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NOTE

From:	Presidency
To:	Delegations
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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 – *Presidency text on Chapter II*

With a view to the Working Party on Animal and Veterinary Questions (Animal Welfare) on 2-3 April 2025, delegations will find in annex Presidency drafting suggestions on Chapter II of the proposal for a Regulation on the protection of animals during transport and related operations.

Changes with respect to the Commission proposal have been marked **with bold and underline** for insertions and ~~strikethrough~~ for deletions.

ANNEX

CHAPTER II
ORGANISER AND TRANSPORTER AUTHORISATIONS

Article 5

*Application for organiser authorisation for **any** long journey~~s~~**, and for short journeys to third countries***

1. **The o**rganiser~~s may only~~ **shall** make arrangements for the transport of animals for **any** long journey~~s~~ **and for short journeys to third countries only** if they hold an authorisation granted in accordance with Article 6.

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2. The organiser shall submit an application for an authorisation ~~to transport animals for long journeys~~ to the competent authority ~~in TRACES~~[1] using the form in Section 1 of Annex V. The application shall specify **the species and categories of animals transported, the type of transport, and** whether the organiser intends to organise the transport of animals to third countries or not. ~~3. O~~ **The o**rganisers~~s~~ shall apply for an authorisation to no more than one competent authority, in no more than one Member State.

3a An organiser established in a third country shall apply for an authorisation only if they appoint, for the duration of the authorisation, a natural or legal person established in the Union to act as their representative before competent authorities in relation to the compliance of the organiser with this Regulation. The organiser established in a third country shall conclude a written contract with that representative laying down the conditions of the representation.

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[1] **A new Article will be added in Chapter XI:**

1. **Authorisations and approvals of organisers, transporters and means of transport shall be applied, renewed, granted, rejected, suspended and withdrawn in TRACES. Certificates of competence referred to in Article 38 shall be granted in TRACES.**
2. **However, a Member State may use a national database for the procedures referred to in paragraph 1 provided that this database is interoperable with TRACES. In this case, the national database shall contain at least the information referred to in the forms set out in Annex V. The Member State concerned shall ensure the instant automatic transmission from its national database to TRACES of the following information:**
   a. **the identification of the organiser, transporter or the means of transport, as applicable, the submission of the application and the status of the application, including authorisation, approval, , rejection, suspension, lifting of suspension and withdrawal;**
   b. **the certificates of competence granted.**
3. **The Commission shall, by [one year before the date of application of this Regulation,] adopt implementing acts to lay down the technical parameters necessary for the interoperability of the national databases and TRACES as referred to in paragraph 2.**

4. The application referred to in paragraph 2 shall contain evidence that the following conditions are met:

(a) the organiser is established, ~~or, in the case of an organiser established in a third country, is represented,~~ in the Member State ~~of the respective competent authority~~ **in which they apply for the authorisation**; **or the organiser is established in a third country and has their representative established in the Member State in which they apply for the authorisation, and provides a signed copy of their contract with the representative.**

(b) the organiser has the capacity to comply with Article 14.

Article 6

Grant, renewal, suspension and withdrawal of organiser authorisation

1. The competent authority shall grant the authorisation referred to in Article 5 ~~in TRACES~~ using the form in Section 1 of Annex V[2], provided that the conditions set out in **paragraphs (2), (3a) and (4)** of Article 5~~(4)~~ are met. **In case of rejection, the competent authority shall record the reasons for the rejection without delay.**

2. The authorisation provided for in paragraph 1 shall specify the species and categories of animals and the type(s) of transport covered and whether it covers the transport of animals to third countries or not.

The authorisation shall be valid for a period of not more than 5 years from the date of issue.

2a. The organiser shall notify the competent authority that granted the authorisation of any change in the information referred to in paragraphs (2), (3a) and (4) of Article 5 no later than [10] working days from the date the change took place.

[2] **A new point 2a 'representative of the organiser, where relevant' will be included in the form set out in Annex V, section 1.**

3. ~~One~~ **Three** month**s** before the expiry of the authorisation, the organiser may apply for a renewal ~~in TRACES~~. An application for renewal shall include evidence that the conditions set out **paragraphs (2), (3a) and (4)** of Article 5~~(4)~~ are met, the certificate provided for in Article 33 when relevant, and documented analysis of monitoring of indicators for the period of validity of the previous ~~approval~~ **authorisation** and where appropriate, documented evidence of measures put in place if values quantifying the indicators exceed the thresholds provided for in Article 26(3).

The application for renewal shall also contain a declaration signed by the organiser that they have not committed a serious infringement as provided for in Article 44 in the 5 years preceding the date of the application or, if the organiser committed a serious infringement during that period, they shall demonstrate to the satisfaction of the competent authority that they have taken measures necessary to prevent further infringements.

The competent authority shall grant ~~or reject the application for a~~ **the** renewal ~~and~~ **provided that the conditions set out in the first and second sub-paragraphs of this paragraph are met. In case of rejection, the competent authority shall** record ~~the renewal or~~ **the reasons for the** rejection **without delay** ~~in TRACES and, in case of rejection, the reasons for it~~.

4. ~~If the organiser no longer meets the conditions provided for in Article 5(4) or in Article 33(6), the~~ **The** competent authority **that granted the authorisation** shall ~~order the suspension of the authorisation in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES~~ **suspend it** without delay **if:**

(a) there is evidence that the organiser no longer meets the conditions provided for in paragraphs (2), (3a) and (4) of Article 5 which may be evidence provided by a competent authority of another Member State, or

(b) in the case of Article 33(6).

Where relevant, the competent authority shall suspend the part of the authorisation covering transport to a third country.[3]

[3] **In Annex V, section 1, point 5.1., a possibility of a partial suspension of the authorisation needs to be added.**

The competent authority shall ~~provide the organiser with a written statement indicating the reasons for~~ **record** the suspension ~~and recommendations to address the deficiencies found~~ **and the reasons for it without delay**.

The competent authority shall lift the suspension if the organiser provides evidence that they have corrected the deficiencies on which the suspension of their ~~application~~ **authorisation** is based. ~~**The competent authority shall record the lifting of the suspension and the reasons for it without delay.**~~

5. ~~For transport within the Union, if the organiser has not corrected the deficiencies within one month of the suspension, the competent authority shall withdraw the authorisation.~~

~~For transport to a third country,~~ **I**f the organiser has not corrected the deficiencies within three months of the suspension, the competent authority shall withdraw the authorisation **or the part covering transport to third countries**.

The competent authority shall record the withdrawal and the reasons for it without delay.

Article 7

*Application for transporter authorisation for short journeys **within the Union***[4]

1. **The** transporters[5] ~~may only~~ **shall** transport animals for short journeys **within the Union only** if they hold:

(a) an authorisation for short journeys granted in accordance with Article 9 for the species and categories concerned; or

(b) an authorisation for long journeys granted in accordance with Article 9 for the species and categories concerned.

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4 **In Annex V, section 2 will be amended to clarify that 'type 1' is not valid for long journeys nor for short journeys to third countries. In the title of the section, reference to Article 8 will be removed.**

5 **The definition of 'transporter' in Article 3 would be modified as follows:**
'transporter' means an operator whose economic activity ~~consists of~~ **includes** transporting animals on its own behalf, or on behalf of a third party, **[excluding operators of roll-on roll-off vessels]**.

2. The transporter shall submit an application for an authorisation ~~to transport animals on short journeys~~ to the competent authority ~~in TRACES~~ using the form in Section 2 of Annex V**, specifying the species and categories of animals transported and the type of transport covered**. **The transporter shall apply for an authorisation to no more than one competent authority, in no more than one Member State.**

2a The application **referred to in paragraph 2** shall contain evidence that the following conditions are met:

(a) the transporter is established, ~~or, in the case of a transporter established in a third country, is represented,~~ in the Member State **in which they apply for the authorisation** ~~of the respective competent authority~~;

(b) the transporter has sufficient and appropriate staff and equipment and has ~~written instructions for staff as regards watering, feeding and care of animals and operational~~ **operating** procedures in place to enable its staff to comply with this Regulation;

(c) the [drivers**,**] ~~and~~ attendants **and animal welfare officers** employed by or providing services to the transporter have ~~followed the relevant training courses and have~~ certificates of competence as provided for in Article 38;

(d) ~~neither the transporter nor their representatives in the Member State where the application is submitted have committed a serious infringement as provided for in Article 44 in the 5 years preceding the date of the application.~~

~~For the purposes of point (d), if the transporter or their representatives committed a serious infringement during that period, they shall demonstrate to the satisfaction of the competent authority that they have taken all necessary measures to avoid further infringements.~~

(e) the transporter has a contingency plan in line with Annex Va.[6]

[6] **A new paragraph 3 will be added in Article 18:**

3, The transporter shall develop a contingency plan in line with Annex Va and shall keep it updated. The contingency plan shall be available in writing and accessible to the attendant and to the driver at any time during the transport.

Article 8

*Application for transporter authorisation for **any** long journeys ~~and~~ **and for short journeys to third countries***

1. **The** transporter~~s may only~~ **shall** transport animals for **any** long **journey or short** journeys **to third countries only** if they hold an authorisation granted in accordance with Article 9. Such **an** authorisation~~s~~ shall also be valid for short journeys **within the Union referred to in Article 7**.

2. The transporter shall submit an application for an authorisation ~~to transport animals for long journeys~~ to the competent authority ~~in TRACES~~ using the form in Section 3 of Annex V, **specifying the species and categories of animals transported and the type of transport covered**. Transporters shall apply for an authorisation to no more than one competent authority, in no more than one Member State.

2a. A transporter established in a third country shall apply for an authorisation only if they appoint, for the duration of the authorisation, a natural or legal person established in the Union to act as their representative before competent authorities in relation to the compliance of the transporter with this Regulation. The transporter established in a third country shall conclude a written contract with that representative laying down the conditions of the representation.[7]

3. The application provided for in paragraph 2 shall contain evidence that the following conditions are met:

(a) the transporter complies with the conditions set out in ~~Article 7(2)~~ **in points(a), (b) and (c) of Article 7(2b)**;

(aa) the transporter is established in the Member State **in which they apply for the authorisation**; **or the transporter is established in a third country and has their representative established in the Member State in which they apply for the authorisation, and provides a signed copy of their contract with the representative;**

[7] **In Annex V, section 3, a new point will be added to distinguish between authorisations of transport within the EU and to third countries.**

(b) the transporter holds the following documents:

i. valid certificates of approval as provided for in Articles 12 or 13 for the means of transport to be used by the transporter for the ~~long~~ journey concerned;

ii. ~~a document setting out in detail the procedures enabling the transporter to trace and record the movements of vehicles and vessels under their responsibility, and the procedures to contact the drivers concerned at any time during long journeys;~~[8]

iii. a contingency plan ~~in the event of emergencies during the intended transport~~ **in line with Annex Va.**

4. ~~In order to ensure the uniform presentation of contingency plans in the event of emergencies during long journeys provided for in paragraph (b), point (iii), the Commission is empowered to adopt implementing acts in accordance with Article 49 to lay down minimum requirements for the content of the contingency plan, for different types of journeys, and establish and update as necessary standard model forms for the submission of those contingency plans.~~ [9]

Article 9

Grant, renewal, suspension and withdrawal of transporter authorisations

1. The competent authority shall grant an authorisation to a transporter for short or long journeys as ~~required under~~ **referred to in** Article 7(1) and Article 8(1) ~~in TRACES~~ using the forms in Sections 2 and 3 of Annex V respectively, provided **that** the conditions set out in Article 7(2), **7(2a), 7(2b)** and Article 8(2), **8 (2a) and 8(3)** respectively are met. **In case of rejection, the competent authority shall record the reasons for the rejection without delay.**

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[8] **To be covered by the contingency plan in a new Annex Va.**

[9] **An empowerment concerning amendments to the contingency plan will be included in Article 47.**

2. The authorisation provided for in paragraph 1 shall specify the species and categories of animals and the type of transport covered**,** ~~and~~ whether it covers long or short journeys **and whether it covers the transport of animals to third countries or not**.

The authorisation shall be valid for a period of not more than 5 years from the date of issue.

2a. The transporter shall notify the competent authority that granted the authorisation of any change in the information referred to in paragraphs 2, 2a and 2b of Article 7(2) and paragraphs 2, 2a and 3 of Article 8(2) respectively no later than [10] working days from the date the change took place.

3. ~~One~~ **Three** month**s** before the expiry of the authorisation ~~for short or long journeys~~, the transporter may apply for the renewal of the authorisation ~~in TRACES~~. An application for renewal shall ~~contain the documents required under Article 7(2) or Article 8(2) and~~ **include:**

(a) evidence that the conditions set out in paragraphs 2, 2a and 2b of Article 7 and paragraphs 2, 2a and 3 of Article 8 respectively are met;

(b) documented analysis of monitoring of indicators for the period of validity of the previous ~~approval~~ **authorisation** and where appropriate, documented evidence of measures put in place if values quantifying the indicators exceed the thresholds provided for in Article 26(3)**;**

(c) in the case of an application for renewal of an authorisation for long journeys, documented analysis of temperature values outside the ranges provided for in Article 31(0) and, where applicable, documented evidence of measures put in place to address such occurences;

(d) a declaration signed by the transporter that they have not committed a serious infringement as provided for in Article 44 in the 5 years preceding the date of the application or, if the transporter committed a serious infringement during that period, they shall demonstrate to the satisfaction of the competent authority that they have taken measures necessary to prevent further infringements.

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4. The competent authority shall grant ~~or reject the application for a~~ **the** renewal ~~and record the renewal or rejection in TRACES and~~ **provided that the conditions set out in paragraph 3 are met**. **I**n case of rejection, the **competent authority shall record** the reasons for the rejection **without delay**.

~~5. The transporter shall notify the relevant competent authority of any change in the documents referred to in Articles 7(2) and 8(2) no later than 5 working days from the date the change took place.~~

6. ~~If~~ **The competent authority that granted the authorisation shall suspend it without delay if there is evidence that** the transporter no longer meets the conditions provided for in ~~Article 7(2) or Article 8(2), the competent authority shall order the suspension of the authorisation in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES without delay~~ **paragraphs 2, 2a and 2b of Article 7 and paragraphs 2, 2a and 3 of Article 8 respectively, which may be evidence provided by the competent authority of another Member State.**

Where relevant, the competent authority shall suspend the part of the authorisation covering transport to a third country.

The competent authority shall **record** ~~provide the transporter with a written statement indicating the reasons for~~ the suspension ~~and recommendations to address the deficiencies found~~ **and the reasons for it without delay**.

The competent authority shall lift the suspension when the transporter provides evidence that they have corrected the deficiencies on which the suspension of their ~~application~~ **authorisation** is based. **The competent authority shall record the lifting of the suspension and the reasons for it without delay**.

7. If the transporter has not corrected the deficiencies within ~~one~~ **three** month**s** of the suspension, the competent authority shall withdraw the authorisation. **The competent authority shall record the withdrawal and the reasons for it without delay.**

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~~*Article 10*~~

~~*Training of drivers, attendants and animal welfare officers*~~

~~The transporter shall arrange for drivers, attendants, and the animal welfare officers referred to in Article 21, to follow one of the approved animal welfare training courses referred to in Article 37(1)(b). Such training shall be relevant to their tasks, the species, the categories of animals they handle, and the means of transport used.~~ **[10]**

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[10] **All requirements concerning training will be regrouped.**