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MEETING DOCUMENT

From: To:	Presidency Working Party on Animals and Veterinary Questions (Animal Welfare)
N° Cion doc.:	ST 16405 2023 ADD 1 + ST 16405 2023 INIT
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 concept paper

In view of the upcoming Working Party on Animals and Veterinary Questions (Animal Welfare) that will take place on 4-5 December 2025, delegations will find in Annex the Presidency concept paper concerning air transport.

Concept paper on air transport

Introduction

Air transport of live animals is increasingly important, and it is necessary to ensure that the new Transport Regulation also protects animals transported by air.

In the Commission proposal, Article 11(4) states: "*Animals may only be transported by aircrafts belonging to carriers that are members of the International Air Transport Association"*. However, the International Air Transport Association (IATA) is an association for the world's airlines, and its guidelines on Manuals, Standards & Regulations are constituted under private law. According to two judgments from the EU Court of Justice (case C-588/21 P and case C-160/20), EU legislation cannot refer to provisions set under private law. Article 11(4) is thus deleted in the consolidated version (ST 14761/1/25 REV 1).

With this deletion, there are currently no provisions on air transport in the Presidency consolidated text. It is therefore necessary to include provisions on air transport to ensure protection of animals transported by air.

Approach proposed by the Danish Presidency

The Danish Presidency proposes that provisions on air transport in the consolidated text are aligned with the current IATA standards for the transport of live animals, i.e. "IATA Live Animals Regulation" (IATA LAR), but without referring directly to IATA due to the legal constraints explained above. With this approach, IATA standards must be applied in the new Transport Regulation in all places where it is relevant. It will not be possible to 'pick and choose' so that IATA standards are applied in some cases but not in others.

The main reasoning behind this approach is that current transport of live animals by air in essence is carried out in accordance with IATA LAR due to both practical and legal necessities. By applying similar provisions in the new Transport Regulation, stakeholders will not need to adjust to new rules, thus keeping the burdens on the industry and authorities to a minimum. In addition, if IATA decides to tighten its standards, members of IATA will have to comply with this even though the EU legislation is not changed. Non-members of IATA will still have to comply with EU legislation in this situation. In practice, most air transport of live animals in EU is carried out by carriers who are members of IATA.

The changes needed in the consolidated text

In general, EU law regarding air transport should:

- regulate the actual air transport by incorporating a basic legal framework of technical requirements to allow continuation of existing air transports in accordance with IATA LAR;
- provide necessary administrative measures to ensure responsibilities of the stakeholders involved in transport of animals;
- regulate in reasonable detail operations related to the air transport, such as:
    - handling of animals in handling facilities before and after the flight;
    - preparations of animals for the flight, including feeding, watering and allotting appropriate space allowance.

Date: 24. November 2025

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To ensure this and to streamline with IATA LAR, the Presidency proposes to make changes or add text in the provisions of the new Transport Regulation regarding:

1. **Authorisation of organisers and transporters**
2. **Technical requirements for containers used in air transport**
3. Provisions regarding **ground handling facilities at airports**
4. **Transport practices** (in particular, feeding and watering regimes)
5. **Exclusion of air transport from Chapter VI of Annex I** (additional provisions for long journeys of terrestrial animals)
6. **Space allowances**
7. [Annex II on **aquatic animals]**
8. **New recitals** explaining the necessity for rules on air transport and the relevance of IATA LAR

1. Authorisation of organisers and transporters

Proposed changes in recital 19 to clarify that organisers of air transports should be authorised in case the journey is long. Please note that the bold and underlined text is proposed by the Presidency in the Consolidated Recitals **(ST 14767/1/25 REV 1)** to align with Article 15. The only addition is the text marked in yellow.

"(19) Only organisers of the transport of animals who have the means to comply with the requirements of this Regulation should be allowed to transport animals ~~for~~ **on any** long journey~~s~~, **including any journeys with a leg of the journey by livestock vessel or aircraft, or a short journey to third countries**. Therefore, it is appropriate to establish an authorisation system for organisers. Organisers should be responsible for ensuring compliance with Union rules from the place of departure to the place of destination. They may subcontract the transport of animals to a transporter and should remain responsible for ensuring compliance with Union rules by that transporter and any other persons involved in that transport. The organiser should provide proof to the competent authorities of their ability to ensure that Union rules on transport are met until the animals' arrival at the place of destination."

Date: 24. November 2025

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Proposed changes in Article 8(3):

'3. **For transporters of animals by road or rail vehicle, livestock vessel or ro-ro vessel,** the application provided for in paragraph 2 shall contain evidence that the following conditions are met:'

Proposal for a new Article 8(5):

"**5. For transporters of animals by aircraft, the application provided for in paragraph 2 shall contain evidence that the following conditions are met:**

(a) 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) in case of existing certification as laid down in Article 11 (4), the evidence of such certification.]

(c) the aircrafts intended to transport animals have an adequate lighting system in place, and the ability to maintain temperatures between 5 and 35°C in the cargo hold."

2. Technical requirements for containers

Proposed changes to Article 11(4):

"4. No person shall transport animals by air unless the transport is carried out using containers complying with points 1.1, 1.2, 1.4 and 4 of Chapter II of Annex I.

If the transporter is an air carrier that holds a valid certificate under IATA CEIV Live Animals or IOSA, certifying compliance with IATA Live animal regulations, it shall be considered compliant with the previous subparagraph."

3. Ground handling facilities at airports

Covered by Article 20a.

4. Transport practices

Proposed changes to point 5 of Chapter V of Annex I:

"5. **Terrestrial animals transported by aircraft**

Terrestrial animals transported by aircraft shall be fed and watered ~~in such a way as~~ **in accordance with written instructions provided by the organiser. The frequency of feeding and hydration and the quantity of feed and means of hydration shall be sufficient** to meet the physiological needs of the animals transported."

Date: 24. November 2025

[Department]
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[1234 City]

5. Exclusion of air transport from Chapter VI of Annex I

Proposed changes to the heading of Chapter VI of Annex I:

"ADDITIONAL PROVISIONS FOR LONG JOURNEYS OF TERRESTRIAL ANIMALS **BY ROAD, RAIL AND SEA TRANSPORT**".

6. Space allowances

In the tables below, the k-values in the IATA LAR are replicated. These k-values and the specific requirements for horses will be added in Chapter VII of Annex I in the consolidated version of the Annexes (ST 14768/1/25 REV 1).

Species	Category	k-value
Bovine	≤100 kg	0.017
	>100 kg	0.020
Porcine		0.027
Ovine and Caprine		0.021

Weaned Farmed lagomorphs		400
Poultry (except DOC)		250

a) For horses, the IATA LAR requirements for space allowance are as follows:

Date: 24. November 2025

[Department]
[Address]
[1234 City]

Weight [kg]	**Area [m^2]**
0-100	0,42
101-200	0,66
201-300	0,87
301-400	1,04
401-500	1,19
501-600	1,34
601-700	1,51
701-800	1,73
801-900	1,95
901-1000	2,17

7. Annex II on aquatic animals

Requirements for air transport of aquatic animals will be dealt with in Annex II.

8. New recitals

Proposal for new recitals to explain the necessity for rules on air transport and the relevance of IATA LAR:

"(22a) The transport of animals by air is a cross-border activity subject to specific safety and operational constraints. In order to ensure a high level of protection of animals and the smooth functioning of the internal market, it is appropriate to lay down technical rules for the transport of animals by air, particularly regarding the design of containers, stocking densities, and the handling of animals. These rules take into account the internationally recognised standards of WOAH, the Live Animal Regulations (LAR) of the International Air Transport Association (IATA) and operational practices currently applied by the commercial aviation sector. Such an approach ensures predictability and clarity for operators, allowing the transport operations to be carried out in consistent manner, while guaranteeing effective enforcement of animal welfare standards during air transport under Union law."

Date: 24. November 2025

[Department]
[Address]
[1234 City]

(22b) Experience has shown that the protection of animals transported by air depends significantly on the conditions of their handling prior to loading and after unloading from the aircraft. Animals can spend considerable time in ground handling facilities at airports, particularly during transfers or delays. In order to ensure a continuous protection and care for the animals, it is necessary to lay down specific obligations for operators of handling facilities at airports.