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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Animal welfare during transport <i>- Information from the Swedish delegation, supported by the Austrian, Belgian, Danish, German and the Netherlands delegations</i>

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Delegations will find in Annex an information note from the Swedish delegation, supported by Austria, Belgium, Denmark, Germany and the Netherlands, on the above mentioned subject to be dealt with under "Any other business" at the meeting of the Council ("Agriculture and Fisheries") on 14-15 November 2016.

**Animal Welfare – request from Sweden with the support of Belgium, Denmark, Germany and the Netherlands – regarding the need for improved animal welfare during transport through improved enforcement and an update of the current legislation.**

Twelve years ago, in December 2004, the Agriculture and Fisheries Council agreed on new animal welfare rules for the transport of animals. The new rules were proposed due to strong protests in the 1990s against long transports of live animals and due to differences in implementation of the existing rules. A new regulation, Regulation 1/2005 on the welfare of animals during transport, replaced the previous directive from 1991. However, the new legislation did not result in any changes to the rules concerning for example transport times or space allowances during transport.

Since the entry in to force of Regulation 1/2005, there have been numerous examples of infringements and lack of enforcement as described in official reports on inspections and in formal complaints and infringement proceedings. The Commission also highlighted lack of enforcement as a major problem in its report to the European Parliament and the Council on the impact of the Regulation on the protection of animals during transport (2011).

Last summer made no difference in this regard. Media displayed appalling pictures of animals suffering during long distance transports to third countries and NGOs, through several reports and calls, drew attention to animal welfare problems during transports both within and outside the European Union (EU).

Such obvious lack of consideration to the most basic needs of animals and the continuing shortcomings in enforcement is simply not acceptable.

The Regulation contains several tools for enforcement that competent authorities can and shall use and Member States are obliged to have sanctioning systems in place that are effective, proportionate and dissuasive.

We highly appreciate the action taken by the Commission to improve the situation through providing aid to identify the risks of long distance journeys and proposing key actions to mitigate such risks and through the project on export of live cattle and sheep to non-EU-countries.

However, both Member States and Commission have to intensify their efforts to put an end to transports that are in obvious breach of the Regulation.

The problems associated with the transport of live animals can however not be addressed solely by improving enforcement of existing legislation. To improve animal welfare, it is crucial to reconsider the provisions, not least on journey times, space allowances and watering and feeding intervals for different species as well as on transportation during periods of high temperatures. These rules stem from 1991 and there are scientific evidences, for example in the scientific opinions on the welfare of animals during transport by the European Food Safety Authority, supporting the need for updating the current Regulation.

Improved and harmonized enforcement is also important to ensure a level playing field for operators. Operators that do a good job risk losing business to those that ignore the rules.

Over one million European citizens have in 2012 signed a call for the abolition of long distance transports. The European Parliament has in its resolution on the protection of animals during transport from the same year called for both an effective and uniform enforcement of the existing EU legislation and for a reconsideration of the issue of limiting transport time of animals destined for slaughter. An urge to revise the Regulation on animal welfare during transport has also been put forward in a position paper handed over to the Commission in connection to the Agriculture and Fisheries Council in December 2014.

In the light of the above and the recently published Eurobarometer – which clearly shows that there is a growing interest in animal welfare among the European citizens – we call upon the Commission to improve enforcement and update the current legislation.