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From:	Presidency
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Subject:	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 – <i>Presidency text on Chapter V</i>

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With a view to the Working Party on Animal and Veterinary Questions (Animal Welfare & Husbandry) meeting on 28 October 2024, delegations will find in annex the Presidency text on Chapter V.

Changes with respect to the Commission proposal have been marked **with bold and underline** for insertions and ~~strikethrough~~ for deletions. Text **[marked in yellow between brackets]** either refers to clarification notes or to passages that require further reflection and for which more suggestions will follow.

## CHAPTER V

# OBLIGATIONS DURING TRANSPORT AND AT THE PLACE OF DESTINATION

### Article 18

#### General obligations for transporters

1. The transporter shall transport animals in accordance with this Regulation, in particular the relevant rules for the transported species set out in Annex I for terrestrial animals and in Annex II for aquatic animals, until arrival at the place of destination in the Union or in a third country.
2. The transporter shall be responsible for the ~~fitness for transport~~ **welfare** of the animals from loading of the animals at the place of departure to the unloading of the animals at the ~~place of destination~~ **during the journey with the exception of the time spent at a control post, a redistribution<sup>1</sup> centre or a ground handling facility. The transporter shall take the necessary measures to ensure compliance and prevent recurrence of non-compliances with the relevant requirements by the persons handling the animals on their behalf. When the transport is carried out by multiple transporters, each transporter shall be responsible for the part of the journey for which their means of transport is used.**

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<sup>1</sup> The existing definition of assembly centre in point 23 of Article 3 would be modified as follows: “~~assembly~~**redistribution** centre” means an establishment for assembly operations **approved**~~registered~~ in accordance with Article 97(1) of Regulation (EU) 2016/429 where:

(a) animals of the bovine, ovine, caprine, equine or porcine species originating from more than one holding are grouped together temporarily to form a consignment; **or**

**(b) consignments of animals of bovine, ovine, caprine, equine or porcine species are unloaded and distributed to more than one holding.**

3. ~~For transport by road or rail, the transporter shall entrust the handling of animals to drivers and attendants who have the certificate of competence referred to in Article 38.~~
4. ~~For transport by road or rail, the transporter shall ensure that an attendant accompanies all consignments of animals 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 dispensers which cannot be tipped over, for a journey of twice the anticipated journey time;~~
  - (b) ~~where the driver performs the functions of attendant.~~
5. ~~For transport by road or rail for which a leg of the journey includes transport by a roll-on-roll-off vessel, the transporter and the person responsible for loading the vehicles onto the vessel shall ensure that the vessel complies with the requirements set out in point 3 of Chapter II of Annex 1.~~

#### *Article 19*

*Obligations for organisers, transporters, drivers and attendants during transport by road or rail*

- 0. For transport by road or rail, the transporter shall entrust the handling of animals to drivers and attendants who have the certificate of competence referred to in Article 38.<sup>2</sup>**
- 0a. For transport by road or rail, the transporter shall ensure that an attendant accompanies all consignments of animals 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 dispensers which cannot be tipped over, for a journey of twice the anticipated journey time;**
  - (b) where the driver performs the functions of attendant.<sup>3</sup>**

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<sup>2</sup> **[This paragraph is moved from Article 18 (originally paragraph 3) without changes in contents compared to the original wording of the Commission proposal.]**

<sup>3</sup> **[This paragraph is moved from Article 18 (originally paragraph 4) without changes in contents compared to the original wording of the Commission proposal.]**

1. ~~¶~~**In case of road transport, the driver or attendant shall check on the condition of the consignment of animals at least every 4,5 hours to assess their welfare and fitness for transport whenever the driver is required to take a rest or a break in accordance with Regulation (EC) No 561/2006. This check shall take place immediately before the rest or the break.**
2. The driver and attendant shall immediately notify the transporter and organiser in accordance with the procedures defined in the contingency plan referred to in Article 8 of any serious event that may negatively affect the welfare of the animals. ~~¶~~**In case of a long journey, the organiser shall immediately transmit the information, in accordance with the procedures set in the contingency plan referred to in Article 8, to the relevant competent authority in the territory of which the serious event occurred.**
- 2a. The driver shall follow the journey plan as approved in the journey log, including relevant resting periods, stops at control points or redistribution centres.**
3. **Independently from Article 18, the driver and the attendant**~~The transporter shall be responsible for any animal that becomes unfit for transport during the journey due to the inappropriate performance by the attendant or driver~~ **non-fulfilment of their obligations under this Regulation**~~of his or her tasks.~~
4. During transfers from one means of transport to another, the driver or attendant shall ensure **check the** compliance with the technical rules set out in **subpoints (a) to (e) of point 1 of** Chapters I and **in points 2 to 6 of Chapter** III of Annex I in respect of the animals being transported. **In case of non-compliance, the driver or attendant shall immediately inform the transporter, who shall take the necessary measures to remedy the situation.**
- 4a. For transport by road or rail, for which a leg of the journey includes transport by a roll-on-roll-off vessel, the transporter shall ensure the presence on board of the vessel of an attendant or a driver.**

*[Article 19a*

*Obligations for the master of a roll-on-roll-off vessel*

- 1. Before loading of vehicles onto a roll-on-roll-off vessel the master shall ensure that:**

- (a) on enclosed decks, the vessel is equipped with forced fan ventilation systems and it is fitted with an alarm system and secondary source of power in case of failure;**
- (b) vehicles are only loaded in enclosed decks if the force fan ventilation systems and the alarm system are in good working order;**
- (c) adequate protection of animals from sea water is provided in open decks;**
- (d) there is water on board in sufficient amount and appropriate quality to enable water supply to the animals as required in point 5.5 of Chapter III of Annex I during the entire journey of the vessel and in the event of an emergency.**

**2. During the loading, the master shall ensure that:**

- (a) road vehicles and rail wagons are secured to the vessel before the start of the sea journey to prevent them being displaced by the motion of the vessel.**
- (b) vehicles are loaded in a way to provide empty space of at least 1m on both sides of the vehicles;**
- (c) vehicles have priority over vehicles that don't carry animals and are loaded and unloaded without undue delay.**

**3. During the journey, the master shall ensure that drivers and attendants have access to the vehicle deck to perform checks, feeding and maintenance of animals.**

*Article 20*

*Obligations for keepers at ~~assembly~~**redistribution** centres, control posts, **ports and airports** and ~~places of destination~~*

1. Keepers of animals kept at ~~assembly~~**redistribution** centres, control posts, **ports and airports**~~and places of destination~~ shall ensure compliance with the technical rules set out in Points 1 **(a) to (e) of** ~~to 3 of~~ Chapter I of Annex I, ~~and in~~ Points **1 to 4** of **Chapter III of Annex I and point 4 of** Annex II ~~where applicable~~.

2. Keepers at assembly ~~redistribution~~ **redistribution** centres or at control posts shall record the condition in which the animals have arrived and shall complete and sign in TRACES section 3 of the journey log as set out in point 1 of Annex III.

**[3. Provisions concerning ground handling facilities at airports to be added].**

*Article 21*

***Obbligations for organisers, transporters and animal welfare officer ~~enduring transport by~~*  
*livestock vessels***

**0. Transporters shall provide their staff handling the animals on livestock vessels with training courses on the technical rules set out in Chapters I, III and IV of Annex I. Transporters shall entrust the handling of animals only to staff who have completed such training courses.**

1. For a journey by livestock vessel, the transporter shall designate an animal welfare officer who is trained and holds a certificate of competence in accordance with Article 38. **The designated animal welfare officer shall have the authority to require that the staff handling animals on the livestock vessel carry out preventive or remedial actions necessary to ensure the welfare of the animals.**
2. The animal welfare officer shall ~~report to and~~ operate under the direct authority of the transporter and shall report directly to them ~~and the organiser~~ on matters relating to animal welfare.
3. The animal welfare officer shall be responsible for:
- (a) caring for the animals and checking them at least ~~twice~~ **every twelve hours**, a day to assess their welfare and fitness for transport, and taking appropriate measure to maintain their welfare;
  - (aa) documenting the checks, the findings and any subsequent measures taken in relation to checks referred to in point (a);**
  - (b) **immediately** notifying the ~~competent authority at place of departure~~ **transporter** and the ~~organiser~~ in accordance with the procedures ~~defined~~ **set** in the contingency

plan referred to in Article 8 point (3)(b)(iii) of any serious event that may negatively affect the welfare of the animals;

- (c) ensuring compliance with **Article 3(1) and (2), Article 4(1) and Article 19 of Regulation No 1099/2009, and perform the killing in accordance with contingency plans referred to Article 8(3)(b)(iii) of this Regulation** when animals are killed during the journey on a livestock vessel at sea to put an end to their suffering.

**3a. The transporter shall transmit the information concerning any serious event that may negatively affect the welfare of the animals as referred to in subpoint (b) of paragraph 3 to the organiser and competent authorities of the ports of departure and destination.**

4. The ~~organiser~~ **transporter** shall **provide written information to** the ~~captain~~ **master** of the livestock vessel of the responsibilities of the animal welfare ~~transport~~ officer laid down in paragraphs **1 and 3**.

#### *Article 22*

##### *Assembly **Redistribution** centres*

1. Operators of assembly **redistribution** centres shall provide their staff with training courses on the technical rules set out in ~~Point 1 of~~ Chapters I and III of Annex I.
2. Operators of assembly **redistribution** centres shall:
  - (a) entrust the handling of animals only to ~~personnel~~ **staff** who have completed training courses on the relevant technical rules set out in **Chapters I and III of** Annex I;
  - (b) regularly inform staff ~~and other persons admitted to the assembly centre~~ of their duties and obligations under this Regulation and of the penalties ~~for any~~ **in case of** infringement ~~of this Regulation~~;
  - (c) make permanently available to staff ~~and other persons admitted to the assembly centre~~ the contact details of the competent authority to which any ~~infringement of~~ **non-compliance with** this Regulation is to be notified;

- (d) in case of ~~infringement~~ **non-compliances with the relevant requirements** of this Regulation by any person present at an assembly **redistribution** centre, take the necessary measures to remedy the ~~infringement~~ **non-compliance** and prevent its recurrence, without prejudice to any action taken by the competent authority;
- (e) adopt, monitor and enforce the internal rules necessary to ensure compliance with points (a) to (d);
- (f) inform other persons admitted to the redistribution and distribution centre who are in contact with animals to handle the animals in compliance with this Regulation, and in particular with provisions in points 2.1, 2.2, 2.3, 2.5, 3.1, 3.2, 3.4, 3.5, and 4 of Chapter III of Annex I.**
3. An assembly **redistribution** centre shall not be indicated as the place of destination in the journey log referred to in Articles 15 and 16 **unless the animals stay for at least a week in the redistribution centre.**
- 3a. No more than two stops involving unloading and reloading of animals in redistribution centres shall take place during a journey<sup>4</sup>.**

*Article 23*

*Delay during transport*

1. Organisers, **transporters** and, when relevant, the competent authority shall take the necessary measures to prevent or reduce to a minimum any delay during transport.
2. Competent authorities shall ensure that special arrangements are made at places of departure, assembly **redistribution** centres, control posts, **ports, airports,** ~~establishments~~ **places** of destination, exit points and border control posts to give priority to the transport of animals, including the provision of fast lanes so that animals are inspected when required, without undue delays.

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<sup>4</sup> **[In Chapter VI, provisions on journey time would be amended to add the time needed for travelling 100 km each case a redistribution centre is used.]**



Article 24

Means of transport positioning systems

1. Means of transport by road shall be equipped with a positioning system communicating with the information system referred to in paragraph 3 based on the technical requirements referred to in paragraph 8.
2. The positioning system referred to in paragraph 1 shall ~~record the~~ **be operational during the journey from the loading of the first animal at the place of departure until the unloading of the last animal at the place of destination. It shall transmit information on the location of the means of transport at short intervals to the information system referred to in paragraph 3** ~~position of road vehicles on short intervals and be operational during the journey from the place of departure until arrival at the place of destination.~~
3. The ~~records~~ **information** obtained from the positioning systems of the means of transport shall **be recorded together with the time of transmission** ~~be kept~~ in an information system ~~accessible to TRACES~~, established by the Commission in accordance with paragraph 7. **The records shall be deleted as soon as TRACES has retrieved the data, as referred to in paragraph 5<sup>5</sup>.**
4. When completing ~~section 1~~ of the journey log as set out in point 1 **and 2** of Annex III, organisers shall set the locations of the following points of the journey:
  - (a) place of departure;
  - (b) place of destination; and, where relevant:**
    - (ba) redistribution centres;**
    - (bb) ports;**
    - (bc) airports;**
    - ~~(b)~~ control posts;
  - (ca) border crossings between Member States; and**

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<sup>5</sup> **[Art 51(5) will be amended to refer to para 5 instead of para 3 of Article 24. The data that has been retrieved in TRACES will be kept in TRACES for 6 years.]**

(ed) exit point from the Union and border crossings between Member States; and

(d) place of destination.

5. ~~After the~~ **Immediately upon** completion of the journey, TRACES shall retrieve data from the information system referred to in paragraph 3 on the time when means of transport reached **and departed from** the locations as set out in paragraph 4. **In case where the actual journey deviates from the locations indicated in the journey log, TRACES shall retrieve the full dataset for the concerned journey.** This information ~~will~~ **shall** be stored in TRACES for the purpose of official controls, including the analysis of completed journeys.
6. **After anonymisation of the personal data**, the Commission may use the information referred to in paragraph 5 for the purpose of preparing the annual reports referred to in Article 114 of Regulation (EU) 2017/625, ~~after anonymisation of the personal data~~, and for the purpose of organising audits in the Member States.
7. By [3 years from the date of entry into force of this Regulation], the Commission shall develop the information system referred to in paragraph 3.
8. By [3 years from the date of entry into force of this Regulation], the Commission shall, by means of implementing acts, establish **uniform conditions concerning:**
- a) **the length of the interval referred to in paragraph 2;**
  - b) ~~the necessary technical protocols~~ **arrangements** to enable the positioning systems referred to in paragraph 1 to communicate the position of the ~~vehicle~~ **means of transport to the information system referred to in paragraph 3;**
  - c) **the technical protocols for the functioning of** ~~with a defined precision of its geographical location to the information system referred to in paragraph 3;~~
  - d) ~~for the use of the information system and the~~ **technical** protocols for retrieving ~~required~~ **the information referred to in paragraph 3** from the information system by TRACES.

#### Article 24a

### Monitoring systems

- 1. Means of transport of terrestrial animals by road shall be equipped with a system consisting of sensors monitoring the opening and the closing of the loading flap and a means of recording those data. The monitoring system shall record any opening and closing of the loading flap.**
- 2. Means of transport of terrestrial animals by road used for long journeys shall be equipped with a temperature monitoring system including sensors and a means of recording data. The monitoring system shall record the temperatures in the part of the means of transport where animals are placed. Sensors shall be located in the parts of the means of transport which are most likely to be exposed to extreme temperatures.**
- 3. Means of transport of terrestrial animals by road used for long journeys shall be equipped with a warning system in order to alert the driver when the temperature in the parts of the means of transport where animals are placed reaches zero or +35 C degrees.**
- 4. The transporter shall ensure that the recorded data referred to in paragraphs 1 and 2 is dated, stored for a period of six years and made available to the competent authority upon request.**
- 5. In order to take into account scientific developments and to address specific needs of different species and categories of animals, the Commission shall be empowered to adopt delegated acts to amend the temperatures referred to in paragraph 3.**
- 6. The Commission is empowered to adopt implementing acts in accordance with Article 49 to lay down uniform technical requirements concerning the location and calibration of the sensors referred to in paragraph 2.**

### *Article 25*

#### *Obligations at the place of destination*

- 0. Upon arrival to the place of destination, terrestrial animals shall be unloaded without undue delay. During unloading at place of destination, keepers shall ensure compliance with the technical rules set out in points 1 to 4 of Chapter III of Annex I.**

- In case of all long journeys as well as short journeys to third countries**, the driver or attendant, and the keeper at the place of destination shall record in TRACES the date and time of arrival of the **terrestrial** animals and their **condition findings on the indicators referred to in Article 26(1)**, by completing and signing section 3 of the journey log as set out in point 1 of Annex III.

In case of disagreement on the condition in which the animals have arrived at the place of destination between the driver or attendant and the keeper at the place of destination, or where the journey log indicates that the animals have arrived in bad condition, the keeper and the driver or the attendant shall record the anomalies encountered in section 5 of the journey log as set out in point 1 of Annex III.

- ~~By way of derogation from paragraph 1, the driver or attendant transporting animals for the purposes of an authorised project under Directive 2010/63/EU shall only record in TRACES the date and time of arrival.~~<sup>6</sup>
- Unloading shall be supervised by a **person holding a certificate of competence referred to in Article 38** ~~veterinarian~~.

#### *Article 26*

#### *Monitoring of indicators*

- For the purposes of Article 25(1), the driver or attendant and the keeper at the place of destination shall assess the condition of terrestrial animals on arrival using the following indicators:
  - total number of animals **unloaded**;
  - number of animals dead on arrival in each consignment;
  - number of animals injured during transport in each consignment;
  - health and physical problems other than injuries, including when relevant, heat or cold stress, prolonged thirst, and hunger ~~in a consignment~~, observed in the animals **in a consignment**.

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<sup>6</sup> **[This paragraph will be moved to Article 2.]**

2. The keeper shall record the findings regarding the indicators provided for in paragraph 1 in section 3 of the journey log in TRACES.

**In case day-old chicks are transported, only the indicators referred to in points (a) and (b) of paragraph 1 shall be assessed. Such an assessment shall be carried out within 24 hours from arrival.**

3. The organiser and the transporter shall monitor the indicators referred to in paragraph 1 and analyse the information collected upon completion of their transports. When the results of the analysis indicates that the requirements of Article 4 have not been met or when values quantifying the indicators exceed the thresholds established by the Commission in accordance with paragraph 5, they shall take corrective actions.

4. The Commission shall adopt, **by [the date of application of this Regulation],** implementing acts in accordance with Article 49 ~~establishing~~ **laying down uniform rules on** the health and physical ~~problems~~ **issues** to be monitored in accordance with of paragraph 1, point (d), as well as the methods to be used when quantifying **and analysing** the indicators referred to in paragraph 1.

5. **In order to take into account scientific developments and advice from the European Food Safety Authority ('EFSA'),** ~~the Commission may,~~ **shall be empowered to** ~~based on the advice from the European Food Safety Authority ('EFSA'),~~ adopt delegated acts in accordance with Article 48 ~~establishing~~ **to supplement this Regulation with** the thresholds requiring corrective actions **as referred to in paragraph 3** ~~to be taken.~~