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NOTE

From:	Presidency
To:	Delegations
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>

I. INTRODUCTION

1. On 7 December 2023 the European Commission submitted to the European Parliament and to the Council a proposal for a Regulation on the protection of animals during transport and related operations¹. The proposal is based on Articles 43(2) and 114(1) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

¹ 16405/23 + ADD 1.

2. The proposed Regulation on the protection of animals during transport aims to repeal and replace the current Regulation², which was adopted in 2004. It aims to address the developments in science and technology that have taken place 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 legislation³. It is also intended to establish requirements that are easier to implement and enforce, and it is the first proposal to lay down detailed requirements for aquatic animals. The main differences compared to existing legislation are:

- expanded scope (detailed requirements for aquatic animals);
- clearer division of responsibilities between actors involved in transport-related operations;
- limited total transport time, different rest periods;
- increased space allowance;
- equivalent requirements for transport for import, export and transit through the EU;
- restrictions on transport in extreme temperatures;
- further restrictions on the transport of vulnerable animals;
- digitalisation.

² 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 L 3, 5.1.2005, p. 1–44).

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

3. In the European Parliament, the file has been assigned to the joint Committee on Agriculture and Rural Development (AGRI) and to the Committee on Transport and Tourism (TRAN)⁴. The Committee on Fisheries (PECH) will deliver an opinion. The vote in the Joint Committees is scheduled for October 2025 and in the plenary for November or December 2025.
4. The European Economic and Social Committee (EESC) adopted its opinion on the proposal on 31 May 2024⁵. The European Data Protection Supervisor provided an opinion on 5 March 2024⁶.

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

5. The Commission presented the proposal at the AGRIFISH Council on 11 December 2023. Its detailed examination at technical level began on 18 December 2023 at the Working Party on Animals and Veterinary Questions (Animal Welfare and Husbandry) (hereinafter ‘Working Party’) and continued under the Belgian and Hungarian Presidencies. The AGRIFISH Council was informed on the progress of that work by the Belgian Presidency on 24 June 2024⁷ and by the Hungarian Presidency on 10 December 2024⁸.

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

⁵ 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.

⁶ 7452/24.

⁷ 11420/24.

⁸ 16056/24.

6. Building on the progress made by the previous presidencies, the Polish Presidency continued with the examination of the proposal at technical level during three physical meetings of the Working Party⁹.
7. Based on the examination of the proposal by the Working Party and on written comments received, the Polish Presidency:
- presented drafting suggestions on Chapter VI (*Conditions for transport of terrestrial animals*) and the corresponding Chapter V of Annex I (*Journey times, temperatures, rest periods and watering and feeding intervals*)¹⁰ for discussion by the Working Party on 5-6 February, followed by further revised drafting suggestions,^{11 12} for discussion by the Working Party on 2-3 April and 4-5 June. The Presidency chose these two Chapters as its primary focus due to a number of areas addressed in them which the Presidency identified as crucial.
 - prepared drafting suggestions on Chapter II (“Organiser and transporter authorisations”) and a new Annex Va (“Contingency plan”) and presented them for discussion by the Working Party on 2-3 April; and further revised drafting suggestions for discussion by the Working Party on 4-5 June; following up on the work under the Hungarian Presidency, prepared and presented further drafting suggestions regarding Chapter V (“Obligations during transport and at the place of destination”) for discussion by the Working Party on 5-6 February,
 - to provide material for the future work under the next Presidency, invited delegations to submit written comments and drafting suggestions on Chapters III (“Means of transport”) and IV (“Obligations prior to departure”)¹³ and Chapter I of Annex I (“Fitness for transport”).

⁹ 5–6 February; 2–3 April and 4-5 June.

¹⁰ 14743/24.

¹¹ WK 13598/24.

¹² 14743/1/24 REV 1.

¹³ WK 14503/24.

III. MAIN ISSUES AND PROGRESS ACHIEVED

8. The Presidency wishes to highlight the following:

Chapter II (*Organiser and transporter authorisations*) and Annex Va (*Contingency plan*):

– *Circumvention clause*

Several delegations highlighted the need for Member States to have the possibility to react to attempts to circumvent or artificially create the conditions for obtaining an authorisation as an organiser or transporter. In order to address this request, the Presidency presented a circumvention clause aiming to ensure that the objectives of this regulation can effectively be achieved.

– *Partial suspension of authorisation*

While a number of delegations called for a possibility to fully or partially suspend an authorisation of a transporter or an organiser of a journey, different views were expressed on the scope of such suspension. Acting upon these views, the Presidency proposed a text permitting a partial suspension concerning particular species, means of transport or export to third countries.

– *The use of TRACES vs national databases*

According to the Commission proposal, authorisations and approvals of organisers, transporters and means of transport shall be applied for, renewed, granted, rejected, suspended, partially suspended and withdrawn in TRACES and the lifting of a suspension or a partial suspension shall be recorded in TRACES. To address comments made by some delegations, the Presidency text contains provisions to enable Member States to use a national database, provided that that database is interoperable with TRACES.

– *Development of contingency plans*

To address the overall desire of delegations to introduce a harmonised approach concerning the management of unforeseen circumstances during the journey, the Presidency presented a proposal that the transporter develops a contingency plan tailored to the means of transport used, the species and categories of animals transported and the destination of the journey.

Chapter V (Obligations during transport and at the place of destination):

– *The role of assembly centres*

In an attempt to address delegations' concerns regarding the limited use of assembly centres (as provided for in the Commission proposal), the Presidency proposed an approach that permits greater flexibility while still ensuring that assembly centres are not used to prolong the transport of animals to their real destination, and that "assembly centre hopping" is prevented. The Presidency also proposed clearer obligations for assembly centres in terms of feeding and hydration of animals.

Chapter VI (Conditions for transport of terrestrial animals) and Chapter V of Annex I (Journey times, temperatures, rest periods and watering and feeding intervals).

– *New provisions on transport of dogs and cats*

To address requests to ensure welfare of transported dogs and cats, the Presidency text includes new provisions aiming to shorten the duration of the journey and to ensure feeding and watering of these animals throughout their transport.

– *New provisions on transport including a leg of the journey by sea or air*

Some delegations indicated specific risks pertaining to sea and air transport which should be mitigated. The Presidency proposed new obligations for transporters to ensure uninterrupted boarding on sea vessels and aircrafts, sanitation of the animal compartment and mandatory rest of animals after a leg of the journey on a roll-on roll-off vessel.

– *Duration of journey depending on its purpose, as well as species and categories of animals*

A number of delegations called for an extension of the journey times prescribed in the Commission proposal, while others called for measures that were more restrictive than those in the Commission proposal. Various views were expressed regarding the extent to which the provisions should be based on the scientific evidence and permit existing business practices to continue. Delegations also highlighted the need to ensure protection of vulnerable species and categories of animals. In an attempt to address all views, the Presidency suggested a compromise on journey times, which would permit greater flexibility whilst at the same time offering the animals enhanced protection in comparison to the current Regulation.

– *Monitoring of inner temperature en route*

To accommodate the number of comments made by delegations, the Presidency text contains a new approach based on monitoring the temperature within the animal compartment. Nevertheless, the organiser would be still required to take into account the weather forecast when planning a journey.

– *Administrative burden*

To address an overall trend in terms of simplification and cutting red tape, the Presidency text attempts to minimise the obligations placed on competent authorities and stakeholders, and take advantage of digitalisation.

– *Feeding and watering intervals*

In order to ensure animals' freedom from hunger and thirst regardless of the means of transport used, the Presidency text attempts to harmonise the feeding and watering intervals among all of the means of transport and stationary facilities that may be involved, such as handling facilities in ports and airports or assembly centres. The Presidency text provides that a journey of susceptible species may only be extended if suitable feed and hydration is provided to the animals.

9. Overall, the Working Party was supportive of the Presidency's work as described above. Broad support was voiced particularly in relation to the Presidency's efforts to look for solutions to strike a balance between economic interests, administrative burden and protection of animals on various aspects of the proposal, in particular the duration of the journey and temperature requirements.

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

– *Separate requirements for high value breeding animals*

Some delegations and stakeholders called for a derogation from certain provisions for high value breeding animals, especially concerning journey duration, emphasising the importance of ensuring the viability of the breeding sector in Europe.

– *Ensuring the competitiveness of the sector while also taking into account the scientific evidence*

On a general note, comments from delegations vary regarding the scope for reflecting the latest scientific evidence in provisions while also taking into account proportionality and feasibility of the measures, in order to ensure the continuity of trade.

– *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 for transport of vulnerable animals*

Delegations actively commented on specific needs of vulnerable animals or animals with specific physiological needs and the possible solutions to address these needs during animal transport.

IV. CONCLUSION

11. The Polish Presidency presented a revised text on Chapter II (Articles 5-10), Chapter V (Articles 18-26), Chapter VI (Articles 27-31) and Chapter V of Annex I, and drafted a new Annex Va. Delegations generally welcomed the Presidency's work.
12. The Presidency was also able to identify a number of horizontal topics requiring further comprehensive examination. For the sake of consistency, the solutions presented by the Presidency in Chapter II, Chapter V and Chapter VI that received broad support could also be considered in other parts of the text as well.
13. In light of the above, the Council is invited to take note of the progress made in the examination of the proposal.