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WORKING DOCUMENT

on the 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

Committee on Fisheries

Rapporteur: Caroline Roose

The protection of animals during transport has been the subject of EU legislation since the 1970s, when the first Directive on the protection of animals during international transport was adopted. The rules on the protection of animals during transport were regularly updated in the 1980s, 1990s and 2000s to take into account the latest developments in scientific and technological developments, the evolution of animal transport and the desire of EU citizens for better protection of animals.
Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport has been in force for almost 20 years. In June 2020, the European Parliament voted to set up the Committee of Inquiry to investigate alleged contraventions and maladministration in the application of this Regulation. It adopted a report on its findings and a recommendation in January 2022. The European Commission undertook to revise the Animal Transport Regulation and finally published its proposal in December 2023.

This new regulation will be the first to be adopted under the co-decision procedure, enabling the European Parliament to represent the will of citizens to improve animal welfare in the EU. The European Parliament's Committee on Fisheries has been given exclusive competence over several parts of the Commission's proposal relating to aquatic animals.

This working document focuses on these elements.

Regulation 1/2005 covers all vertebrates, including all aquatic vertebrates such as fish, but didn't include specific provisions to ensure the welfare of fish and other aquatic animals. This was clearly stated in the report of the EP Committee of Inquiry on the protection of animals during transport.

In its recommendation, adopted on 20 January 2022, the European Parliament “recommends that the Commission devise legislative proposals on the basis of the latest scientific knowledge on the needs of fish and other aquatic animals and on transport methods in order to minimise their suffering during transport; stresses that the new provisions should provide a detailed checklist for pre-transport planning and preparation, specific provisions concerning water quality parameters, density, handling during loading and unloading, and post-transport welfare controls; calls on the Commission to ensure that the guidelines it publishes are updated on the basis of the latest scientific evidence and are in line with Regulation (EC) No 1/2005 and calls for specific requirements for the commercial movement of fish”;

The Rapporteur welcomes that the Commission has now included specific provisions on the welfare of fish and other aquatic animals in its proposal.

Evolution of research on the sentience of aquatic animals and on their needs during transport

There is long-standing scientific evidence that fish and other aquatic animals are sentient and can feel pain, and that transport of fish causes significant stress to specimens, highlighting the wide variation in their requirements for oxygen, pH, salinity and temperature and, more importantly in the context of transport stress, the range of variation they can survive.

Already in 2004 EFSA provided a detailed overview[1] of the biochemical effects on fish in

[1] https://www.efsa.europa.eu/en/efsajournal/pub/44

relation to stress caused by transport. Based on a literature review, EFSA found that stress is an important factor during the transport of fish that can cause, among other things, the spread of infectious diseases. Transport is named as “principal stressor” for the clinical manifestation of diseases with serious welfare and economic implications, which can occur when microbial contaminants become invasive pathogens during handling or due to transport damage.
In this regard, EFSA also states that the water from closed transport systems should not be discarded without disinfection after the transport, and that any means of transport such as tanks or containers should be disinfected between transports.
Specifically, the stress response in fish, following activation of their neuroendocrine systems, results in rapid changes in their vascular and respiratory systems, leading to an increase in oxygen uptake. Stress also induces metabolic, hormonal and behavioural changes.
Recommendations also include the avoidance of multiple stresses such as thermal shock after transport.

Relevant publications[2] on the welfare of fish during road transport, including those of Member States, recognise that fish develop complex behaviours and respond to stress by secreting stress hormones such as adrenaline and cortisol.

In 2021, the European Parliament's Committee of Inquiry on the Protection of Animals during Transport (ANIT) requested a study[3] from the Policy Department. The study confirmed that “finfish are sentient and self-aware organisms that can feel pain and distress, have long-term and short-term memory, and can experience emotion”, and that their transportation “involves routines that contribute to a significant increase in stress and the impairment of fish welfare”,a s well as that the “welfare impairments from transport continue for days after unloading”. The study further highlights that “aquaculture practices frequently expose fish to a range of stressors (e.g. handling, vaccinations, crowding, grading, starvation, treatments, loading, and transportation), which do not exist for wild fish”, as well as that they are “often transported numerous times during their life cycle, meaning that they are exposed to various stressors during diverse transporting procedures”.
In detail, the study outlines various stressors for the main aquaculture species in the EU, such as CO_2 accumulation, fluctuating temperatures, poor water quality,or stocking densities.

In summary, the existing scientific research clearly shows that fish are sentient beings and that the stressors and their effects have been clearly identified for decades.

Despite the absence of specific rules for aquatic animals in Regulation 1/2005, the strong scientific evidence has enabled Member States such as Italy or regional governments such as Bavaria to adopt detailed guidelines for the implementation of Regulation 1/2005 when it comes to the transport of fish. It is also interesting to look at Norway’s regulation on the transport of aquaculture animals, which is also based on this strong scientific evidence.

Key aspects of the Commission proposal

In its proposal, the Commission has defined aquatic animals as fish, cephalopods and decapods. It therefore does not include all molluscs and does not include all aquatic mammals

[2] https://www.salute.gov.it/imgs/C_17_pubblicazioni_2848_allegato.pdf
[3] https://www.europarl.europa.eu/RegData/etudes/STUD/2021/690875/IPOL_STU(2021)690875_EN.pdf

such as cetaceans. The exclusion of molluscs other than cephalopods and decapods from the scope of the Regulation appears to be supported by the fact that molluscs such as oysters and mussels do not have a central nervous system, making it unlikely that oysters and mussels feel pain.
On the other hand, the omission of cetaceans does not seem to be supported by science. As cetaceans are covered by the generic definition of “animals”, the Committee on Fisheries should consider whether to include them in the definition of aquatic animals too. As most cetacean transports are likely to be covered by the exemptions listed in Article 2(3), their inclusion would complete the Regulation, could be useful in some cases but would not have a major impact.

In Article 2, the Commission has excluded the transport of ornamental fish from the scope of the entire legislation (Article 2.3). In recital 16, the Commission explains that this is due to the fact that they are “usually transported in small boxes by express couriers in bags of water especially adapted to their needs and the duration of the journey is usually less than 24 hours”. This explanation falls short of scientific backing and does not seem to be based on the welfare needs of these animals. The Committee on Fisheries should consider whether to retain this exemption, to move it to the previous paragraph (Article 2(2)) so that only Article 4 of the proposed Regulation applies to ornamental fish, or to remove the exemption altogether.

In Article 2, the Commission also foresees a derogation from the whole Regulation for the direct deliveries of aquatic animals to food businesses supplying the final consumer. This exemption would apply, for example, to carps or crustaceans that are often sold alive in restaurants, markets or supermarkets. Similarly, this proposal for a total exemption does not seem to be supported by sufficient scientific studies. The welfare needs of an (aquatic) animal are the same regardless of its destination. The Committee on Fisheries should decide whether to keep this exemption, to move it to the previous paragraph (Article 2.2) so that only Article 4 of the proposed Regulation applies, or to remove the exemption altogether. Another option could be to limit the scope of this derogation by adding a maximum duration for the transport of aquatic animals to food businesses supplying the final consumer.

Article 2(2) of the proposal states that only Article 4 of the proposed Regulation applies to the transport of animals by farmers using their own means of transport for distances of up to 50 km. This means, for example, that transport between different sites of a fish farm may not be covered by Annex 2. Article 4(2)(j) outlines that aquatic animals are subject to simpler requirements ("water of sufficient quantity and quality"), while Annex II contains much more detailed parameters, such as the monitoring and compliance with species-specific limits for oxygen, carbon dioxide, ammonia levels and temperature, as well as requirements for the handling of the animals.

Given that the study carried out for the ANIT Committee has clearly shown the sensitivity of different species to different stressors (see above), imposing weaker requirements for the distances indicated should be considered with great precaution, at least for aquatic animals. If these journeys remain outside the scope of this Regulation, a future Regulation on the welfare of farmed aquatic animals would have to fill this gap.

Most of the measures foreseen for the welfare of aquatic animals are included in Annex 2 of the proposed Regulation. Most of the proposed measures appear to be in line with scientific recommendations. However, it is important to note that many of these measures are not

detailed. For example, there are no detailed requirements on stocking densities or on what constitutes adequate water quality for each of the parameters mentioned.
In Article 47, the proposal foresees that the Commission may adopt delegated acts to update Annex 2, in particular on water requirements, including maximum levels for water parameters, water monitoring requirements or density requirements.
It is important that such updates are made quickly, as the ANIT Committee had identified the lack of detailed rules as one of the main causes of non-enforcement. Non-specific rules also mean that there is a risk that the rules will be implemented differently in different Member States, leading to a lack of a level playing field.
In 2021, the Commission sent a roadmap to EFSA outlining its planned future mandates in the area of farm animal welfare. It foresees that EFSA will publish opinions on farmed salmon and trout (June 2026), farmed carp (June 2027), farmed sea bass, sea bream and European eel (June 2028), farmed tuna (December 2029) and certain invertebrates such as decapods (December 2030). It is important that the recommendations contained in these opinions are incorporated into Annex 2 quickly after their publication by EFSA to ensure that the EU Animal Transport Regulation remains in line with the latest scientific evidence.

In January 2024, the Commission adopted a decision to establish an EU Reference Centre for the Welfare of Aquatic Animals. It will support the activities of the Commission and Member States by carrying out scientific and technical studies, providing training and disseminating research results and information on technical innovations. It would be important for the Commission to give this Reference Centre a mandate to work on recommendations to ensure the welfare of aquatic animals. It is also important that the Commission add these recommendations to Annex 2 of the Regulation by means of delegated acts in order to ensure a consistent implementation of the Regulation in all Member States.

In conclusion, the Rapporteur supports the adoption of the proposed Regulation and foresees possible amendments to the Commission proposal. The adoption of the Regulation would allow the EU to have, for the first time, specific rules on the welfare of aquatic animals during transport

The adoption of this Regulation would also be in line with the Commission's 2021 Strategic Guidelines for Sustainable and Competitive EU Aquaculture, which states that “keeping fish under good welfare conditions also has economic benefits for the industry, through reduced costs and better-quality products”.