

Revision of Council Regulation (EC) No 1/2005 on the protection of animals during transport

SUMMARY

The revision of the animal welfare legislation announced by the Commission in May 2020 is a core element of the [farm to fork strategy](#). It includes the revision of [Council Regulation \(EC\) N° 1/2005](#) on the protection of animals during transport. The aim is to ensure harmonisation of rules for effective enforcement and implementation, the core challenge being to strike a balance between ethical, economic, environmental and social considerations. The transport of billions of animals within and outside the EU has considerable economic benefits, but it also has a major impact on public health, the environment and society, and increasingly triggers public attention around ethical considerations. Various stakeholders and the public demand better implementation of the existing rules, question practices such as the export of live animals, and ask for alternative solutions.

This briefing provides an overview of the main issues raised by the application of the current Council Regulation and matters surrounding its revision in light of the Commission's 2022 fitness check on animal welfare legislation and other reports published by European institutions. It highlights, when possible, Member States' positions. In December 2023, the Commission presented its new [proposal](#), with a view to replacing and updating Council Regulation (EC) No 1/2005.¹

Background

Animal welfare raises ethical, economic, environmental, health and social questions, and relies on recognising animals as sentient beings. Such recognition was provided by Article 13 of the [Treaty on the Functioning of the EU](#) in 2012. Because animals feel the consequences of internal and external conditions, [there are five domains](#)² for assessing their welfare, namely good nutrition, physical environment, health, behavioural interactions and mental state. According to the [World Organisation for Animal Health](#) (WOAH/OIE),³ animal welfare means 'the physical and mental state of an animal in relation to the conditions in which it lives and dies'.

In 1974, the EU set up rules on animal welfare for the first time, to protect animals during slaughter, with the adoption of [Council Directive 74/577/EEC](#), in force for almost 20 years. This directive was repealed in 1993 by [Council Directive 93/119/EC](#). In 1991, the Council adopted [Directive 91/628/EEC on the protection of animals during transport](#), amended in 1995 by [Council Directive 95/29/EC](#), to facilitate the smooth transport of live animals within the European market, while ensuring a satisfactory level of animal protection.

Other aspects of animal welfare are addressed by a series of laws: the directive concerning the [protection of animals kept for farming purposes](#) was adopted in 1998, followed by species-specific directives addressing the welfare of [laying hens](#) (1999), [calves](#) (2004), [broilers](#) (2007), and [pigs](#) (2008). A 2009 regulation addressed [protection at the time of killing](#).

Over the years, animal welfare has been drawing increasing public attention. The EU defines its related policy in instruments dedicated either to animal welfare as such and/or in relation to the agricultural common policy (CAP),⁴ competitiveness, the environment and healthy food. In 2005, Council Regulation (EC) No 1/2005 [on the protection of animals during transport](#) and related

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operations ('the Animal Transport Regulation' or 'the Regulation') was adopted to replace Council Directive 91/628/EEC and [Council Directive 95/29/EC](#), with a view to strengthening effective implementation and strict enforcement of the rules. By facilitating harmonisation across EU Member States, the Regulation aimed to support competitiveness, while responding to animal welfare concerns. On 20 May 2020, in its [farm to fork strategy \(F2F\)](#), the European Commission acknowledged that: 'legislation on better animal welfare improves animal health and food quality, reduces the need for medication and can help preserve biodiversity. It is also clear that citizens want this.' It announced that it would revise the legislation 'to align it with the latest scientific evidence, broaden its scope, make it easier to enforce and ultimately ensure a higher level of animal welfare'.

The 2023 [proposal](#) introduces stricter rules, limiting travel times, increasing space between animals, improving transport conditions for vulnerable animals, regarding transportation in extreme temperatures, safeguarding of animals transported to third countries, enabling maximum use of IT tools and enlarging the scope for protecting cats and dogs in commercial transport.⁵

Current legal framework on animal welfare during transport

When the [Council](#) and the [Parliament](#) invited the Commission to examine the applicable EU legislation on protection of animals during transport back in 2001, the key concern revolved around the need for effective implementation and strict enforceability of the rules, as well as their harmonisation, to set up a level playing field across the EU. This is why a regulation was ultimately preferred over a directive when the directive which was applicable at the time was revised in 2005.

The [Animal Transport Regulation](#) aims to provide detailed rules for specific needs arising from diverse types of transport, with the ultimate objective of preventing injury or unnecessary suffering of animals (Recital 11). Animals concerned are live vertebrate animals (Article 2), namely 'Equidae or domestic animals of bovine, ovine, caprine or porcine species', while '[s]pecific provisions for poultry, cats and dogs will be set out in appropriate proposals when the relevant opinions of the [European Food Safety Authority](#) (EFSA) are available' (Recital 9). All rules – including those for asserting obligations and responsibilities of persons involved in their handling, and those determining transport conditions – are based on the prerequisite that **injury or undue suffering must be prevented**.

The Regulation comprises a **set of general and specific rules**. Article 3 provides a set of general prerequisites for transport conditions – including the limitation of journey lengths as much as possible and the requirement for animals to be fit for transport – and for general conditions for the design, construction, maintenance and operation of the means of transport, together with rules on loading and unloading facilities. Article 3 also requires that personnel handling animals are trained to prevent unnecessary fear, injury or violence. Adequate amounts of water and feed, of sufficient quality, and appropriate rest must be provided in accordance with the species and sizes of the animals.

The Regulation details the **obligations and responsibilities** of organisers (Article 5), transporters (Article 6), keepers at the place of departure, transfer or destination (Article 8), and operators in assembly centres (Article 9). Drivers and attendants must have a certificate of competence made available to the competent authorities when the animals are transported, and training courses must be available for transporters and personnel in the assembly centres. This is to ensure implementation of the rules necessary for the well-being of animals as detailed in Annex 1.⁶ The fitness check on animal welfare legislation would show that a clear delineation of tasks is insufficient to determine responsibilities with certainty.⁷

The competent authorities have the obligation to supervise operations and to ensure training of staff. They may grant mandatory authorisations and certificates and control enforcement of the rules. The Regulation provides only a few conditions for authorising transporters (Articles 10 and 12), requirements for long journeys (Articles 11 and 12) and the scope for checks (Articles 14 and 15). Some rules are formal and vague, which enables competent authorities to enforce them with some margin for appreciation. The Regulation does not provide detailed criteria for assessing the competence of transporters, for limiting the scope of checks or for assessing what a long journey is.

Rules for enforcement cover **remedial measures** in case of non-compliance with the Regulation and if animals' welfare is endangered (Article 23). There must be an exchange of information between authorities that acknowledge breaches of the Regulation and those that delivered authorisations (Article 24); there are specific measures in case of infringement of the Regulation (Article 26). Member States must lay down rules on penalties applicable to infringements and measures necessary to their implementation. Penalties must be effective, proportionate and dissuasive (Article 25).

With a view to prioritising strict implementation and enforcement, Member States are obliged to report annually on **inspections** conducted on animals, on means of transport and accompanying documents, and thus on 'an adequate proportion of the animals transported each year within each Member State'. Where deficiencies are noted, Member States must analyse the reasons and develop an action plan to address them (Article 27). Veterinary experts from the Commission may make on-the-spot checks (Article 28). To allow adaptation of the rules to technological and scientific progress, the [standing committee on the food chain and animal health](#)⁸ is associated to the Commission whenever the latter exercises its implementing powers under the Regulation.

European Commission reports and consultations

Inception impact assessment on animal welfare legislation

In line with the F2F strategy, the Commission undertook to perform a [fitness check](#) of the EU animal welfare legislation for animals for food production, including the Animal Transport Regulation, and published its [roadmap](#) on 20 May 2020. On 21 July 2021, despite the fitness check not being completed, the Commission published an [inception impact assessment](#) (IIA) that stressed 'weaknesses in the design, implementation, compliance and enforcement of the legislation'. It signalled core problems affecting welfare of animals at farm, during transport and at slaughter, as follows:

- Member States have interpreted some unclear provisions differently, leading to distortions of competitiveness and suboptimal conditions for animal welfare;
- there is a lack of tools to monitor, measure and assess how legislation is implemented;
- there is a lack of appropriate skills, competences and training for staff handling animals;
- the legislation is outdated in many respects and its design does not allow adjustments to scientific, technological and societal developments such as the modernisation of lorries;
- consumers receive insufficient or uneven information on conditions regarding animal welfare, which causes a distortion between consumers' expectations and the reality;
- there are serious enforcement issues: the system is paper-based and declarative (business operators provide most information) and there is a lack of coordination between Member States concerning the implementation of controls. Remedial actions are not systematic and transport requirements are not enforced when it concerns exports to third countries;
- inconsistencies with other EU policy areas affect full implementation of the legislation.

The IIA proposes several policy options to be finalised after completion of the fitness check. Options vary from full prohibition of certain practices to stricter requirements and measures to ensure enforcement. They concern **space allowance, travel times and travel conditions, live animal exports to third countries**, conditions for un-weaned and other **vulnerable animals**, and monitoring and enforcement through the use of **new technologies**. The Commission's December 2023 proposal for revision addresses these questions.

The IIA provides insights into the potential economic, social and environmental impacts. From an economic point of view, options have to consider a balance between improved animal welfare and related costs and its economic sustainability in view of potential longer-term benefits. From a social point of view, improving animal welfare corresponds to strong societal demand, as expressed in the [2023 Eurobarometer](#): the public links animal welfare and public health, and assesses it as being positive for society and for the livestock and aquaculture sectors. As regards the environment, animal welfare may help to preserve biodiversity and reduce air pollution and water pollution if it is

associated with innovative solutions such as measures to ensure a low level of energy consumption. The introduction of digital tools for monitoring and enforcing rules is seen as simplifying and reducing administrative burdens, especially as the transport sector is currently a paper-based control system.

From 20 May to 29 July 2020, 172 stakeholders (representing industry, trade unions, NGOs and citizens) gave feedback on the fitness check roadmap. This was followed by 10 targeted interviews with stakeholders from F2F and consumer organisations, and with experts. Another survey targeted experts from the [EU animal welfare platform](#) and EFSA's experts, with a total of 41 replies, of which 14 represented the Member States. The [public consultation](#) from 15 October 2021 to 21 January 2022 received 59 281 contributions; 92 % of responses were from EU citizens. On 9 December 2021, a stakeholders' conference gathered almost 500 representatives from Member States, NGOs, academia, SMEs and international organisations to look at the preliminary findings of the fitness check, and to discuss possible improvements. Consultation activities reached all relevant stakeholder categories, whose views were analysed and taken into account as part of the evidence base of the fitness check.

Fitness check on animal welfare legislation focusing on transport

The [fitness check](#) published on 4 October 2022 evaluates the specificities of each instrument from the animal welfare legislative package – including the Transport Regulation – and stresses that any assessment methodology suffers from a lack of reliable data prior to the adoption of the animal welfare legislation and throughout its implementation. Agreed indicators to assess animal welfare are also lacking. As a result, the fitness check notes that it is impossible to provide an evidence-based assessment of the level of compliance with the legislation within the EU and in each Member State and to compare it with a previous baseline. In addition, Member States may interpret and enforce unevenly provisions whose wording is too vague. Therefore, the fitness check relies on a qualitative examination of the legislation; when feasible, it makes use of substitute figures as an indicator of probability.⁹ Despite these limitations, the fitness check presents in a substantiated manner what proved to be effective, efficient, relevant, coherent and of added value in the Regulation.

Effectiveness: The general objective of the Animals Transport Regulation was to **improve animal welfare while ensuring competitive food production**. More specifically, it aimed to respond to increasing societal demand to avoid unnecessary pain for animals for food production. By choosing to replace the directive with a regulation, the legislator sought to diminish differences in interpretation and implementation of the rules and expected a positive impact on both competitiveness and welfare of transported animals. Before the entry into force of the Regulation on 5 January 2007, long journeys, many beyond 24 hours, were causing injuries, sometimes rendering the meat unfit for human consumption. Often, staff dealing with animals lacked basic knowledge and skills. The Regulation aimed to provide conditions for better training and ultimately improve transport conditions by eliminating bad practices.

In the absence of systematic and quantitative data to measure its impact, some indicators were used to help detect trends. The number of injuries caused during transport, the mortality rate on arrival and the exchange of information on non-compliance have sometimes decreased significantly in some Member States. They are not sufficient to demonstrate full compliance with the Regulation, but they show some improvement. Qualitative analysis based on studies and reports from the Commission and NGOs confirm this. Despite such improvements, however, some of the objectives were not achieved.

Among the main weaknesses, the length of journeys did not diminish – on the contrary, in fact – making the initial objective of reducing them ineffective.¹⁰ Other significant breaches of animal welfare requirements in transport concern transport of live animals to third countries (basic needs not fulfilled), the transport of vulnerable animals (un-weaned calves, pregnant females) and highly inadequate livestock vessels. The main reasons for the weaknesses are the following:

- 1 The vagueness of some provisions caused different interpretations in Member States.

- 2 The lack of enforcement in some Member States caused considerable distortions in animal welfare but also on the market between transport companies.¹¹ Even though monitoring tools exist – including a reporting obligation from the Commission and obligations stemming from the Official Control Regulation – the lack of clear indicators weakens the scope of monitoring.
- 3 The lack of implementation of deterrent penalties by Member States.
- 4 The lack of harmonisation of training (e.g. methods and length of training).

Efficiency: In the cost-benefit [study](#) (2012–2022) on the general animal welfare legislation for businesses, public authorities and consumers (attached to Annex VIII of the fitness check), the data are insufficient to provide a comprehensive overview. Thus, the study indicates that businesses have to bear recurrent costs related to planning and means of transport, that there are no recent compliance costs and that transporters are divided on whether the benefits are outweighed or not by the costs; all figures are estimates. Estimates of costs borne by administrative authorities point to a slight increase due to authorisation and certificate delivery and inspections. The main conclusion is that digitalisation could reduce burdens and costs, and would need to be developed.

Coherence: There is **internal coherence between EU legislative texts on animal welfare**. The Animal Transport Regulation is complementary to and consistent with other directives and regulations on animal welfare, all of which share similar objectives. Half of respondents to the targeted survey of experts from the [EU animal welfare platform](#) and EFSA shared this opinion.

As regards external coherence, the fitness check finds **one major inconsistency** between the Animal Transport Regulation and the [EU Social Regulation](#). The Social Regulation requires resting times for drivers that are not compatible with the time limits for animals' journeys. There might be ways to reconcile them by using exceptions provided for very long journeys, but these are not supposed to become the rule. The main obligation remains to minimise animals' long journeys as much as possible.

As regards consistency with **environmental policy**, it is key to build further synergies, including along the food supply chain. The distance and transport type are important, and the objective of reducing journeys may complement the need for reducing greenhouse gas emissions. Other issues might be worth considering; for instance, the transport of carcasses instead of live animals could reduce space in transports and, hence, the number of trucks. As regards **EU trade policy**, some EU animal welfare standards are required for some production and process methods for imported products. Animals imported must be fit for transport, which third countries must confirm in the official certificate in accordance with EU rules. Transporters have to be authorised when driving into the EU and fulfil a set of requirements.

Relevance: Despite the positive impact of EU legislation on animal welfare, according to the fitness check a revision is justified for several reasons. Consumers and citizens have bigger expectations and they demand better treatment of animals. They are increasingly aware of challenges posed by the food production system along the production chain, both on the environment and on human health. Scientific progress continues to show how ethical concerns around animal welfare are the corollary of health and environmental concerns. Even if the interests of businesses, farmers, consumers, Member States and institutions may appear divergent in some respects, they are far from being irreconcilable. Businesses do not oppose animal welfare legislation but insist on ensuring equal implementation in the EU and in relation to third countries. Citizens want improvement and more transparency. Member States, despite different approaches, agree on the benefits of having common standards.

The understanding of animal welfare has evolved and implies a more proactive and positive approach. In addition, it is part of the broader concept of 'one health',¹² where the **focus is on animal welfare together with human health, public health and the environment**.

EU added value: Stakeholders and studies concur in acknowledging the legislation's EU added value. By setting minimum standards, it has minimised market distortions, responded to ethical concerns and improved animal transport throughout the EU. Without such standards, crossing EU borders under the scope of different national legislation may have been simply impossible.

Commission audit reports

[Regulation \(EU\) 2017/625 on Official Controls](#)¹³ provides rules to carry out national and EU controls. Using its competence for [auditing](#) national control systems, in 2019 the Commission published two reports on the enforcement of the Regulation for **exports of live animals outside the EU**.¹⁴ Both reports note emerging progress and good practices in some of the Member States that were audited. However, they raise concerns over both road and sea transport, pointing to recurrent failures to implement basic requirements, particularly once animals leave EU territory.

Transport at sea is found to be the most worrying. The [report on welfare of animals transported at sea](#) concluded that 'the systems in place to approve livestock vessels and to inspect them before each loading are insufficient to minimise the risks, which can negatively affect the welfare of the animals exported on livestock vessels'. Weaknesses pile up throughout journeys. From the start, there is often **no proper planning of journeys, documents** and certificates are missing or are incorrect, there is **no coordination or clear sharing of responsibilities** on arrival in EU exit ports and consequently no responsible person in charge of animals once they are loaded onto vessels. Furthermore, there are no rest **facilities** for animals in more than half of EU exit ports, and checking of the fitness of animals is weak, non-existent or not recorded.

As regards **livestock vessels**, many are not suited for transporting animals; some competent authorities knowingly authorise unfit vessels. Cooperation between Member States is too poor to crosscheck inspection results and authorisations with other countries. Controls and pre-uploading inspection procedures are lacking, and accredited officials often have no technical knowledge, time or guidance to perform meaningful controls. This shows that commercial considerations prevail: 'Commission services found no evidence that authorities ever refused any loading.' Ultimately, countries of destination give no feedback about animals once they have arrived.

The report identified good practices showing that regulatory clarifications with clear and mandatory procedures, dedicated resources and interinstitutional cooperation may strengthen implementation of the legislation, as in [Ireland](#) and [Portugal](#), which are presented as exceptions in the EU.

The [report on welfare of animals exported by road](#) stressed that 'official data indicate a very high level of compliance with transport rules **as long as they are within the EU**'. However, the report notes that: first, even if competent authorities exchange information in a more frequent and coordinated manner, it is rare that this results in corrective action or feedback between authorities. Second, safeguards against inadequate conditions in livestock vehicles are still missing: there are guidelines but neither harmonisation of rules across the EU nor strict implementation of minimum standards (e.g. temperature, cooling and ventilation systems). The **lack of harmonisation in addition to bad practices** puts animals' welfare at risk. Third, controls at the place of departure and at exit points of EU territory show efforts to supervise animals' departure under proper conditions. However, there are no mitigation measures to address risks in case those conditions change when exiting the EU (higher temperature, for instance). Fourth, collection of data via the [TRACE](#) system¹⁵ does not permit identification of the nature and scope of non-compliance cases. NGOs often detail violations observed at exit borders, whereas the Commission can only access data listed under a couple of generic categories such as the number of dead animals or unfit animals, and other cases of non-compliance.

The cross-border dimension of transport adds to the difficulties. Relevant stakeholders along the transport chain originate from different Member States where the rules are not the same. National laws seem to prevail in practice when interpreting vague provisions, rendering uniform application impossible.

The report notes that, outside the EU, it becomes increasingly complicated to guarantee and assess implementation of the Regulation, be it at sea or on the road; the Commission and Member States have little or no capacity to monitor compliance with animal welfare requirements. The report on transport by road points out difficulties and delays encountered at the Bulgarian-Turkish border, which is the second busiest in the world, and subsequent breaches of animal welfare. The report notes that these facts illustrate the limits of the Regulation for the transport of live animals to third countries. Member States can conduct retrospective checks based on data collected from transport

companies and they may figure out the length of the journey or of resting periods, if any, but this is not sufficient to determine whether transport conditions were adequate. Furthermore, not all Member States make such retrospective checks, or in the same manner, and there is no mutual recognition of welfare requirements with third countries and little information on implementation of such rules.

Review by the European Court of Auditors

In 2023, the European Court of Auditors (ECA) [reviewed](#) the **regulatory and economic factors that can influence the transport of live animals**. The findings show that the Animal Transport Regulation has the main impact; it directly affects animals' welfare and may aggravate market distortions. The report highlights risks associated with uneven implementation and gives the example of journeys being done preferably through Member States where there are no or few controls and sanctions, even if it is longer and detrimental to animals' welfare. Other EU policies have less impact. The repercussions of the CAP relate to animal welfare on farms but do not affect transport as such. Rules on labelling of meat origin do not relate to transport of animals either, since there is so far no EU-wide compulsory labelling system for animal welfare addressing transport conditions even though consumers demand more transparency on animal welfare. Finally, EU policy is in favour of a more sustainable food system. Such policy resonates with the environmentally sustainable impact of transport of meat carcasses rather than live animals, as demonstrated by studies.¹⁶

The ECA report presents key economic factors behind transports of live animals and the underlying search for benefits at reduced costs. The report stresses how the livestock sector has become increasingly specialised and intensified by region/country/farm, implying more transports between Member States. Production costs and slaughter costs also vary between Member States. However, without an EU-wide database of such costs per Member State, it is impossible to get a clear overview and compare between Member States. As a result, alternative solutions that aim to bring together production and slaughter sites (e.g. local or mobile slaughterhouses) are presented as small-scale solutions, especially since animal suffering is not reflected in transportation costs or meat prices. Once more, the lack of data on the financial consequences of animal suffering (including loss of benefits) hampers the development of incentive systems for transport companies to prevent such suffering.¹⁷ Consumers' preferences could affect animal transport if consumers are willing to pay more for animal welfare and if they are better informed. Industries believe that they will not recover their investment in animal welfare, as long as consumers' main criterion is a lower price.

The report notes what the Commission and EFSA suggested, namely to develop and use new technologies to monitor animal welfare during transport. For the Commission, it could be a central EU IT system to digitalise documents, do automatic checks, grant real-time access to journey data, and address identified weaknesses in the implementation of the Regulation; Member States could set up such a system at national level. For [EFSA](#), it is possible to incorporate new tools into vehicles during long journeys (such as temperature monitoring, warning systems or artificial intelligence-based monitoring tools). The report emphasises difficulties in striking a balance between economic factors and increasing consumer demand for a sustainable food chain, improved animal welfare, and transparency. Identifying alternatives is a challenge, but solutions exist according to the report. They include structural changes towards more sustainability, and the use of new technologies that can help monitor transport and animals' conditions, and support enforcement of the rules.

Council of the EU

Under the Bulgarian, Austrian and Romanian presidencies in 2018–2019, in-depth discussions were held on the challenges of **long-distance transport for animal welfare**. On 16 December 2019, in its [conclusions](#) on animal welfare, the Council noted the persistence of shortcomings and inconsistencies, called for better enforcement, including the rules covering temperatures and journey times, and for better use of the retrospective checks and the TRACES system. The Council underlined that 'the weaknesses in enforcement of legislation cannot be solved merely through guidance or information, while the legislation is open to different interpretation', and stressed that 'existing requirements needing further development are, in particular, animal transport'.

To reach the short-term goal of improving animal welfare during transport over long distances, the Council encouraged the Commission and the Member States to facilitate enforcement, including a better exchange of information. To find longer-term solutions, it stressed the need to discuss the sustainability aspects of long-distance transportation of live animals and the impact of the various motives of the trade. The availability of scientific opinions from the [EFSA](#) and others must be used and help review and update the legislation.

On 19 October 2020, in its [conclusions on the F2F strategy](#), the Council called on the Commission to carry out a review of the animal welfare legislation 'as soon as possible, in particular on the transport of animals, and to propose new rules for animals that are not yet covered by specific EU legislation'.

The same year, the two abovementioned Commission reports identified major shortcomings in the implementation of the Animal Transport Regulation, particularly on long-distance journeys at sea. In this context, in 2021 the Portuguese Presidency sent a [questionnaire](#) to all Member States to collect their views on 'the strong and weak points' of the Regulation as regards **long distance transport of animals to third countries, by road and by sea** and to get their suggestions for improvement. All Member States answered, albeit not to all questions. The [outcome](#) of the questionnaire lists long-distance transport to countries outside the EU, communication with third countries and enforcement of the rules on sea transport as the main challenges.

The table below provides summarises the main issues addressed in the questionnaire and proposals supported by most Member States. In addition to enforcement difficulties, the analysis reveals the legal and regulatory nature of some shortcomings. Member States often seek clarification and detailed procedures as a tool to enhance controls and sanctions. The adoption of delegated and implemented acts pursuant to the Official Control Regulation appears as a complementary tool to the revision.

Topical questions	Main issues at stake	Respondents'/Member States' proposals
Long-distance transport to third countries	<ul style="list-style-type: none"> Extreme temperature Resting points, including lack of information on unloading places Delays at the borders Lack of communication between Member States and third countries 	<ul style="list-style-type: none"> - Establish a common approach on resting points outside the EU and improve information received - Set up a system of recognition of conditions to inform a central database - Monitor external borders on a regular basis and receive information about causes for delays in processing a consignment
Communication with third countries: OIE transport contact points network for Europe	<ul style="list-style-type: none"> Improve information sharing/communication by expanding the OIE transport contact points network for the region of Europe 	<ul style="list-style-type: none"> - Reinforce the importance of animals' conditions on arrival - Expand the contact points network to OIE members from Europe and non-European countries to improve communication and feedback on conditions during journeys and on arrival - Have OIE establish international standards or recommendations for approval and use of resting points
Livestock vessels	<ul style="list-style-type: none"> Enforcement of legislation related, in particular, to training and competence of the crew Difficulties in identifying organisers and transporters and the subsequent impossibility of enforcing their obligations 	<p style="text-align: center;"><i>Organisers and transporters:</i></p> <ul style="list-style-type: none"> - Revise definitions of organisers and transporters, to take into account specificities of animal transport by sea, and clarify their responsibilities - Define a unique organiser that communicate with all authorities involved - Define additional requirements for authorisation system of organisers - Reinforce journey planning obligations to the place of destination in non-EU countries, including contingency plans - Improve communication of information to competent authorities at the port of departure before departure and during the journey - Improve authorisation and documentation process, including EU common transporter authorisation database <p style="text-align: center;"><i>Crew training and competence:</i></p> <ul style="list-style-type: none"> - Establish recognised training courses on sea transport welfare - Presence of an animal welfare officer or veterinarian on vessels <p style="text-align: center;"><i>Journey planning:</i></p> <ul style="list-style-type: none"> - Establish more detailed authorisation procedures for competent authorities that validate journey plans

Topical questions	Main issues at stake	Respondents'/Member States' proposals
		<p style="text-align: center;"><i>Sea transporters:</i></p> <ul style="list-style-type: none"> - Improve communication between organisers and competent authorities at ports of exit prior to the journey - Obligation to communicate all actions taken and events on board that can affect animals' welfare during the sea journey and of all maintenance work on the vessel - Obligation for contingency planning <p style="text-align: center;"><i>Livestock vessels:</i></p> <ul style="list-style-type: none"> - Improve approval process, including specific criteria for suspension/withdrawal of vessel certificate and validity review - Set up a common EU register for livestock vessels <p style="text-align: center;"><i>Vessels' technical requirements:</i></p> <ul style="list-style-type: none"> - Improvements to ventilation systems, pen construction and maintenance, and drainage systems - Feed and water requirements to be revised <p style="text-align: center;"><i>Official controls before loading animals onto the vessel:</i></p> <ul style="list-style-type: none"> - Clarification of the information to be received by the authorities from the transporter and the organiser regarding the whole journey - Creation of a report template to be filled out by the competent authorities at the port of the country of destination - Set up minimum requirements for exit points, considering animals' welfare (facilities, loading equipment, etc.) <ul style="list-style-type: none"> - Develop an EU-wide database - Presence of an official veterinarian during the whole journey (important, but difficult to implement)

Source: Author, based on the [outcome of the Portuguese Presidency questionnaire](#), 2021.

European Parliament

In 2019, the Parliament adopted a [resolution on the implementation of Council Regulation \(EC\) 1/2005](#) and drew up a critical inventory of weaknesses. Enforcement, harmonisation and improvement of animal welfare are at the core of its recommendations. The Parliament acknowledged the progress made in animal transport, but asked for:

- more targeted and systematic inspections and controls, with more veterinarians at EU exit points;
- rigorous enforcement practices, criticising the lack of action in some Member States;
- Member States to ensure effective and dissuasive sanctions, particularly in case of repeated infringements;
- the Commission to 'pursue legal action and impose sanctions on Member States which fail to apply the Regulation';
- further harmonisation of binding legal, regulatory and technical standards, of sanctions systems and of collected data;
- a reduction of trade in live animals, calling on the Commission to develop a strategy to ensure a shift, where possible, towards the transportation of meat or carcasses, while considering economic factors and regional specificities;
- Member States to explore alternative solutions such as viable slaughter models close to the rearing area, including meat exports;
- EFSA scientific opinions, and objective and scientifically sound indicators, to be used as a basis for revision.

In June 2020, a committee of inquiry on the protection of animals during transport ([ANIT](#)) was set up to investigate alleged violations of EU animal transport rules. In December 2021, the [report's](#) conclusions highlighted that the unclear provisions of Regulation EC 1/2005 and the consequent uneven interpretation is often the source of systematic violations and unharmonised application of the rules, with consequent risks for the welfare of animals and unfair competition among business operators. On 20 January 2022, the European Parliament adopted the ANIT [recommendations](#), which propose a revision of the Regulation 'aiming for implementable and enforceable provisions for all animals being transported'. The report comprised recommendations on the nature and scope of

such provisions. They address authorisation procedures and approval of means of transport; controls and data collection and exchange; journey times and rest periods; temperature during transport; fitness for transport and categories of vulnerable animals, such as unweaned, gestating and end-of-career animals; species not covered yet; transport by sea; and transport to third countries. All potential provisions must be based on new scientific knowledge, using new technology, and consider environmental, economic and public health imperatives.

Citizens' enquiries and petitions

Animal welfare in transport is a recurrent issue of concern for citizens. In [Petitions No 0192/2020-No 1396/2020-No 0371/2021-No 0374/2021](#), the petitioners call for a ban on transporting live animals to the third countries that do not meet European standards of animal welfare, and suggest establishing a list of third countries which do implement them; for the Commission to launch infringement proceedings against Member States that do not enforce the animal welfare rules; and for more controls and corrective action by Member States in case of violations. All petitioners recall serious violations of the Regulation, particularly on livestock vessels.

In its [replies](#), the Commission clarified that a ban on the export of live animals to third countries is not on the agenda, nor is a listing of third countries which do not apply EU welfare standards. The Commission stresses the role and responsibilities of private businesses and Member States while underlining its cooperation with the OIE. In its other replies, the Commission is more assertive and explicit. It emphasises short and long-term actions, indicating audits on road and sea transport, work with the Member States and with the OIE to improve animal welfare, including in third countries, and various soft measures to enhance stakeholders' awareness and cooperation. The Commission also committed to revise the animal welfare legislation, to align it with the latest scientific evidence, to broaden its scope, and to make it easier to enforce and ultimately ensure a higher level of animal welfare. On 6 December 2021, the Commission [answered](#) that it will assess official complaints against some Member States over alleged infringements of the Regulation and prepare 'tertiary acts' to strengthen official controls on sea vessels. In a later [additional reply](#), in May 2023, the Commission announced the adoption of implementation acts to enhance enforcement and controls over transport and confirmed it is working on a new proposal to revise the Regulation.

Written questions by Members of the European Parliament

Members of the European Parliament have raised concerns regarding violations of the Regulation during long journeys, particularly at sea and to non-EU countries. Several questions touch upon the possibility to ban exports of live animals or launch infringement proceedings against Member States.

On **16 August 2019**, Charlie Weimers (Sweden, ECR) [asked](#) whether the Commission was considering **banning the export of live animals** to countries that do not adhere to international standards on animal welfare in transport. On 26 September 2019, Mr Andriukaitis [responded](#) that the Commission could not impose such a ban based solely on animal welfare violations in those countries. National authorities are responsible for setting and enforcing animal welfare rules, and any ban would need careful examination under WTO rules. He recalled the EU's commitment to including provisions for cooperation on animal welfare in bilateral trade agreements, and its demands to non-EU countries to comply with related EU regulations in their exports.

On **12 December 2019**, Francisco Guerreiro (Spain, Greens/EFA) [asked](#) whether the Commission would launch **infringement proceedings** against Romania after it ignored the Commission's request to halt the export of 70 000 sheep due to multiple concerns over their welfare and their subsequent death. Questioning the lack of steps taken to prevent long journeys, he asked whether a gradual transition towards **trading in meat rather than live animals** was planned. On 18 February 2020, Ms Kyriakides [responded](#) that enforcement of the Regulation primarily falls under Member States' responsibility, but that the Commission would continue supporting Member States through various activities rather than imposing bans or transport time limits. On 1 July 2020, Pascal Durand (France, Renew) highlighted the **problems of live transport at sea** and [asked](#) what the Commission intended to do regarding the failure of organisers to appoint an authorised transporter to be in charge of animals' welfare during the sea stage of journeys. On 12 November, Ms Kyriakides [announced](#) that

the legislative revision aims to incorporate new scientific evidence and improve implementation and enforcement.

On **5 April 2021**, Emma Wiesner (Sweden, Renew) shed light on recurrent violations of EU rules and alarming practices on the Suez Canal to [reiterate concerns over sea transport](#). She denounced the appalling transport conditions for more than 200 000 animals and asked whether the Commission would take steps to ensure that Romania, from where most vessels depart, is held liable. On 18 June 2021, Ms Kyriakides [outlined](#) the Commission's actions during the crisis, stating that it had promptly urged Member States to halt livestock exports until normal operations had resumed. Assured by Romanian authorities that provisions for livestock transport were in place and that the animals reached their destinations without additional complications, the Commission claimed that it did not find evidence suggesting authorities had failed to enforce transport legislation amidst the crisis.

Questions were put regarding specific aspects of the Regulation. On 2 December 2020, Peter Lundgren (Sweden, ECR) [asked](#) whether tests could be carried out to establish whether a person is a **suitable animal transport driver** before being sent on a training course. He asked whether the Commission envisaged amending the Regulation to bring in a requirement for two-stage training, or for experience, before drivers can start driving. On 18 February 2021, Ms Kyriakides [replied](#) that training is a prerequisite for anyone intending to transport animals. This training does not include road safety aspects when driving certain vehicles for which persons must undergo additional training required by the directive on the training of professional drivers.

On 6 September 2023, Niels Fuglsang (Denmark, S&D) [asked](#) whether it makes sense to distinguish between slaughter and non-slaughter animals when it comes to animal transport and, if so, what the arguments are. On 20 October 2023, Ms Kyriakides [replied](#) that, considering the importance of breeding animals for the proper functioning of the agri-food sector and chain, their transport requires stricter measures to reduce welfare risks on potentially long journeys. When transporting animals intended for slaughter, it is possible to slaughter them closer to their place of origin, requiring shorter journeys. She added that the transport of carcasses would limit the potential animal welfare risks during transport, be more sustainable, and reduce economic losses caused by injuries.

European Economic and Social Committee (EESC) opinion

In 2020, in its [own-initiative opinion](#) on compatibility of EU trade policy with the European Green Deal, the EESC stressed that, in terms of international trade, **reciprocity on animal welfare standards** should be one of the key requirements in trade agreements with third countries.

On 31 May 2024, the EESC reiterated this concern in its [opinion](#) on the Commission proposal for revising the Animal Transport Regulation. The EESC warned that any rule imposed on European producers will only be accepted if equivalent conditions for imports are included in bilateral trade agreements. The EESC stated its support for the implementation and harmonised enforcement of regulations. It called on the Commission to consider the varied circumstances in the 27 Member States to prevent asymmetrical or imbalanced situations and for a specific source of funding, independent of the funds earmarked for the CAP, to enable operators to meet new requirements. The EESC urged the Commission to reverse the current trend of closing local slaughterhouses and support the initiatives activating sanitary, economic and legal levers to preserve them and encourage on-farm slaughtering where appropriate. The EESC considers it essential to find coherent, more sustainable and truly effective solutions to mitigate the effects of global warming and its impact on animal welfare, without compromising the viability of the sector or the welfare of its workers.

On technical aspects, the EESC considered supervision by a qualified and authorised person to be sufficient when loading animals onto a vehicle, and proposed adopting legislation on the internal temperature of the vehicle's load compartment instead of regulating the times at which the journey is authorised. It warned that increased space between animals in load vehicles could increase the risk of falls and injury and maintained that it is essential to promote short supply chains as an effective solution for reducing the need for long journeys.

European Court of Justice

[Zuchtvieh-Export GmbH v Stadt Kempten](#) constitutes a key judgment as regards the scope of implementation of the Animal Transport Regulation. The European Court of Justice concluded that the conditions of transport also apply to part of the journey outside the Union. In consequence, for a journey which begins within the territory of the Union and continues outside that territory, the journey planner must present a journey log which is realistic, so it is possible to presume that Union rules will be complied with in the territory of a third country. The Court explained that the Regulation applies to the specific checks to be carried out by officials on consignments entering or leaving the EU.

ENDNOTES

- ¹ C. Vinci, [Review of the rules on the protection of animals during transport](#), EPRS, March 2024.
- ² The domains are defined in the 1976 [European Convention for the Protection of Animals kept for Farming Purposes](#).
- ³ The WOAHA was founded in 1924 as the 'Office International des Epizooties', whose acronym OIE is still often used.
- ⁴ See recent [summary of CAP Strategic Plans for 2023–2027: joint effort and collective ambition](#).
- ⁵ D. Frizberg, [Protecting animals during transport](#), EPRS, April 2024.
- ⁶ Annex 1 has specific rules for each means of transport and specific requirements for long journeys (over eight hours).
- ⁷ Overlaps are possible between organisers' duty to coordinate parts of the journey and transporters' obligation to supervise personnel throughout the same journey.
- ⁸ Now the [Standing Committee on Plants, Animals, Food and Feed \(PAFF\)](#). [Regulation \(EC\) No 178/2002](#) laying down the general principles and requirements of food law is still applicable.
- ⁹ The number of injuries during transport in a given space at a certain point of time may reveal good or bad practices.
- ¹⁰ Long journeys (between eight and 24 hours) and very long journeys (over 24 hours) almost doubled between 2005 and 2015, due mainly to economic reasons and an increase in distances with new EU Member States (after 2004).
- ¹¹ Such differences were already presented in W. Baltussen et al (2011), Study on the impact of Regulation (EC) No1/2005 on the protection of animals during transport. Such distortions still exist.
- ¹² One Health is defined by the [One Health High Level Expert Panel](#) as an integrated, unifying approach.
- ¹³ See Article 1 para. 2(f) and Article 21 (2).
- ¹⁴ Controls looked at planning of long journeys, administrative authorisation and certification processes, conditions of livestock vessels and vehicles, uploading and unloading of animals, resting conditions and checks and inspections throughout the journey. Recent figures estimate that exports from 2017 to 2021 constitute 13.5 % of exported animals.
- ¹⁵ TRACES is the European Commission's online platform for animal and plant health certification, required for the importation of animals, animal products, food and feed of non-animal origin and plants into the EU and intra-EU trade and EU exports of animals and certain animal products.
- ¹⁶ The UK has recently decided to ban exports of live animals (15 May 2024).
- ¹⁷ See box 3 of the report, which shows that farmers may have an interest in sending unfit cows to slaughterhouses.

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