to allow the market organisations in question to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned, the Community has adopted rules in this field;

Whereas all Member States have ratified the European Convention for the protection of animals during international transport and have signed the additional Protocol enabling the Community as such to accede to the said Convention;

(1) OJ N° C 76, 23.03.1987, p. 185.

Whereas Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on International trade in endangered species of wild fauna and flora (2) (hereinafter referred to as CITES), as last amended by Commission Regulation (EEC) No 610/89 (3), regulates the conditions of transport of certain species;

Whereas Council Directive 77/489/EEC (4) laid down rules on the protection of animals during international transport; whereas Council Directive 81/389/EEC (5) established measures for the implementation of Directive 77/489/EEC, and in particular introduced controls at the internal frontiers of the Community;

Whereas in order to achieve the same objectives, and in particular the protection of animals during transport, it is necessary in the context of establishing the internal market to modify those rules;

Whereas within this framework, the transport of animals within, to and from the Community must be covered, and systematic checks at the internal frontiers of the Community must be abolished;

Whereas the rules proposed will ensure more effective protection of animals during transport;

HAS ADOPTED THIS REGULATION:

(2) OJ N° L 384, 31.12.1982, p. 1.

(3) OJ N° L 66, 10.03.1989, p. 24.

(4) OJ N° L 200, 08.08.1977, p. 10.

(5) OJ N° L 150, 06.06.1981, p. 1.

CHAPTER 1

General Provisions

Article 1

This Regulation applies to the transport of:

- (a) domestic ruminants and domestic animals of the bovine, ovine, caprine and porcine species;
- (b) domestic birds and domestic rabbits;
- (c) domestic cats and domestic dogs;
- (d) other mammals and birds;
- (e) other vertebrate animals and cold-blooded animals.

Article 2

For the purpose of this Regulation the following definitions shall apply:

- (a) official veterinarian: a veterinarian designated by the competent authority of a Member State or of a third country;
- (b) means of transport: those parts of road vehicles, rail vehicles, ships and aircraft reserved for loading and carrying animals, as well as containers for land, sea or air transport;
- (c) transport: any movement of animals, effected by a means of transport, for purposes of breeding, rearing, fattening, slaughter, sale, competition, exhibition or experimentation and including loading and unloading the animals;
- (d) staging point: a place where transport is interrupted for up to 12 hours for resting, feeding, or watering the animals;

- (e) transfer point: a place where transport is interrupted for up to 12 hours for transferring animals from one means of transport to another;
- (f) place of departure: the place at which an animal is first loaded on to a means of transport, but excluding a staging point or a transfer point;
- (g) place of destination: the place at which an animal is finally unloaded from a means of transport, but excluding a staging point or a transfer point;
- (h) Journey: transport from place of departure to place of destination;
- (i) inspection post: a place where animals brought into the customs territory of the Community are inspected.

CHAPTER II

Transport and Control

Article 3

1. The transport of animals within, to and from each Member State shall be effected in accordance with this Regulation and, in respect of the animals referred to in:
 - Article 1(a), the provisions of Chapter I of the Annex;
 - Article 1(b), the provisions of Chapter II of the Annex;
 - Article 1(c), the provisions of Chapter III of the Annex;
 - Article 1(d), the provisions of Chapter IV of the Annex;
 - Article 1(e), the provisions of Chapter V of the Annex.

2. No animal shall be transported unless it is fit for the intended journey and unless suitable provisions have been made for its care during the journey and on arrival at the place of destination. Animals that are ill or injured shall not be considered fit for transport. Any animals that become ill or injured during transport shall receive first-aid treatment as soon as possible and if necessary be submitted to veterinary treatment or be slaughtered in a way which avoids unnecessary suffering.
3. Notwithstanding paragraph 2, Member States may permit the transport of animals for emergency veterinary treatment or for emergency slaughter, under conditions which do not meet the requirements of this Regulation. Member States shall ensure that any such transport is permitted only where no undue suffering is caused to the animals concerned. If necessary, rules for the application of this paragraph shall be adopted in accordance with the procedure laid down in Article 19.

Article 4

1. All necessary measures shall be taken to prevent or reduce to a minimum any delay during transport or suffering of animals when strikes or other unforeseeable circumstances impede the application of this Regulation. In particular, special arrangements shall be made at ports, airports, railway stations, marshalling yards, inspection posts, customs offices and free zones to expedite the transport of animals.
2. Without prejudice to Community animal health requirements laid down elsewhere, no consignment of animals shall be detained during transport unless it is strictly necessary for the welfare of the animals. No consignment of animals shall be detained during transport for more than two hours unless appropriate facilities are available for the care of the animals and, where necessary, their unloading and accommodation.

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Article 5

1. Animals shall, throughout any journey, be identified and be accompanied by documentation enabling the competent authority to determine:
 - their origin and their ownership;
 - their place of departure and place of destination;
 - the date and time at which their journey began;
 - any staging points or transfer points used or intended to be used during the journey.

2. In respect of animals referred to in Article 1(a) and (b) which are being transported for purposes of breeding, rearing, fattening, slaughter or sale, complete and up-to-date records of all journeys shall be made, shall be kept for at least six months, and shall be made available immediately on request to an official of the competent authority, by:
 - (a) any owner or person in charge of a holding or premises where such animals are bred, reared, fattened, slaughtered or sold;
 - (b) any owner or person in charge of a staging point or transfer point;
 - (c) any owner or person in charge of a means of transport.

3. Rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 19.

Article 6

1. Any person intending to transport animals on a journey exceeding the time, established in accordance with Article 15(1)(a), for which that type of animal may be transported before being given food or water, shall deliver to the competent authority of the place of departure, at least one working day before the intended time of departure, a signed declaration giving the purpose and full details of the proposed journey including:

- the time and place of departure;
- the place of destination;
- details of all arrangements made for feeding and watering the animals during the journey.

In respect of animals for which rules have not yet been laid down in accordance with Article 15(1)(a), the declaration shall be delivered, as above, for journeys exceeding the time laid down in the Annex applicable to that type of animal.

2. All animals referred to in Article 1(a) which are being transported for slaughter or further fattening, and all animals referred to in Article 1(b) which are being transported for slaughter, where the journey has been notified to the competent authority in accordance with paragraph 1, shall be inspected by an official veterinarian, during the 24 hours before their departure, to ensure that they are fit for the intended transport. An official veterinarian or other official of the competent authority shall inspect the animals and the means of transport at the time of loading and shall endorse the documentation referred to in Article 5(1) with the date, time and official stamp, and shall sign it, if the conditions laid down in this Regulation have been met.

Article 7

1. Member States shall ensure that officials of the competent authority check on the application of this Regulation by inspection of:
 - (a) means of transport and animals arriving at slaughterhouses;
 - (b) means of transport and animals at markets, at other assembly points used regularly for loading animals, at staging points and at transfer points;
 - (c) a random sample of means of transport and animals, circulating on their territory, at any time. These inspections shall not take place at the internal frontiers of the Community;
 - (d) any means of transport where there is reason to believe that the requirements of this Regulation are not being or have not been met.

2. Where there is reason to believe that the provisions of this Regulation are not being or have not been met, an official of the competent authority may require any animal being transported to be taken to the nearest appropriate place for inspection and, if necessary, unloading, resting, feeding and watering.
3. When making an inspection in accordance with paragraph 1, the official of the competent authority shall inspect the animals, the means of transport and any certificates, records or documents containing information about, or details of, the current journey. In order to facilitate this inspection, Member States shall ensure that the person in charge of any means of transport operating in their territory is obliged to produce for inspection, on request by an official of the competent authority, any certificates, records or documents relating to the use by that means of transport for the carriage of animals, or to the identification or origin of the animals.

Article 8

1. If it is found in the course of transport that the provisions of this Regulation are not being, or have not been, complied with, the competent authority of the place at which such a finding is made shall require the person in charge of the means of transport to take any action which the competent authority considers to be necessary in order to safeguard the welfare of the animals concerned. Depending on the circumstances of each case, such action may include:
 - (a) arranging for the journey to be completed or the animals to be returned to their place of departure, by the most direct route, if this course of action would not cause undue suffering to the animals;
 - (b) arranging for the animals to be held in suitable accommodation with appropriate care until the problem is resolved;
 - (c) arranging for the slaughter and disposal of the animals.

2. If the person in charge of the means of transport fails to comply with the instructions of the competent authority, the latter shall immediately have the measures in question carried out and shall recover the costs incurred by such measures in the appropriate manner.

Article 9

1. Where a competent authority finds, in the course of an inspection carried out in application of Article 7, that the provisions of this Regulation have not been complied with in another Member State, it shall inform the competent authority of that Member State without delay, giving all details of the transport concerned and the results of the inspection. The latter Member State shall take all necessary measures and shall inform the other Member State of the decisions taken and the reasons for such decisions. If that other Member State fears that the necessary measures have not been taken or are inappropriate, it shall inform the Commission accordingly, whereupon the Commission may seek the opinion of one or more veterinary experts.
2. Rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 19.

Article 10

1. Commission veterinary experts may, to the extent necessary for uniform application of this Regulation, carry out on-the-spot inspections. The Commission shall inform the Member States of the outcome of such inspections.
2. The Member State on whose territory the inspections are carried out shall provide the experts with all the assistance required for the accomplishment of their task.
3. Rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 19.

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CHAPTER III

Importation from third countries

Article 11

1. No Member State shall authorize the transport of animals from a third country into its territory, whatever their final destination, unless:
 - (a) they are presented at the time of their arrival in the customs territory of the Community at an inspection post approved by the competent authority in accordance with Chapter VI of the Annex;
 - (b) adequate notice of their time of arrival has been given to the official veterinarian in charge of the inspection post;
 - (c) they are accompanied by a certificate conforming to the specimen in Chapter VII of the Annex, signed at part A by an official veterinarian, and at part B by an official veterinarian or other official of the competent authority at the time of their loading for dispatch to the Community. The certificate shall consist of a single sheet, drawn up in at least the official language of the inspection post.

2. Member States shall draw up lists of the inspection posts approved by them in accordance with Chapter VI of the Annex, and shall communicate these lists and any subsequent amendments to each other and to the Commission. The lists shall indicate for each inspection post the address, an approval number and the types of animals for which it is approved. The Commission shall publish these lists periodically in the Official Journal of the European Communities.

Article 12

1. Member States shall ensure that each consignment of animals arriving at an inspection post is inspected by an official veterinarian and that further transport of the animals on or through their territory is permitted only if the conditions laid down in this Regulation, and in any rules made in implementation of this Regulation, are met.

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2. Where the further transport of the animals is prohibited following the inspection referred to in paragraph 1, the competent authority which has made the inspection shall, depending on the reason for prohibition:

(a) arrange for the animals to be held in suitable accommodation with appropriate care until the problem is resolved; or

(b) order their return to their third country of origin after appropriate rest, feeding and watering, to be determined by the official veterinarian; or

(c) arrange for their slaughter and disposal.

All expenditure incurred pursuant to this paragraph shall be chargeable to the importer, consignor, consignee or their representative without compensation by the Member State concerned.

3. Where the transport into or through the Community of animals from a third country is authorized following the inspection referred to in paragraph 1, those animals shall be subject to the provisions of this Regulation, whatever the customs procedure under which they are admitted.

Article 13

Where a Member State finds that the provisions of this Regulation are being breached systematically in respect of the transport of animals from one or more third countries, it shall so inform the other Member States and the Commission. The Commission shall, without delay, contact the competent authorities of the third country or countries concerned to inform them of the problem and shall request the appropriate measures to be taken. It shall inform the Member States of the results of such contacts. If this action fails to resolve the problem, the Commission shall adopt the appropriate measures in accordance with the procedure laid down in Article 19.

CHAPTER IV

Final Provisions

Article 14

The Commission shall establish a system, including an appropriate database, to ensure that it has access to all current scientific, technological and other relevant information concerning the transport of animals, and shall disseminate such information to the competent authorities of the Member States and to other interested parties.

Article 15

1. Additional rules for the implementation of this Regulation shall be established in accordance with the procedure laid down in Article 19. These shall include Community rules on:
 - (a) maximum times for which certain types of animals may be transported without resting, feeding and watering;
 - (b) the approval of staging points;
 - (c) stocking densities for the transport of certain types of animals;
 - (d) the approval of means of transport for certain types of animals.
2. Pending adoption of specific rules under paragraph 1, Member States shall not impose restrictions for the protection of animals during transport to or from other Member States, except where such transport is, or would be, in contravention of this Regulation.

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Article 16

1. Member States shall exchange information on the application of this Regulation.
2. Each Member State shall, in order to ensure a full implementation of this Regulation, upon request by another Member State, furnish all relevant details of specific breaches committed on its territory by its residents and/or non-residents.
3. The competent authority of each Member State shall make an annual report to the Commission before the last working day of April each year, giving the number of inspections made during the previous calendar year under each sub-paragraph of Article 7, paragraph 1, along with details of any contraventions discovered, any consequent action taken by the competent authority, and any judicial penalties imposed. For this purpose the competent authorities shall use the standard reporting form set out in Chapter VIII of the Annex.

Article 17

The provisions of the Annex may be amended in accordance with the procedure laid down in Article 19.

Article 18

The Commission shall be assisted by the Standing Veterinary Committee set up by Council Decision 68/361/EEC (6) hereinafter referred to as "the Committee".

(6) OJ N° L 255, 18.10.1968, p. 23.

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Article 19

Where the procedure laid down in this Article is to be used, the following rules shall apply:

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.

Article 20

1. Member States shall take the appropriate specific measures to penalize any infringement of this Regulation by natural or legal persons.
2. In the event of repeated contraventions of this Regulation, or of a contravention resulting in severe suffering of animals, a Member State may, in addition to any other sanctions imposed, take measures to prohibit the means of transport concerned, or its operator, or both, from transporting animals for an appropriate period. In such cases, it shall inform the other Member States and the Commission. The other Member States may take the necessary measures to ensure the application within their territory of any such prohibition.

Article 21

This Regulation shall apply without prejudice to obligations arising from customs legislation.

Article 22

Directives 77/489/EEC and 81/389/EEC are hereby repealed.

Article 23

This Regulation shall enter into force on 1 January 1991.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

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ANNEX

CHAPTER I

**DOMESTIC SOLIPEDS AND DOMESTIC ANIMALS OF THE BOVINE, OVINE,
CAPRINE AND PORCINE SPECIES**

A. General provisions

1. Animals likely to give birth during carriage or having given birth during the preceding 48 hours, and newborn animals in which the navel has not completely healed, shall not be considered fit for transportation.

2. (a) Animals shall be provided with adequate space and, unless special conditions for the protection of the animals require to the contrary, room to lie down.

(b) The means of transport and containers shall be constructed and operated so as to protect animals against inclement weather conditions and marked differences in climatic conditions. Ventilation and air space shall be adapted to the conditions of transport and be appropriate for the species of animals carried.

(c) Means of transport and containers shall be easy to clean, escape-proof and shall be so constructed and operated as to avoid injury to animals and to ensure their safety during transport. Containers in which animals are transported shall be marked with a symbol indicating the presence of live animals and a sign indicating the upright position. They shall allow for the inspection and care of the animals and shall be stowed in a way which does not interfere with ventilation. During transport and handling, containers shall always be kept upright and shall not be exposed to severe jolts or shaking.

(d) During transport animals shall be offered water and appropriate food at suitable intervals. Animals shall not be left more than 24 hours without being fed and watered.

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- (e) Solipeds shall wear halters during transport. This provision need not apply to unbroken animals.
 - (f) When animals are tied the ropes or other attachments used shall be strong enough not to break during the transport under normal conditions, and long enough to allow the animals, if necessary, to lie down and to eat and drink. Animals shall not be tied by the horns, or by nose rings.
 - (g) Solipeds, unless in individual stalls, shall have their hind feet unshod.
3. (a) When animals of various species travel in the same means of transport, they shall be segregated according to species, except in the case of companion animals where separation would cause distress. Furthermore special measures shall be taken to avoid adverse reactions which might result from the transport in the same consignment of animals naturally hostile to each other. When animals of different ages are carried in the same means of transport, adults and young animals shall be kept separate; this restriction shall not, however, apply to females travelling with their young which they suckle. Adult breeding boars shall be separated from each other. This shall also apply to stallions.
- (b) In compartments in which animals are transported, goods shall not be loaded which could prejudice the welfare of the animals.
4. Suitable equipment for loading and unloading of animals such as bridges, ramps or gangways shall be used. The flooring of this equipment shall be constructed so as to prevent slipping, and the equipment shall be provided with lateral protection if necessary. Animals shall not be lifted by the head, horns, legs, tail or fleece during transport.
5. The floor of a means of transport or a container shall be sufficiently strong to bear the weight of the animals being transported, close-boarded and so constructed as to prevent slipping. The floor shall be covered with an adequate amount of litter to absorb excrement unless this can be dealt with in a different way presenting at least the same advantages.

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6. In order to ensure the necessary care of the animals during transport, consignments of livestock shall be accompanied by an attendant, except in the following cases:
 - (a) where animals are transported in containers which are secured, adequately ventilated and, where necessary, contain enough food and water, in spill-proof dispensers, for a journey of twice the anticipated time;
 - (b) where the transporter undertakes to assume the functions of the attendant;
 - (c) where the sender has appointed an agent to care for the animals at appropriate staging points.
7. (a) The attendant or sender's agent shall look after the animals, feed and water them and, if necessary, milk them.
 - (b) Cows in milk shall be milked at intervals of about 12 hours.
 - (c) To enable the attendant to provide this care, he shall, if necessary, have available a suitable means of lighting.
8. Animals shall only be loaded into means of transport which have been thoroughly cleaned. Dead animals, litter and excrement shall be removed as soon as possible.

B. Special provisions for transport by rail

9. Any railway truck used in the transport of animals shall be marked with a symbol for the living animal, unless the animals are being transported in containers. If no trucks particularly adapted for transport of animals are obtainable, animals shall be carried in covered trucks which are capable of travelling at high speed and are provided with sufficiently large air vents. The interior sides of the trucks shall be of wood or other suitable material completely smooth and fitted with rings or bars, at a suitable height, to which the animals may be attached.

10. Solipeds shall be tied in such a way that they are all facing the same side of the vehicle or tied facing each other. However, young unbroken animals shall not be tied.
11. Large animals shall be loaded in such a way as to allow an attendant to move between them.
12. When, in accordance with the provisions of point 3 (a), the separation of animals is required, this may be effected either by tying them in separate parts of the truck, if its space permits, or by means of suitable partitions.
13. When assembling trains and during all other movement of trucks all precautions shall be taken to avoid jolting of trucks containing animals.

C. Special provisions for transport by road

14. Vehicles shall be escape-proof and so constructed as to ensure the safety of the animals and shall also be equipped with a roof which ensures effective protection against the weather. This shall not apply in the case of transport by a person of his own animals within 50 kilometers of his own holding in a vehicle with a maximum authorized speed not exceeding 30 kilometers per hour.
15. Tying facilities shall be provided in vehicles used in the transport of animals which normally require to be tied. When vehicles are required to be sub-divided, the partitions shall be of rigid construction.
16. Vehicles shall carry a ramp complying with the requirements of point 4.

D. Special provisions for transport by water

17. The fittings of vessels shall be such that animals can be transported without injury or unnecessary suffering.

18. Animals shall not be transported on open decks unless in adequately secured containers or other structures, approved by the competent authority and giving adequate protection against sea and weather.
19. Animals shall be tied or properly accommodated in pens or containers.
20. There shall be adequate passageways having access to all pens, containers or vehicles accommodating animals. Lighting facilities shall be available.
21. A sufficient number of attendants shall be provided taking into account the number of animals transported and the duration of the voyage.
22. All parts of the vessel where animals are accommodated shall be provided with drainage and shall be kept in a sanitary condition.
23. A type of instrument approved by the competent authority shall be carried for slaughtering animals if necessary.
24. Vessels used in the transport of animals shall, before sailing, be provisioned with such sufficient supplies of drinking water and appropriate foodstuffs, having regard to species and number of animals being transported as well as to the duration of the voyage.
25. Provisions shall be made for isolating ill or injured animals during the voyage and for suitable treatment to be rendered when necessary.
26. The provisions of points 17 to 19 shall not apply to the transport of animals loaded in railway trucks or road vehicles on board ferry boats or similar vessels. Where animals are transported in railway trucks or road vehicles on board ships, special care shall be taken to ensure that adequate ventilation is provided for the animals throughout the voyage.

E. Special provisions for transport by air

27. Animals shall be transported in containers, pens or stalls appropriate for the species, in accordance with the IATA Live Animals Regulations.

28. Precautions shall be taken to avoid extremely high or low temperatures on board, having regard to the species of animals. In addition, severe fluctuations of air pressure shall be avoided.
29. In freight aircraft a type of instrument approved by the competent authority shall be carried for slaughtering animals if necessary.

CHAPTER II

DOMESTIC BIRDS AND DOMESTIC RABBITS

30. The following provisions of Chapter I shall apply *mutatis mutandis* to the transport of domestic birds and domestic rabbits: points 2 (a), (b) and (c), 3, 5, 6, 8, 9, 13, 17 to 22 inclusive, 24, 26 to 28 inclusive.
31. Suitable food and water shall be available in adequate quantities, save in the case of:
 - (i) a journey lasting less than 12 hours;
 - (ii) a journey lasting less than 24 hours for chicks of all species, provided that it is completed within 72 hours after hatching.

CHAPTER III

DOMESTIC DOGS AND DOMESTIC CATS

32. (a) The provisions of this chapter shall apply to the transport of domestic dogs or domestic cats except those that are accompanied by the owner or his representative.
- (b) The following provisions of Chapter I shall apply *mutatis mutandis* to the transport of domestic dogs and domestic cats: point 1, point 2, paragraphs (a), (b) and (c), points 3, 5, 6, point 7 paragraphs (a) and (c), points 8, 9, 12, 13, 15, 17 to 29 inclusive.

33. Animals in transport shall be fed at intervals of not more than 24 hours and given water at intervals of not more than 12 hours. There shall be clear written instructions about feeding and watering. Bitches in oestrus shall be separated from male dogs.

CHAPTER IV

OTHER MAMMALS AND BIRDS

34. (a) The provisions of this chapter shall apply to the transport of those mammals and birds which are not already covered by the provisions of the preceding chapters.
- (b) The following provisions of Chapter 1 shall apply mutatis mutandis to the transport of the species concerned in this chapter: point 1, point 2, paragraphs (a), (b) and (c), points 3(b), 4 to 6 inclusive, point 7, paragraphs (a) and (c), points 8 and 9, and points 13 to 29 inclusive.
35. Only animals in good health shall be transported. Animals obviously in advanced stages of pregnancy or animals that have recently given birth, as well as infant animals incapable of feeding themselves, shall not be considered fit for transportation. These provisions may be exempted in exceptional circumstances if it is necessary in the animals' interest for them to travel to a location where the appropriate treatment can be given.
36. Sedation shall not be administered unless in exceptional circumstances and then only under the direct supervision of a veterinarian. Details of any sedation shall accompany the animal to its destination.
37. Animals shall only be transported in suitably constructed means of transport, on which shall, if necessary, be directions that there are wild animals in them which are timid or dangerous. Moreover, there shall be clear written instructions about feeding and watering and any special care required. Animals covered by CITES shall be transported in accordance with the provisions of the CITES "guidelines for Transport and preparation for shipment of live wild animals and plants".

38. Animals covered by this chapter shall be cared for in accordance with the instructions and guidelines referred to in point 37.
39. There shall be an appropriate period for the holding and conditioning of animals prior to shipment during which they shall, if necessary, be introduced progressively to their containers.
40. Animals of different species shall not be placed in the same container. Moreover, animals of the same species shall not be placed in the same container unless it is known that they are compatible with one another.
41. Antlered animals shall not be transported while in velvet unless special precautions are taken.
42. Birds shall be kept in semi darkness.
43. Marine mammals shall have the constant attention of a qualified attendant. Containers shall not be stacked.
44. (a) To ensure adequate flow of air at all times there shall be additional ventilation by means of holes of a suitable size in all walls of the container. Care shall be taken that these holes are of a size which prevents the animals from coming into contact with persons handling the container or from causing harm to the animals themselves.

(b) Spacer bars of adequate size shall be fitted to all walls, roofs and bases of containers to ensure that there is a free flow of air to the animals in the event of stacking or close storing of cargo.
45. To avoid cross-infection, human contact with animals should be avoided. Animals should not be housed near foodstuffs or in places to which unauthorized persons have access.

CHAPTER V

OTHER VERTEBRATE ANIMALS AND COLD-BLOODED ANIMALS

38. Other vertebrate animals and cold-blooded animals shall be transported in such containers, under such conditions, in particular with regard to space, ventilation and temperature, and with such supply of water and oxygen as are considered appropriate for the species. Animals which are covered by CITES shall be transported in accordance with the CITES "guidelines for Transport and preparation for shipment of live wild animals and plants". They shall be transported to their destination as soon as possible.

CHAPTER VI

APPROVAL OF INSPECTION POSTS

1. Member States shall ensure that before an inspection post is put on a list referred to in Article 11(2), it is inspected by the competent authority and found to be in compliance, in respect of the type of animals for which it is approved, with the requirements of paragraph 2.
2. Inspection posts shall:
 - (a) be situated at a point where animals arrive on the customs territory of the Community;
 - (b) be positioned and organized in such a way that consignments of animals can be given priority over other consignments;
 - (c) be under the control and supervision of an official veterinarian, and have sufficient suitably trained staff to handle and care for the animals arriving at the post;
 - (d) have suitable equipment for the unloading and loading of the various means of transport arriving at the post;

- (e) have suitable facilities, easy to clean and disinfect, for holding, inspecting, feeding and watering the animals, with adequate holding capacity, lighting, ventilation and drainage for the type and number of animals accommodated;
- (f) have suitable arrangements for the separate accommodation of animals which are diseased, injured or in need of individual attention;
- (g) have adequate facilities for the official veterinarian and other staff, including changing rooms, toilets, wash-basins, showers and equipment for cleaning and disinfecting boots and other protective clothing;
- (h) have adequate lockable office accommodation reserved for the use of the competent authority and equipped with the communication facilities necessary for the implementation of this Regulation;
- (i) have appropriate arrangements for the disposal of waste material and dead animals;
- (j) have appropriate equipment and facilities for the emergency slaughter of animals.

CHAPTER VII.

1. Name & address of consignor		INTERNATIONAL ANIMAL TRANSPORT CERTIFICATE (1) Certificate number _____							
2. Name & address of consignee		3. COMPETENT AUTHORITY (in capital letters)							
4. Country of dispatch	5. Country of destination	6. Address of final destination of animals							
7. Number of animals	8. Description of animals (2)								
<p>A. I, undersigned, certify that I have inspected the animals described above and that in my opinion they are fit for the intended international transport.</p> <p>Stamp: _____ Date: <table style="display: inline-table; border: 1px solid black; text-align: center; width: 60px;"><tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr><tr><td>D</td><td>M</td><td>Y</td></tr></table> Local time: _____</p> <p style="text-align: center;">Signature of official veterinarian: _____</p>							D	M	Y
D	M	Y							
<p>B. I, undersigned, certify that the animals described above were loaded on to: (3)</p> <p>at (place of loading): _____</p> <p>under conditions approved by an official veterinarian</p> <p>Stamp: _____ Date: <table style="display: inline-table; border: 1px solid black; text-align: center; width: 60px;"><tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr><tr><td>D</td><td>M</td><td>Y</td></tr></table> Local time first animal loaded: _____</p> <p style="text-align: center;">Signature of official veterinarian or representative of the competent authority: _____</p>							D	M	Y
D	M	Y							

NOTES

- (1) A certificate must be issued in respect of each consignment of animals transported in one and the same road vehicle, railway wagon, ship, aircraft or container from one and the same holding to one and the same consignee. When such a consignment is split up, a copy of this certificate to which, if necessary, additions have been made on the date the consignment was split up, must accompany each group - with any additions necessary - to the animals' final destination.
- (2) The description should include the breed and sex of the animals, stating e.g. ewe, ram, lamb or the equivalent description for the species.
- (3) State the means of transport and give the registration number for road vehicles and railway wagons, the name for ships and the flight number for aircraft. For trailers and containers which may be detached from the tractor unit, give the trailer and container numbers.

CHAPTER VIII

ANNUAL REPORT FORM

Member State Year

Council Regulation/..... - Article 7.1 (...)(¹)

Number of inspections made

Number of inspections where contraventions found

Contravention(²)	Action taken	Judicial Penalty

(¹) Enter a, b, c, or d using a separate form for each.

(²) Enter number of Article or Annex paragraph.

Draft Council Regulation on the protection of animals during transport

1. Budget heading:	Item:	Title:	
III B	382	Inspection in Agriculture	
2. Legal basis:			
Article 43 of the Treaty			
3. Classification:			
Compulsory expenditure/Non-compulsory expenditure			
4. Purpose/description of the measure:			
Verification of the implementation of the Regulation			
5. Method of calculation			
5.1 Form of expenditure:	Mission expenses		
5.2 Community contribution:	100%		
5.3 Calculation:	200 days of mission per year at 170 ECU per day (actual cost of slaughterhouse visit: 170 ECU per day)		
	= 34 000 ECU per year		
6. Financial implication as regards operating appropriations			
6.1 Schedule of commitment appropriations and payment appropriations (m ECU)			
	<u>Year</u>	<u>C.A.</u>	<u>P.A.</u>
	1990	0,034	0,034
	1991	0,034	0,034
	1992	0,034	0,034
	1993	0,034	0,034
	1994	0,034	0,034
	following years		
	Total	<u>0,170</u>	<u>0,170</u>
6.2 Financing during current year: None			
7. Observations:			

IMPACT ON BUSINESS

The protection of animals during transport is the subject of two Council Directives, which apply the provisions of the European Convention on the protection of animals in international transport to the transport of animals between Member States and require systematic inspections for welfare purposes at the internal frontiers of the Community.

In order to realize the free circulation of live animals in the internal market, it is necessary to abolish these internal frontier inspections. At the same time, it is important to establish measures to safeguard the welfare of animals during transport.

The attached proposal continues to be based on the European Convention, and takes account of the European Parliament's Resolution of 20 February 1987 on animal welfare policy, which called on the Commission to make certain proposals in this field.

The proposal sets out requirements which will apply to all transport of animals within, to and from Member States. Frontier checks will take place only at the external frontiers of the Community. The proposed rules follow closely the existing text, with a new system of control added to replace internal frontier checks.

This will reduce the workload on transport firms, who will no longer need to arrange for official inspection of every consignment which crosses or is intended to cross a frontier within the Community. In addition, a new requirement is added (Article 4) to require that transports of animals are not unduly delayed at ports, airports, frontier crossings or other potential bottlenecks.

The overall effect of this Regulation will be to facilitate trade by removing costly and time-consuming delays at intra-Community frontiers.