Council of the European Union

Brussels, 22 May 2025
(OR. en)

6626/1/25
REV 1

LIMITE

VETER 21
AGRI 76
AGRILEG 27
CODEC 182

PUBLIC

Interinstitutional File:
2023/0448 (COD)

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	6626/25
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 *- Revised Presidency text on Chapter II*

With a view to the Working Party on Animal and Veterinary Questions (Animal Welfare & Husbandry) meeting on 4-5 June 2025, delegations will find in annex further revised Presidency text on Chapter II.

New proposed changes to the Commission text compared to the previous document (6626/25) are marked as follows:

- new insertions: **bold and underline**
- new deletions: ~~strikethrough~~
- insertions already introduced in the previous document: **bold without underlining**
- deletions already introduced in the previous document: […].

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** **of terrestrial and acquatic animals***

1. **The o**rganiser~~s~~ […] **shall** make arrangements for the transport of **terrestrial or aquatic** 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 the competent authority […][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.~~ […] **The o**rganiser~~s~~ shall apply for an authorisation to no more than one competent authority, in no more than one Member State.

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

- **Authorisations and approvals of organisers, transporters and means of transport shall be applied, renewed, granted, rejected, suspended, partially suspended, and withdrawn in TRACES. Lifting of suspension or of partial suspension shall be recorded in TRACES. Certificates of competence referred to in Article 38 shall be granted in TRACES.**
- **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:**
  - **the identification of the organiser, transporter, ~~or~~ the means of transport [or container for large animals], as applicable, the submission of the application and the status of the application, including authorisation, approval, rejection, suspension, partial suspension, lifting of suspension and withdrawal;**
  - **the certificates of competence granted.**
- **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.**

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.**

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

(a) the organiser is established […] in the Member State […] **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, **rejection,** renewal, suspension and withdrawal of organiser authorisation*

1. The competent authority shall grant the authorisation referred to in Article 5 […] 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 […] 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 **scope in terms of 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.

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

The organiser may submit an application to request an amendment of the scope of their authorisation to the competent authority that granted that authorisation. In such a case, paragraphs (2) and (4)(b) of Article 5 and paragraph 1 of this Article shall apply *mutatis mutandis*.

The authorisation shall be valid for a period of not more than 5 years from the date of issue, **independently of any amendment**.

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~~ provided in the application no later than [10] working days from the date the change took place.**

3. […] **Three** month**s** before the expiry of the authorisation, the organiser may apply for a renewal […]. An application for renewal shall include evidence that the conditions set out **in paragraphs (2), (3a) and (4)** of Article 5 […] are met, the certificate provided for in Article 33 when relevant, ~~and~~ **the** documented analysis of monitoring of indicators for the period of validity of the previous […] **authorisation** and where appropriate, **the** 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 the necessary measures to prevent further infringements.

The competent authority shall grant […] ~~the~~ **the** renewal […] **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 reasons for the** rejection **without delay […]**.

4. […] **The** competent authority **that granted the authorisation** shall […] **suspend it** without delay **~~if~~:**

(a) **<u>if</u> 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 the evidence provided by a competent authority of another Member State; or**

(b) **in the case of Article 33(6); <u>or</u>**

(c) **<u>if the organiser fails to comply with a penalty imposed in accordance with Chapter IX of this Regulation.</u>**

Where relevant, the competent authority shall suspend the part of the authorisation covering **<u>certain species or categories of animals, types of transport or</u>** transport to a third country.[3]

The competent authority shall […] ~~-~~**record** the suspension […] **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 […] **authorisation** is based.~~-~~**The competent authority shall record the lifting of the suspension and the reasons for it without delay.**

5. […] **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 <u>of certain species or categories of animals, types of transport or transport</u> to a third country<u></u>**.

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

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

Article 7

*Application for **type 1**[4] transporter authorisation ~~for short journeys~~ **~~within the Union~~***

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

   (a) **~~an~~ a type 1 transporter** authorisation ~~for short journeys~~ granted in accordance with Article 9 ~~for the species and categories concerned~~ ; or

   (b) **~~an~~ a type 2 transporter** authorisation **that covers road transport**~~, for long journeys~~ granted in accordance with Article 9 ~~for the species and categories concerned~~.

2. The transporter **referred to in paragraph 1** shall submit an application for a**~~n~~ type 1 transporter** authorisation ~~to transport animals on short journeys~~ to the competent authority […] using the form in Section 2 of Annex V[6]**~~, 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 **the** evidence that the following conditions are met:

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[4] **New definitions will be included in Article 3:**
'type 1 transporter authorisation' means an authorisation for a transporter to transport animals by road within the Union for short journeys.
'type 2 transporter authorisation' means an authorisation for a transporter to transport animals:
1. **for long journeys within the Union or to third countries by any means of transport, or**
2. **for short journeys within the Union by rail vehicle, livestock vessel, ro-ro vessel (container vessel?)or aircraft, or**
3. **for short journeys to third countries by any means of transport.**

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

[6] **In Annex V, section 2 will be amended to clarify that 'type 1' is only valid for short journeys by road within the Union ~~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.**

(a) the transporter is established […] in the Member State **in which they apply for the authorisation […]**;

(b) the transporter has sufficient and appropriate staff**,** ~~and~~ equipment and **road vehicles [including containers for large animals, where applicable]** ~~has~~ […] ~~**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 […] certificates of competence as provided for in Article 38;

(d) […]

[…]

(e) the transporter has a contingency plan in line with Annex Va.[7]

Article 8

*Application for **type 2** transporter authorisation ~~for **any** long journeys, **and for short journeys to third countries**~~*

1. **The** transporter~~s~~ […]- **shall** transport animals for **any** long **journey, short journeys within the Union by rail vehicle, container vessel, livestock vessel, ro-ro vessel or aircraft or any short** journey~~s~~ **to third countries ~~only~~** if they hold ~~an~~ **a type 2 transporter** authorisation granted in accordance with Article 9. ~~Such **an** authorisations shall also be valid for short journeys **within the Union referred to in Article 7**~~.

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[7] **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 tailored to the means of transport used, the species and categories of animals transported and the destination of the journey. The contingency plan shall be provided to the organiser and made available in writing and accessible to the attendant and to the driver at any time during the transport.

2. The transporter shall submit an application for ~~an~~ **a type 2 transporter** authorisation ~~to transport animals for long journeys~~ to the competent authority […] 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.[8]

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(2a)**;

(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;**

(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 [**and containers for large animals]** to be used by the transporter for the ~~long~~ journey concerned;

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

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~~,~~ […];[9]

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

4. […] [10]

Article 9

*Grant, **rejection,** renewal, suspension**, ,** 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) […] 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.**

2. The authorisation provided for in paragraph 1 shall specify the **scope in terms of 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 transporter may submit an application to request an amendment of the scope of their authorisation to the competent authority that granted that authorisation. In such a case, paragraphs (2) and (2a) of Article 7, paragraphs (2), (2a), (3)(a) and (3)(b) of Article 8, and paragraph 1 of this Article shall apply *mutatis mutandis*.

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

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

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

2a. **The transporter shall notify the competent authority that granted the authorisation of any change in the information provided in the application ~~referred to in paragraphs 2 and 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 […]. An application for renewal shall […] **include:**

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

(b) **the** documented analysis of monitoring of indicators for the period of validity of the previous […] **authorisation** and, where **relevant**~~appropriate~~, **the** documented evidence of measures put in place if values quantifying the indicators exceed the thresholds provided for in Article 26(~~3~~**5**) **or, in the absence of such thresholds, if the indicators indicate important negative animal welfare consequences;**

~~(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;~~

(c)~~(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.

4. The competent authority shall grant […] **the** renewal […] **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**.

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6. ~~If~~ **The competent authority that granted the authorisation shall suspend[11] it without delay if:**

(a) there is evidence that the transporter no longer meets the conditions provided for in […] **paragraphs 2 and 2a ~~and 2b~~ of Article 7 and paragraphs 2, 2a and 3 of Article 8 respectively, which may be the evidence provided by the competent authority of another Member State; or**

(b) the transporter fails to comply with a penalty imposed in accordance with Chapter IX of this Regulation.

Where relevant, the competent authority shall suspend the part of the authorisation covering certain species or categories of animals, types of transport or transport to a third country.

The competent authority shall **record […]** the suspension […]-**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 […] **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 […]-**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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[11] **In Annex V, section 2, point 5.1., a possibility of a partial suspension of the authorisation needs to be added.**

Article 9a

Circumvention clause

Member States shall take appropriate measures to avoid that the conditions for granting authorisation are circumvented and shall ensure that no authorisation is granted to a natural or legal person in respect of whom it is established that the conditions required for obtaining such authorisation were created artificially, contrary to the objectives of this regulation.[12]

[…] [13]

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[12] **A new recital 20a to be added.**

In order to avoid circumvention of conditions for obtaining authorisation as an organiser or a transporter or the artificial creation of such conditions, Member States should be empowered to take appropriate measures. The experience in Member States shows that in particular in case where the authorisation of an organiser or transporter is withdrawn due to non-compliance with the animal welfare rules during transport or an infringement of those rules, those persons may establish a new enterprise under a new name in order to mislead the competent authorities. Similarly, an organiser whose authorisation is withdrawn for non-compliance or infringement could sometimes apply for an authorisation as a transporter instead and vice versa. Additionally, persons such as an attendant or a driver who have been found to infringe the respective animal welfare requirements may apply for an authorisation as an organiser or transporter or establish an enterprise that applies for such an authorisation. In such and similar cases Member States should have the possibility to react against attempts to circumvent or to artificially create the conditions for obtaining an authorisation as an organiser or transporter so that the objectives of this regulation can effectively be achieved.

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