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NOTE

From: General Secretariat of the Council
To: Council

Subject: Revision of animal transport legislation - an essential part of the food production
- Information from the Portuguese delegation on behalf of the French, Greek, Irish, Latvian, Lithuanian, Portuguese, Romanian and Spanish delegations

Delegations will find in Annex an information note from the Portuguese delegation, on behalf of the French, Greek, Irish, Latvian, Lithuanian, Portuguese, Romanian and Spanish delegations, on the above mentioned subject to be raised under "Any other business" at the meeting of the Council ("Agriculture and Fisheries") on 30 January 2023.

Revision of animal transport legislation - an essential part of the food production

Information from the Portuguese delegation on behalf of the French, Greek, Irish, Latvian, Lithuanian, Portuguese, Romanian and Spanish delegations

Animal transport is a critical activity in animal production systems in Europe and worldwide, necessary for the smooth functioning of the animal production sectors. It is an activity that demands high standards and attentive oversight.

Through this activity, it is possible to transport animals within Europe and to other countries, for the different known purposes (slaughterhouses, farms, markets, etc.), and such animal transport is an essential part of the food production chain since the beginning of the Common Agricultural Policy.

Today, animal transport involves a high number of movements and is one of the most visible parts of the animal production process, attracting the interest of consumers, public and media on the conditions animals are transported. Therefore, this area is a priority in terms of the European Union's Animal Welfare policy.

Regulation 1/2005 of 22/12/2004 created the legal framework for Animal Welfare in road, air, and sea transport, establishing additional requirements in relation to transporter authorization, approval, and conditions of means of transport, training of drivers/attendant's, fitness for transport, space per animal, journey and resting times and conditions for handling, loading, and unloading of animals.

In its Conclusions on the Farm to Fork Strategy, the Council called on the Commission to review and update Regulation (EC) No 1/2005, in the light of the latest scientific knowledge, so that legislation can be made more comprehensive and easier to implement which should ultimately ensure a higher level of animal welfare.

According to the fitness check evaluation carried out by the European Commission under the review process of the Animal Welfare legislation on farms, transport and at the time of killing, in the framework of the "Farm to Fork" strategy, it was concluded that the present EU animal welfare legislation on transport has indeed improved, to some extent, the welfare of animals during transport, compared to the period preceding its adoption.

This acknowledged progress recognizes that the current EU animal welfare legislation continues to deliver an appropriate response to the animal welfare needs and challenges identified at the time of its adoption, based on the best available science. However, it is also mentioned that there are currently other denominators to be taken into consideration, such as increasing societal expectations and ethical concerns, scientific and technological developments, and future sustainability challenges, which is why there is a need to review this legislation.

Therefore, we strongly support the need to revise the legislation, which has also been acknowledged previously by Member States in different Council Conclusions, including those adopted during the Portuguese Presidency concerning Sea Transport to Third Countries.

These Council Conclusions identified points for improvement such as, better definitions of the transporters and organizers responsibilities and authorizations, better harmonization of the training of drivers, a better definition of the primary responsibility for animal welfare by the transporters, the clarification of the “economic activity”, the improvement of the means of transport conditions, a better definition of the space allowances, improvement of the planning and contingency plans, a better definition of fitness for transport, more specific requirements for the different species, amongst others.

Thus, revised legislation should therefore contain clear and precise definitions of any requirements/standards aimed at improving welfare conditions during transport to assist in the uniform application of controls and enforcement.

Additionally, any revised legislation should be based on strong technical and scientific knowledge and draw on the experience and good practices of Member States in implementing and enforcing the legislation, taking into account the need to ensure the economic competitiveness of EU agricultural enterprises. Findings from the corresponding socio-economic impact assessment, improved availability of technological tools (eg. GPS & Sat NAV) to support official controls, as well as the diversity of geographic situations and animal production systems in the Union all need to be considered in any legislative proposal.

Recalling that the transport of animals is fundamental to the normal functioning of the European animal production sectors, we also stress that the primary objective of the revision of the legislation should be the continued facilitation of high welfare intracommunity trade and export of live animals, but not be focused on measures aimed at prohibiting or limiting certain types of transport.

For sustainable use of the seasonal resources of natural pastures, some animal productions, namely cattle and sheep, are also seasonal. So, it is essential, given the concentration of supply in certain periods, to ensure the transport of animals within the EU and/or to nearby third countries.

Failure to continue this facilitation will have an unintended consequence of impacting overall animal welfare negatively. For example, citizens in nearby third countries will be obliged to source animals from likely more distant non-EU suppliers with less developed animal welfare provisions.

In parallel, whenever possible, alternatives to the transport of live animals should be pursued, such as the transport of meat or genetic material, which given their complexity, these alternatives should be well supported. The lack of a cold chain capacity in many developing countries is just one well-recognised limiting factor to the transport and distribution of meat.

Besides, at the international level, it is worth mentioning the technical item on the long-distance transport of live animals, discussed at the 30th Conference of the WOAHA Regional Commission held in early October in Catania (Italy). This technical item led to the adoption of a recommendation. The adopted recommendation includes the principle of prior notification of the country of destination, which would help facilitate relations with third countries where animals are exported. A network of national contact points for animal transport is gradually being set up, specifically in the European region.

We believe that Member States and COM should continue to work towards improved implementation and enforcement of EU legislation and share with third countries our expertise and knowledge to improve animal welfare globally. We call on the COM to propose legislation that will ensure higher animal welfare transport throughout the single market and for exports to third countries.