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European Union

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NOTE

From:	Presidency
To:	Delegations
Subject:	Draft Council conclusions on animal welfare during maritime long distances transport to third countries

With the view to the informal videoconference of the members of the Working Party of Chief Veterinary Officers on 29 April 2021, delegations will find attached for their consideration draft Council Conclusions on animal welfare during maritime long distances transport to third countries.

**DRAFT COUNCIL CONCLUSIONS ON ANIMAL WELFARE
DURING MARITIME LONG DISTANCES TRANSPORT TO THIRD COUNTRIES**

1. Welfare of animals is an important value to the European citizens and recognised by the Union law, in particular, Article 13 of the Treaty on the Functioning of the European Union.
2. EU citizens are increasingly concerned about the impact on animal welfare during farming producing chain of food producing animals, and also in relation with public and animal health.
3. According to the European Food Safety Authority (EFSA)¹, food safety is indirectly affected by the welfare of farmed animals, due to the close links between animal welfare, animal health and food-borne diseases. Poor welfare can lead to increased susceptibility to disease and higher mortality and a significant impact on public health.
4. The Council Conclusions on the Farm-to-fork Strategy², highlights that special importance needs to be given to animal health, biosecurity and animal welfare, given the fact that animal health and welfare are a precondition for sustainable livestock production.
5. On the EU Council Conclusions on Animal Welfare - an integral part of sustainable animal production, in 2019³, it was recognised the importance of promoting the welfare of animals globally, as well as the competition that EU farmers are facing in global trade Sustainable Development Goals (SDGs), adopted by all United Nations Member States in 2015, can only be realized with strong global partnerships and cooperation.

¹ <https://www.efsa.europa.eu/en>

² 12099/20

³ 14975/19

6. The Council Conclusions adopted in 2019, based on a report of the European Court of Auditors⁴, indicated some weaknesses in relation to welfare issues during transport and the need for improving compliance with rules on long distance transport. In addition, it is stressed the need to strengthen cooperation with other partners in international *fora*, to promote further development of international standards on animal welfare set by the World Organisation for Animal Health (OIE)⁵ as well as to establish and implement the best animal welfare practices, globally.
7. The OIE Member Countries adopted, in 2017, a global Animal Welfare Strategy, with the objective of achieving a world where the welfare of animals is respected, promoted and advanced, in ways that complement the pursuit of animal health, human well-being, socio-economic development and environmental sustainability. The strategy focuses on the development of international standards on animal welfare, in consultation with Member Countries and key international stakeholders, developing the capacity of Veterinary Services, improving communication with governments and raising awareness around the issue, and, finally, supporting Member Countries in the implementation of these standards.
8. The National Contact Points on animal transport, were established in accordance with the article 24, of the Regulation 1/2005, on the protection of animals on transport, with the aim of promoting mutual assistance and exchange of information between Member States and to discuss the implementation and enforcement of the legislation on animal welfare on transport. As result of these discussions, guidance documents to the competent authorities responsible for official controls of animal welfare during export by livestock vessel were developed.
9. Particular attention was given to guidance on transport on livestock vessels, reflecting the experience and good practices of the Member States and the use of practical tools to improve the implementation and enforcement of the legislation.

⁴ 11073/19

⁵ <https://www.oie.int/>

10. The EU Platform on Animal Welfare, established in 2017 by the European Commission, has been successful in promoting dialogue on animal welfare among competent authorities, industry, civil society and scientists, thereby facilitating the sharing of best practices and other experience. Under this Platform, animal welfare on transport is one of the priorities established with the aim to delivering relevant technical information, recommendations and best practices within the scope of Regulation (EC) No 1/2005 on the protection of animals during transport.
11. The overview report on welfare of animals exported by sea⁶ highlighted the main strengths and weaknesses of the Member States' systems to protect the welfare of the European Union's farm animals during their transport to third countries involving the use of livestock vessels. The report identifies further points of improvement related with the need to increase appropriate resources and support for the official controls at the exit points. In addition, particular attention should be given to ensure qualified and experienced officials when accessing the on-board technical systems, the planning and approval of the journeys, the contingency planning for the operations, the role and obligations of the organisers and sea transporters and the feedback from third countries, transporters or ships' Masters on the condition of animals during the sea journey or at arrival.
12. The development of tools by the Commission to support Member States' inspections of livestock vessels requires a multisectoral cooperation amongst the competent services and EU agencies⁷ with the aim of harmonising the inspection procedures, increasing the transparency of the outcome of inspections and improving vessels' standards and the contacts with third countries to obtain systematic feedback for livestock consignments sent from the Union.

⁶ DG (Sante) 2019-6835

⁷ <http://www.emsa.europa.eu/>

13. In 2019, the European Parliament⁸ made recommendations on the need to improve the implementation and enforcement of the EU transport legislation and has called for the need to develop a more comprehensive legal framework. Furthermore, the European Parliament decided to investigate alleged violations in the application of European Union law on the protection of animals during transport and related operations within and outside the EU.
14. Despite the progress made related to the ~~en~~-enforcement of Council Regulation (EC) No 1/2005 on animal transport, it is recognized the need to improve this legislation and to guarantee the sustainability of long distance transport of live animals in appropriate conditions.
15. In the farm to fork conclusions, the Council called on the Commission to review and update Regulation (EC) No 1/2005 on the protection of animals during transport, in the light of the latest scientific knowledge, so that legislation can be made more comprehensive and easier to implement.
16. In 2020 the Commission started a fitness check process, with the aim of promoting a future revision of animal welfare legislation on animal transport.
17. The Regulation 1/2005 already establishes a legal framework for the long journey transport by livestock vessels. However, the regulation does not foresee certain critical requirements in the light of the scientific knowledge and experience gained, in areas such as training and competence of the personnel handling the animals, journey planning, organisation and transporter role and responsibilities, transporter authorisation and vessel certification, journey documentation, contingency planning, vessel technical requirements and specific official controls.
18. Animal transport by sea involves, not only the transporters, but also other categories of operators such as the keepers and the organisers and as a consequence, the obligations regarding the welfare of animals should be clearly defined and updated, having in mind the specificities of this type of transport. Furthermore, it is necessary to consider the important role of the organiser of the journey and to update the process of transporter authorisation and vessel certification.

⁸ http://www.europarl.europa.eu/doceo/document/TA-8-2019-0132_EN.html

19. On the transport, operations involving livestock vessels, a proper journey planning by the organiser and the improvement of the communication between the transporters, organisers and the competent authorities are crucial elements to reduce any delay. In addition of these aspects, or exposure to environmental factors that can compromise the welfare of the animals, it is important to guarantee that all operational procedures work in a smooth and expedite way, minimising the stress and unnecessary suffering of the animals.
20. The occurrence of contingencies during the journey operation or during the sea transport, should be clearly previewed by the organiser and the transporter, to anticipate and reduce by all means, any possible impacts on the welfare of the animals.
21. The crew composition, including the appropriate expertise and training, are of major importance in promoting animal welfare during transport, being recognised the importance of the education and the presence of additional experts, notably veterinarians and stockman's, during sea transport.
22. It's important to guarantee the normal functioning of the vessel and to ensure the compliance with strict technical requirements, which provide the conditions for the maintenance and care of the animals, minimising the stress and suffering during the journey.
23. Member States' official control systems are key in ensuring that animal welfare standards and their humane treatment are respected, and that the adequate measures were taken to avoid causing them unnecessary pain and suffering. It is thus necessary to ensure that the competent authorities have the appropriate resources, tools and expertise to perform official controls, addressing the specific conditions in livestock transport vessels.

THE COUNCIL OF THE EUROPEAN UNION:

24. **RECOGNISES** that the Regulation 1/2005, on the protection of animals during transport and related operations, although established new requirements regarding the animal welfare on transport by sea, leading a substantial improvement of the conditions in which animals are transported, needs to be revised. This review should take into account the relevant scientific knowledge, the experience acquired and to tackle priority topics which are crucial to ensure the appropriate conditions during the sea long journey transport to third countries.
25. **EMPHASISES** that animal welfare during transport is priority at the EU level and should be ensured during international transport to third countries
26. **ENCOURAGES** the strengthening of the role of the EU on animal welfare on transport in its contribution to the OIE work, with a particular focused on the destination countries, to which live animals are exported.
27. **STRONGLY WELCOMES** the establishment of a network of contact points at OIE level, based on the European experience, with an aim to improve the communication of the transport conditions and to verify that all the documents and conditions, including health certificates and import permits, are met before beginning of the operations, notify animal welfare problems on specific journeys, and give regular feedback on animal welfare conditions at arrival of the animals.
28. **RECALLS** *that any amendments to the existing legislation or new legislation should be based on the latest* technical and scientific knowledge, taking into account the experience gained by the Member States, the results of the socio-economic impact assessment, as well as the diversity of the geographic situation and production systems existing in the Union.
29. **ENCOURAGES** the Commission to evaluate some relevant aspects of the livestock vessel transport, including the Crew training and competence, organisers and sea transporters obligations, and the definition/identification of the transporter and organiser.

30. **HIGHLIGHTS** the important role of the organiser of the sea journey, on the planning of the journey, the preparation and submission of the contingency plan for the sea journey, including sea port operations, and the contact with the Competent Authorities involved to guarantee the relevant authorisations to start the operations.
31. **STRESSES THE NEED** to establish an organiser authorisation process under the control of the competent authorities, to revise the definition of “organiser”, to take into account the specificities of animal transport by sea and to establish the obligation to exist an unique organiser that communicates with all the competent authorities involved.
32. **RECALLS** the importance of the sea transporter and **STRESSES** the need to revise his role and legal definition, taking into consideration the specificities of the sea transport, in line with the relevant provisions, including the ISM company that operates the vessel, as identified by Port State rules.
33. **INVITES** the Commission to consider the role of the transporter, and all the measures that should be applicable to avoid any unnecessary suffering whenever there is an event on board that can compromise the welfare of the animals during the sea journey, notably the obligation to communicate information previous to the journey to the Competent Authority at the port of departure prior to the journey, establishes contingency plans and inform the actions taken whenever there is events during the journey that can compromise the Animal Welfare.
34. **EMPHASISES** the need to improve the sea transporter authorisation process namely the documentation necessary for the authorisation process, to define the role and responsibilities of the EU representative of a transporter from a third country as well as specific criteria for suspension/withdrawal of the transporter authorisation.
35. **HIGHLIGHTS** the need to improve the livestock vessel certification process in which respect the level of competence necessary for an approval process, the validity of the livestock vessel certification and define which state flags and classification societies can be accepted

36. **SUPPORTS** the establishment of EU recognised training courses on sea transport welfare for the crew, the presence of an animal welfare officer in a livestock vessel similar to the animal welfare officer in slaughterhouses and a private veterinarian during the journey, as well as the minimum experience period for attendants on livestock vessels.
37. **EMPHASISES** the importance of the journey planning and the need to establish detailed procedures for the competent authority validating a journey plan adapted to the sea journey, improving the communication between the Member States of departure places and exit ports before validating the journey plan and between the Member States of the ports of exit and the organisers to allow the beginning of the operations, as well as the harmonisation of the information on the sea journey plan sent by the organiser.
38. **INVITES** the Commission to take in consideration the specific technical vessel conditions that should be required, such as ventilation and the temperature control, pen construction and maintenance and drainage requirements.
39. **WELCOMES** the future improvement of the official controls carried out on livestock vessels, harmonizing the information that competent authorities should receive regarding the planning, execution and completion of the journey, the creation of a report template to be filled out by the competent authority at the port of the country of destination, the establishment of minimum requirements for exit points to care for the animals and their needs and the development of an EU IT solution to share information on livestock vessel controls.
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