

The new proposals for EU Animal Transport Legislation

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INTRODUCTION

Since the 1970's the Community has progressively adopted legislation on the protection of animals and the protection of animals during transport has always represented a major public concern. This public attention has been reflected in the intense political interest that animal transport receives in the European Institutions. Indeed the welfare of animals during transport is one of the fields where the European Commission receives the highest quantity of correspondence from the public.

Transporting animals is essential for many animal production systems. Today's agriculture is highly competitive and specialised so as to provide an abundant and cheap food supply. This specialisation of producers leads to the necessity to transport animals at certain stages of the production cycle. Meanwhile more and more European consumers are giving consideration to animal welfare within the broader definition of food quality. As a consequence today's transport standards have to be raised and technically innovated in order to better respect the welfare needs of the animals and take account of ongoing scientific advances.

This is why in the framework of preparing the new proposal revising the current legislation, the Commission has launched a wide public consultation that proved to be successful. The Commission's desire to improve the protection of animals during transport received very strong backing from all stakeholders including industry and NGO's.

A vast majority of citizens who provided their input demanded better regulation and stricter conditions for the approval of transporters as well as harmonised licensing system for drivers.

But before describing the details of the Commission proposal I would like to point out that effective implementation is essential if legislation is to work. Legislation, on its own, is largely meaningless if the time, effort and resources are not invested in its implementation.

BACKGROUND

The Commission started to re-examine the question of animal transport in December 2000 when it adopted a report on the implementation of the current EU legislation in this field. A Commission report, based on the data transmitted from the competent authorities of the Member States of the EU, concluded that the enforcement was not satisfactory. It became clear that a number of improvements were necessary in the legislation to address some of the deficiencies.

Furthermore in March 2002 the former Scientific Committee on Animal Health and Animal Welfare (whose functions have now been taken over by the European Food Safety Authority) provided a comprehensive scientific opinion on the welfare of transported animals, with specific details for horses, pigs, cattle and sheep.

GENERAL ASPECTS OF THE TRANSPORT PROPOSAL

The proposal currently being discussed in Council will replace all the existing EU legislation on animal transport. One of its main objectives is to address the issue of long distance journeys. In Europe these journeys represent a small minority of animal movements (estimated at 10% of the total) but may clearly pose the greatest hazards for the health and welfare of the animals.

The proposal considers the overall transport chain and while transporters have still a crucial role in ensuring good welfare conditions for the animals, this responsibility is shared with other operators such as farmers, market operators or slaughterhouses.

Provisions of the proposed Regulation may be divided broadly in two categories: those aimed at improving enforcement and those upgrading the current technical standards for animal transport.

I will now describe the main elements introduced by the Commission proposal:

REGULATION VS. DIRECTIVE

Harmonisation of rules on animal transport in the EU is essential for better enforcement. The proposal provides for a Regulation to ensure harmonisation across all Member States. This would replace the current Directive which gives scope for some national differences in interpretation and hence potential divergences.

In this way responsibilities will be more clearly defined. In addition to the transport operator and transport company, traders and drivers as well as newly defined "keepers" (staff at assembly centres, markets and slaughterhouses as well as farmers) will be held responsible for their roles within the animal transport chain.

TRAINING

Training is of paramount importance to ensure proper enforcement of the rules by operators. The proposal would require that drivers and personnel handling animals at markets hold a training certificate. The certificate would be obtained after detailed training on the welfare aspects of transport and an independent examination. Training bodies would have to be approved by the authorities.

TRANSPORTERS' AUTHORISATIONS

The proposal would introduce two types of authorisations depending whether transporters are operating long distance journeys or not.

Whatever the journey length, they would have to demonstrate that they have appropriate staff and equipment to transport animals in a proper way. They should not have any record of serious infringements with regard to animal welfare legislation in the last 5 years.

In addition transporters operating long distance journeys would have to comply with detailed procedures to record vehicle movements and to deal with emergency situations. Their authorisation would be re-evaluated every two years instead of five for transporters operating journeys of less than 9 hours.

Transporters operating long distance journeys would be registered in an electronic database accessible to authorities of all Member States enabling a rapid check on the validity of their authorisations.

JOURNEY LOG AND TACHOGRAPHS

Better enforcement as regards long journeys would also be enabled by the requirement for a journey log when the journey is longer than 9 hours, regardless of whether or not a border is crossed. Tachograph evidence would be used to verify that the journey has been performed in compliance with the rules.

Signatures of the journey log would be required of all those involved in the transport operation and a report made on its completion at the place of destination – to include an assessment of the condition of the animals.

HARMONISED FORMAT FOR CERTIFICATES

The proposal would oblige transporters to carry certificates when animals are transported, including: transporters' authorisation, certificate of approval for the vehicle (in the case of long distance journeys) and a training certificate for drivers. All documents would be issued in harmonised formats in order to facilitate checks.

UPGRADING STANDARDS

The proposal would also introduce much stricter standards for journeys of more than 9 hours, including domestic transport.

TRAVELLING TIME LIMITS

The proposal would modify the respective travelling time limits for cattle, sheep, goats, pigs and horses to an "across the board" maximum for all species of 9 hours to be followed by at least 12 hours rest if the journey is to continue. These times coincide with the travel and rest rules applicable to drivers since 1985 – hence enforcement should be much more straightforward.

During stops animals would be rested within upgraded vehicles (equipped with forced ventilation and automatic drinking systems) and with increased space allowances. This will prevent animals being exposed to risks of disease spread from other animals while allowing them to rest, feed and water. Animals would not be tied on vehicles.

SPACE ALLOWANCES

The proposal provides increased space allowances according to species and the length of the journey. For example in the case of long distance journeys 40% more space for pigs, 16% more for cattle and 32% more for sheep.

INDIVIDUAL STALLS FOR HORSES

The current minimum space allowances would be increased for short distance journeys and a requirement for individual stalls or boxes introduced for long distance journeys, with constant access to water.

UPGRADED LORRIES

Vehicles used for long distance journeys would have to be approved according to specific standards. The new Regulation would provide for temperature monitoring, equipment for recording data and a system to alert the driver to potential problems. It would also require vehicles to be equipped with automatic drinking systems.

BANNING THE TRANSPORT OF YOUNG ANIMALS

The proposal would introduce a ban on transporting very young animals (i.e. calves of less than two weeks, pigs of less than four weeks and lambs of less than one week) except if the journey is less than 100 km.

Pregnant female animals would not be considered fit for transport if they have reached the latest stage of gestation (10% of the estimated time of the gestation before birth) and for a period of one week after giving birth.

LIVESTOCK VESSELS

Livestock vessels leaving from the EU would have to be approved according to specific welfare standards including in particular ventilation and drinking systems. These standards would be in line with welfare standards applied in some countries outside the EU.

STATE OF PLAY OF THE COUNCIL NEGOTIATIONS

Negotiations at the Council have now reached a final stage. The Irish Presidency aims at concluding an agreement at the Agriculture Council of 26 April. There is a general support on the main objectives of the Commission proposal and useful technical amendments have been introduced by the Presidency. In particular the tools proposed by the Commission to improve enforcement have been supported and reinforced by further proposed measures such as the introduction of satellite navigation systems to allow the traceability of the vehicles carrying livestock over long journeys.

As regards the most sensitive issues such as travel times and space allowances, the Presidency has presented a draft compromise on 18 March. This document has received a positive attention from most Member States and the Commission considers it as a good base for discussion. In its final position the Commission will favour a compromise solution that provides a global improvement on the health and welfare of the animals.

CONCLUSION

In this proposal the Commission took a step by step approach. Starting from the scientific recommendations and the experience acquired by the Member States, the Commission considered the opinion of the stakeholders and the enforceability of the recommended measures. This new proposal is the result of balanced analysis between the above considerations.

As I previously pointed out, legislation without enforcement is meaningless. This is why the Commission took the decision to propose a realistic approach that could reconcile better welfare for the animals with drivers constraints and effective enforcement.

Another crucial aspect of this proposal is the emphasis on the responsibilities of the operators. Operators do not only include transporters. Farmers, markets operators, companies handling animals at ports or airports, and slaughterhouses are also responsible in ensuring that the animals remain fit and under good welfare conditions during the overall journey.

Finally I would like to conclude by insisting on the fact that transporting animals requires special skills and knowledge. Animals are sentient beings and have particular needs. This is not a field for amateurs. A high degree of professionalism is essential in all transport of animals but it is even more critical in case of long distance journeys where logistical arrangements may be complex and animals can quickly become exhausted and suffer compromised health and welfare.

High welfare standards are associated with high quality products. This is why the animal transport industry is critical in responding to often well-justified consumer demands.