



2023/0448(COD)

29.1.2025

DRAFT OPINION

of the Committee on Fisheries

for the Committee on Transport and Tourism and the Committee on
Agriculture and Rural Development

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
(COM(2023)0770 – C9-0446/2023 – 2023/0448(COD))

Rapporteur for opinion: Isabella Lövin

PA_Legam

SHORT JUSTIFICATION

So far EU regulations on animal transport have not included aquatic animals, even though hundreds of millions of aquatic animals are transported in or to the EU every year. The current legislation on the protection of animals during transport is now twenty years old, and science has since its adoption shown not only that fish experience pain and stress, but also that they have an intricate social life. The 2021 study from the Policy Department for the European Parliament's Committee of Inquiry on the Protection of Animals during Transport (ANIT) states: “Finfish are sentient and self-aware organisms that can feel pain and distress, have long-term and short-term memory, and can experience emotions”.

The rapporteur therefore very much welcomes the addition of aquatic animals in the Commission proposal, also noting that extending the rules to aquatic animals is widely supported in society; nine out of ten Europeans think aquatic animals should have the same right to welfare as terrestrial animals. The rapporteur also wants to underline that transporting live aquatic animals in the EU should be avoided as much as possible. Increasing slaughter on site is not only sensible from an animal welfare point of view, but also for economic and environmental reasons.

Overall the rapporteur supports the approach of the regulation, however wishes to underline the following issues to be amended.

Definitions

Several parts of the proposal are clearly not tailored to either the needs or the factual circumstances regarding transportation of aquatic animals, but are rather covering terrestrial animals. The rapporteur also notes that certain types of vessels have been omitted, and species derogated in the proposal, which creates uncertainty. This calls for amendments to clarify when provisions are valid for either terrestrial or aquatic animals. Likewise, some definitions provided are ambiguous such as for aquatic animals and ornamental fish.

Derogations

Several of the derogations provided are without justification and do not provide a coherent approach nor do they make sense from an animal welfare point of view. To derogate CITES listed species from the regulation is without justification when in fact such transport of species should have the highest possible level of care and be subject to all parts of this regulation. Also, the total derogation of ornamental fish is not acceptable and omits that many ornamental fish are transported to be placed in ponds such as koi and carp. Finally, the rapporteur does not support the derogations of deliveries of aquatic animals to food businesses supplying the final consumer from the requirements of the regulation. Such a blanket derogation as noted above also opens up loopholes and ways for importers into the EU to bypass rules.

Detailed species rules

The proposal needs species specific details in relation to aquatic species due to their particular nature and sensitivities. Annex 2 should therefore be amended accordingly. The rapporteur further supports the Commission's approach to improve species-specific considerations via

the introduction of delegated acts. However, there is a need the set timeframes to deliver such details whenever the respective advice is available, given the foreseen timeline of the delivery of this advice.

AMENDMENTS

The Committee on Fisheries submits the following to the Committee on Transport and Tourism and the Committee on Agriculture and Rural Development, as the committees responsible:

Amendment 1

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The overall ambition in the EU must be to reduce the transport of live aquatic animals to a minimum and revert to slaughter on site. This is not only the best from a welfare point of view but it will also result in a greatly reduced environmental impact.

Or. en

Amendment 2

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) Ornamental fish 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. Therefore, the transport of ornamental fish rarely represents a major risk for animal welfare and should be excluded from the scope of this Regulation.

deleted

Or. en

Justification

There is no scientific justification to exclude all ornamental fish from the welfare

considerations in this regulation. Furthermore, many ornamental fish are not transported to be placed in an aquarium but rather to be placed alive in ponds or lakes. Such fish are transported in tanks similar to any other live fish transport.

Amendment 3

Proposal for a regulation

Article 2 – paragraph 1 – indent 2

Text proposed by the Commission

– from a place of departure in a third country to a place of destination in the Union;

Amendment

– from a place of departure in a third country ***or off-shore waters*** to a place of destination in the Union;

Or. en

Amendment 4

Proposal for a regulation

Article 2 – paragraph 1 – indent 3

Text proposed by the Commission

– from a place of departure in the Union to a place of destination in a third country; and

Amendment

– from a place of departure in the Union to a place of destination in a third country ***or off-shore waters***; and

Or. en

Amendment 5

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) transport by farmers of their own animals using their own means of transport for purposes other than transhumance, for a distance of no more than 50 km from the holding in which they are kept.

Amendment

(b) transport by farmers of their own animals using their own means of transport for purposes other than transhumance, for a distance of no more than 50 km from the holding in which they are kept. ***For aquatic animals, Annex II shall apply.***

Or. en

Amendment 6

Proposal for a regulation

Article 2 – paragraph 3 – point c

Text proposed by the Commission

(c) the transport of protected species, under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)²⁸ ;

²⁸ Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), OJ L 75, 19.3.2015, p. 1–3.

Amendment

(c) the transport of protected species ***other than aquatic animals***, under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)²⁸ ;

²⁸ Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), OJ L 75, 19.3.2015, p. 1–3.

Or. en

Amendment 7

Proposal for a regulation

Article 2 – paragraph 3 – point e

Text proposed by the Commission

(e) ***the transport of ornamental fish;***

Amendment

deleted

Or. en

Justification

There is no scientific justification to exclude all ornamental fish from the welfare considerations in this regulation. Furthermore, many ornamental fish are not transported to be placed in an aquarium but rather to be placed alive in ponds or lakes. Such fish are transported in tanks similar to any other live fish transport.

Amendment 8

Proposal for a regulation

Article 2 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) direct deliveries of aquatic animals to food businesses supplying the final consumer.

deleted

Or. en

Amendment 9

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

4. ‘journey’ means the movement of animals effected by one or more means of transport starting with the loading of the first animal onto the first means of transport at the place of departure and ending with the unloading of the last animal at the place of destination, and the related operations including rest periods and transfer from one means of transport to another;

4. ‘journey’ means the movement of animals effected by one or more means of transport starting with the loading of the first animal onto the first means of transport at the place of departure and ending with the unloading of the last animal at the place of destination, and the related operations including rest periods and transfer from one means of transport to another. ***When aquatic animals are towed in a cage or other type of holding unit, ‘loading’ is understood as attaching the holding unit to a means of transport;***

Or. en

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

5. ‘means of transport’ means road or rail vehicles, vessels and aircraft used for the transport of animals;

5. ‘means of transport’ means road or rail vehicles, vessels and aircraft used for the transport of animals, ***and a cage or other type of holding unit where an aquatic animal is accommodated in the case of towing;***

Or. en

Amendment 11

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Text proposed by the Commission

6. ‘aquatic animals’ means **fish**, cephalopods and decapods;

Amendment

6. ‘aquatic animals’ means **vertebrate animals that live predominantly or entirely in water**, cephalopods and decapods;

Or. en

Amendment 12

Proposal for a regulation

Article 3 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

6a. ‘ornamental aquatic animals’ means aquatic animals that are intended for display, exhibition, competition, or to be kept as a pet;

Or. en

Justification

Clarification on the definition of ornamental fish used by WOAAH (World Organisation on Animal Health).

Amendment 13

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) all necessary arrangements have been made in advance to minimise the duration of the journey so that the most common animal welfare hazards, including suffering from hunger, thirst, fatigue, injuries or thermal discomfort are minimised;

(a) all necessary arrangements have been made in advance to minimise the duration of the journey so that the most common animal welfare hazards, including suffering from hunger, thirst, **noise**, fatigue, injuries or thermal discomfort are minimised;

Or. en

Amendment 14

Proposal for a regulation

Article 4 – paragraph 2 – point i

Text proposed by the Commission

(i) water, feed and rest are offered to animals at regular intervals during the journey and are appropriate in quality and quantity to the animal's species and their physiological needs;

Amendment

(i) water, feed and rest are offered to **terrestrial** animals at regular intervals during the journey and are appropriate in quality and quantity to the animal's species and their physiological needs;

Or. en

Justification

The proposal contains several unclear references to animals without separating between the rules for terrestrial or aquatic animals. This should be amended throughout the proposal accordingly.

Amendment 15

Proposal for a regulation

Article 4 – paragraph 2 – point j

Text proposed by the Commission

(j) aquatic animals are provided with water in sufficient volume and quality.

Amendment

(j) aquatic animals **are handled gently and** are provided with water in sufficient volume and quality, **such as species appropriate temperature and oxygen levels.**

Or. en

Amendment 16

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. No person shall transport animals by road or by rail for a long journey unless the means of transport has been inspected

Amendment

1. No person shall transport animals by road or by rail, **and by boat for aquatic animals** for a long journey unless the

and approved in accordance with Article 12.

means of transport has been inspected and approved in accordance with Article 12.

Or. en

Amendment 17

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. Paragraphs 1 and 2 shall apply to containers used in transport by road, rail or by container vessel of terrestrial animals other than domestic birds and rabbits.

Amendment

3. Paragraphs 1 and 2 shall apply to containers used in transport by road, rail or by container vessel of terrestrial animals other than domestic birds and rabbits.
Same shall apply for aquatic animals with the addition of transport by boat.

Or. en

Amendment 18

Proposal for a regulation Article 12 – title

Text proposed by the Commission

Certificate of approval of means of transport by road ***or rail*** and of containers for large animals

Amendment

Certificate of approval of means of transport by road, ***rail, by boat for aquatic animals***, and of containers for large animals

Or. en

Amendment 19

Proposal for a regulation Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) the means of transport has been inspected by the competent authority and found to comply with the requirements of Chapters II and VI of Annex I applicable to the design, the construction and the maintenance of means of transport by road

Amendment

(b) the means of transport has been inspected by the competent authority and found to comply with the requirements of Chapters II and VI of Annex I applicable to the design, the construction and the maintenance of means of transport by road used for long journeys. ***The same shall***

used for long journeys.

apply for section 1 in Annex II for aquatic animals

Or. en

Amendment 20

Proposal for a regulation

Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The organisation of the journey takes into account the temperature, wind and sea conditions forecasts when relevant for the species and categories of animals concerned in accordance with Annex II

Or. en

Amendment 21

Proposal for a regulation

Article 19 – title

Text proposed by the Commission

Amendment

Obligations for organisers, transporters, drivers and attendants during transport by road or rail

Obligations for organisers, transporters, drivers and attendants during transport by road or rail, **and by road, rail or boat for aquatic animals**

Or. en

Amendment 22

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. During transfers from one means of transport to another, the driver or attendant shall ensure compliance with the technical rules set out in Chapters I and III of Annex I in respect of the animals being transported.

4. During transfers from one means of transport to another, the driver or attendant shall ensure compliance with the technical rules set out in Chapters I and III of Annex I in respect of the animals being transported, **and in Annex II in respect of**

the aquatic animals being transported.

Or. en

Amendment 23

Proposal for a regulation

Article 47 – paragraph 1 – point c

Text proposed by the Commission

(c) the water requirements, including maximum levels for water parameters, and water monitoring requirements;

Amendment

(c) the water requirements, including maximum ***and minimum*** levels for water parameters, and water monitoring requirements;

Or. en

Amendment 24

Proposal for a regulation

Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall adopt these delegated acts no later than 6 months after the publication of respective scientific opinions by EFSA.

Or. en

Amendment 25

Proposal for a regulation

Annex II – point 1 – point 1.1

Text proposed by the Commission

1.1 Means of transport and containers used for transport of aquatic animals shall be appropriate to the species, size, weight and number of animals to be transported.

Amendment

1.1 Means of transport and containers used for transport of aquatic animals shall be appropriate to the species, size, weight and number of animals to be transported, ***as well as to the types of journeys that will be undertaken.***

Or. en

Amendment 26

Proposal for a regulation Annex II – point 1 – point 1.2

Text proposed by the Commission

1.2 Means of transport and containers shall be maintained in good mechanical and structural condition to prevent damages of the vehicle that may directly or indirectly affect the welfare of transported aquatic animals.

Amendment

1.2 Means of transport and containers shall be maintained in good mechanical and structural condition ***and be properly fastened*** to prevent damages of the vehicle that may directly or indirectly affect the welfare of transported aquatic animals.

Or. en

Amendment 27

Proposal for a regulation Annex II – point 1 – point 1.3

Text proposed by the Commission

1.3 Means of transport and containers shall ensure adequate circulation of water and equipment for oxygenation as required to meet variations in the conditions during the journey and the needs of the animals being transported, including the closing of valves in well boats for biosecurity reasons.

Amendment

1.3 Means of transport and containers shall ensure adequate circulation of water and equipment for oxygenation ***and carbon dioxide removal*** as required to meet variations in the conditions during the journey and the needs of the animals being transported, including the closing of valves in well boats for biosecurity reasons.

Or. en

Amendment 28

Proposal for a regulation Annex II – point 1 b (new)

Text proposed by the Commission

Amendment

1b. Pumps and pipes shall be constructed so that they are sealed and do not suck in air.

Or. en

Amendment 29

Proposal for a regulation Annex II – point 1 c (new)

Text proposed by the Commission

Amendment

1c. Transportation units shall have entry and exit valves large enough to allow the animals to exit without being physically injured.

Or. en

Amendment 30

Proposal for a regulation Annex II – point 2 – point 2.1

Text proposed by the Commission

Amendment

2.1 Aquatic animals shall not be lifted by their gills.

2.1 Aquatic animals shall not be lifted by their gills. **Handling shall be gentle.**

Or. en

Amendment 31

Proposal for a regulation Annex II – point 3 – point 3.2 – point d a (new)

Text proposed by the Commission

Amendment

(da) PH

Or. en

Amendment 32

Proposal for a regulation Annex II – point 4 a (new)

Text proposed by the Commission

Amendment

4a. Prior to loading, water temperatures may be reduced in preparation for the journey at a rate that does not compromise welfare.

Amendment 33

Proposal for a regulation Annex II – point 4 b (new)

Text proposed by the Commission

Amendment

4b. Prior to transport, feed shall be withdrawn for as short a period as necessary to clear the gut and for a maximum of 72 hours.

Or. en

Amendment 34

Proposal for a regulation Annex II – point 5 a (new)

Text proposed by the Commission

Amendment

5a. When using pumps, pressure and falling height shall not cause injury and allows animals to disperse without other animals landing on top of them.

Or. en

Amendment 35

Proposal for a regulation Annex II – point 6 a (new)

Text proposed by the Commission

Amendment

6a. When transport is being carried out by towing, the speed shall be appropriate for the species, life-stage, size, weight and number of animals being transported to avoid crowding and exhaustion.

Or. en

Amendment 36

Proposal for a regulation Annex II – point 8 – point 8.1

Text proposed by the Commission

8.1. The operator in charge of receiving the aquatic animals shall closely observe them during the post-transport period and keep appropriate records.

Amendment

8.1. The operator in charge of receiving the aquatic animals shall closely observe them during the post-transport period ***of at least a week***, and keep appropriate records.

Or. en