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**NOTE**

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From:	Presidency
To:	Permanent Representatives Committee/Council
No. Cion doc.:	16405/23 + ADD 1
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>Progress report</i>

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**I. INTRODUCTION**

1. On 7 December 2023, the European Commission adopted two new proposals concerning animal welfare, namely a proposal for a Regulation on the welfare of dogs and cats and their traceability and a proposal for a Regulation on the protection of animals during transport and related operations. The package, which also included a response to a citizens' initiative to ban fur farming in the EU, was presented by the Commission at the AGRIFISH Council on 11 December 2023.

2. The proposed Regulation on the protection of animals during transport<sup>1</sup> aims to repeal and replace the current Regulation<sup>2</sup> on animal transport, which was adopted in 2004. It aims to address developments in science and technology since then, and to take into account shifts in societal preferences and increasing sustainability challenges – as identified by the Fitness Check of the EU animal welfare legislation<sup>3</sup>. It is also intended to provide requirements which are easier to implement and to enforce, and it is the first proposal to lay down detailed requirements for aquatic animals. The main differences compared to the current legislation are:
- expanded scope (detailed requirements for aquatic animals);
  - clearer division of responsibilities between actors involved in transport-related operations;
  - decreased total transport time, different rest periods;
  - increased space allowance;
  - equivalent requirements for transport outside the EU;
  - restrictions on transport in extreme temperatures;
  - further restrictions on the transport of vulnerable animals;
  - digitalisation.
3. The proposed Regulation is based on Articles 43(2) and 114(1) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

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<sup>1</sup> 16405/23 + ADD 1.

<sup>2</sup> Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 OJ L3 5.1.2005, p. 1–44.

<sup>3</sup> European Commission, *Commission Staff Working Document, Fitness Check of the EU Animal Welfare Legislation*, [SWD\(2022\)328 final](#).

4. In the European Parliament, the file has been assigned to the Committee on Agriculture and Rural Development (AGRI) and to the Committee of Transport and Tourism (TRAN)<sup>4</sup>. Committees for opinion are the Committee on Environment, Public Health and Food Safety (ENVI) and the Committee on Fisheries (PECH). Substantive work in the European Parliament on this proposal has not started yet.
5. The European Economic and Social Committee (EESC) adopted its opinion on the proposal on 31 May 2024<sup>5</sup>. The European Data Protection Supervisor provided an opinion on 5 March 2024<sup>6</sup>.

## **II. STATE OF PLAY OF WORK WITHIN THE COUNCIL AND ITS PREPARATORY BODIES**

6. In the Council, the proposal is being examined by the Working Party on Animals and Veterinary Questions (Animal Welfare and Husbandry) (hereinafter ‘Working Party’). The first discussion took place under the Spanish Presidency, on 18 December 2023.
7. The examination of the proposal continued at two meetings of the Working Party under the Belgian Presidency<sup>7</sup>, on an article-by-article basis, up to the end of Chapter V (Articles 1 to 26). The Belgian Presidency informed the AGRIFISH Council of the state of play of the discussions on the 24 June 2024<sup>8</sup>.
8. Building on the progress made during the previous Presidencies, the Hungarian Presidency continued the examination of the proposal at technical level from Chapter VI (Article 27) onwards, at five physical meeting of the Working Party<sup>9</sup> and one informal videoconference<sup>10</sup> of the members of the Working Party.

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<sup>4</sup> The current rapporteurs are Mr Daniel BUDA (EPP, Romania) and Ms Tilly METZ (Greens/EFA, Luxembourg), respectively.

<sup>5</sup> Opinion of the European Economic and Social Committee: *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* OJ C/2024/4670, 9.8.2024.

<sup>6</sup> 7452/24.

<sup>7</sup> 30 May and 11 – 12 June 2024.

<sup>8</sup> 11420/24.

<sup>9</sup> 3–4 July; 26–27 September; 28 October; 13 and 25 November.

<sup>10</sup> 10 October.

9. During its meetings in July and September, the Working Party continued and completed the first round of examination of the proposal, including that of its six Annexes. Taking as a basis the comments made by delegations during that examination, and with the aim of facilitating faster progress and further discussion, the Presidency put together a set of 17 questions<sup>11</sup> in connection with Chapter V (Articles 18-26). The questions touched upon nine areas identified as main points for subsequent exchanges of views on that chapter.
10. From the replies received, the Presidency assembled a text with drafting suggestions on Chapter V<sup>12</sup>, which was presented at and discussed by the Working Party on 28 October. Building upon the discussion and subsequent written comments by delegations<sup>13</sup>, the Presidency prepared a revised text on Chapter V<sup>14</sup>, which was presented at and discussed by the Working Party on 25 November.
11. At the meeting of the Working Party on 13 November the Presidency returned to detailed examination of the proposal and covered Chapter II. To prepare future steps, delegations were invited to provide written comments and drafting suggestions on Chapter II<sup>15</sup>.

### **III. MAIN ISSUES AND PROGRESS ACHIEVED**

12. During the first round of examination it became clear that a number of new elements in the proposal would require further explanation (namely the use of TRACES; the role of certification bodies in transport to third countries; and the transport of animals used for scientific purposes). In an attempt to reach a better understanding of those elements and their practical implications, the Presidency organised an informal videoconference of the members of the Working Party, in which external experts were invited to participate.

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<sup>11</sup> 13959/24; WK 12149/24.

<sup>12</sup> 14743/24.

<sup>13</sup> WK 13598/24.

<sup>14</sup> 14743/1/24 REV 1.

<sup>15</sup> WK 14503/24.

13. The Presidency decided to focus mainly on Chapter V (*Obligations during transport and at the place of destination*). In that chapter, a number of areas were identified as central. In particular, the Presidency wishes to highlight the following areas:

– *Clear separation of responsibilities between actors involved in transport*

Comments made by delegations highlighted the need for a clearer division of responsibilities between the actors involved in transport and related operations. The Presidency text contains a number of new provisions to address that need in the cases of road and maritime transport, including roll-on-roll-off vessels. Special attention was paid to the chain of command on livestock vessels and the establishment of clear responsibilities for the different actors involved.

– *Competences of persons involved in transport-related operations*

While a number of delegations called for an extension of the range of actors from whom a specific competence would be required, different views were expressed on which actors should need to acquire such competence and on how the competence should be acquired. Acting upon these views, the Presidency text proposes to extend the scope of the competence requirements, allowing for some flexibility at national level and keeping the resulting administrative burden as low as possible.

– *Monitoring of inner temperature en route*

In line with comments made by delegations, the Presidency text contains a new article that sets requirements for a temperature monitoring and warning system within vehicles in road transport. The requirements are based on the duration of the transport and the type of vehicle used.

– *The use of TRACES*

In line with comments made by delegations, the Presidency text contains provisions to clarify when and how TRACES is to be used during the journey and at the place of departure. As for its use in connection with the positioning system, the Presidency attempted to focus the discussion on the question of data protection. In the light of the opinion of the European Data Protection Supervisor<sup>16</sup>, issues related to the range and accessibility of data for the purpose of monitoring were identified as requiring further attention.

– *Administrative burden*

To address a general concern of delegations about the proposal's requirement that a veterinarian must be present at each unloading, the Presidency text proposes as an alternative that a person with the required competence must be present.

– *The role of assembly centres*

A number of delegations voiced concerns regarding the Commission proposal to prohibit indicating an assembly centre as a place of destination of a journey, fearing that such a strict prohibition could create practical difficulties. In an attempt to address those concerns, the Presidency proposed an approach that allows more flexibility while still ensuring that assembly centres are not used to deviate from the maximum journey times. The approach presented by the Presidency received considerable support.

14. Overall, the Working Party was supportive of the Presidency's work, including the drafting suggestions presented on Chapter V. Broad support was voiced particularly in relation to the *clear separation of responsibilities between actors involved in transport*, the *extension of the range of actors from whom a specific competence would be required* and the *monitoring of inner temperature en route*.

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<sup>16</sup> 7452/24.

15. The Presidency identified a number of horizontal questions that would require further work. The Presidency wishes in particular to highlight the following horizontal questions:

– *Clear separation of responsibilities between actors involved in transport*

Comments call for a clearer separation than the one presented in the Commission proposal and emphasise that clearer separation makes implementation and enforcement easier.

– *Competences of persons involved in transport-related operations*

Different views were expressed on which of the various actors involved in animal transport should acquire a specific competence and how.

– *The use of TRACES*

On a general note, comments vary as to the scope of procedures for which TRACES should be required as the only gateway of information – within and outside of the Union.

– *Administrative burden*

Concerns were raised particularly in relation to approval procedures, in terms of both the range of actions and how they relate to existing national procedures.

– *Specific requirements of transport*

Points where the delegations' views are the most divergent include limitations on the maximum duration of transport; requirements for transport in extreme temperatures; and certain specific requirements (especially fitness for transport, in terms of minimum age and weight as well as space allowance).

#### IV. CONCLUSION

16. The Hungarian Presidency completed the first examination of the proposal and presented a revised text on Chapter V (Articles 18-26). Delegations generally welcomed the Presidency's work.
  17. The Presidency was also able to identify a number of horizontal topics requiring further, comprehensive examination. The solutions presented by the Presidency in Chapter V that received broad support could be considered in other parts of the text as well.
  18. In light of the above, the Council is invited to take note of the progress made in the examination of the proposal.
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