



Animals' Angels' Comments to the European Commission Proposal for a Regulation amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005 on the Protection of Animals during Transport (COM(2023)770 final)

Summary of views

On 7th December 2023, the European Commission published a proposal for a Regulation amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005. Animals' Angels welcomes the proposal, and we would like to thank Commissioner Stella Kyriakides and her team for their commitment to animal welfare. The revision of the EU animal transport rules is long overdue, and the proposal has the potential to improve the welfare of transported animals in many aspects.

Particularly positive to emphasize is the introduction of journey time limits, especially, the journey time limit for animals intended for slaughter. Also, for 'breeding' animals the proposal brings important improvement putting an end to endless transports. To reduce the total journey to nine, respectively, two times 21 hours is a reasonable compromise which should be supported. Furthermore, we highly welcome the intention of increasing space allowances including laying down clear provisions for headroom. Laying down temperature limits is urgently necessary. Other positive aspects are, e.g., the authorisation of organisers, the mandatory veterinary supervision of loadings, the mandatory appointment of animal welfare officers on livestock vessels, or the new rules to prevent 'assembly-centre-hopping'.

Yet other aspects fall short of expectations. First and above all, the fact that the proposal does not ban the export of live animals to third countries that offer no animal welfare guarantees whatsoever and do not implement the internationally agreed WOAHA animal welfare standards. In our opinion, this is a complete paradox to the intensive animal welfare efforts in the EU. Citizens, politicians and even the EU industry want to increase animal welfare and a welcome, quite high effort is being made to achieve this. And at the same time, we want to continue, figuratively speaking, to give our animals a hard kick sending them to countries that do not attach any importance to animal welfare and where severe mistreatment is daily business?

Other aspects that do not meet expectations, such as the foreseen exceptions for long transports of unweaned animals, especially referring to transports by roll-on-roll-off-vessels. Or, e.g., the handling of chicken and rabbits that worsened significantly, the transport of newborn rabbits and too young lambs and goat kids that would be allowed under the proposed regulation. Also, technical requirements of vehicles and their fittings remained unclear. E.g., concerning design of drinkers, or dangerous gaps in partitions. The exceptions e.g., for 'sport' horses even if their transport is connected to economic activities are not plausible. It is also disappointing that no solution is provided for the case of import denial or that ships flying under a grey flag would be permitted. Also, it is worrying that the sanctioning system is still left to the discretion of the Member States.

The proposal is a crucial step to improve animal welfare during transport. But ultimately it is just another compromise. Again, only symptoms are being treated instead of tackling the problem at its core. Only a consistent transport time limit for all categories of animals can solve the persistent animal welfare problems during transport. Short journeys can be problematic in relation to fitness for transport, especially in vulnerable animals, regarding handling and safe and stress-free operations and at high temperatures but most problems emerge during long journeys and certainly increase with the duration of the transport.

Finally, we trust that everyone is aware that it is time to put an end to the ruthless exploitation of animals and that a fundamental rethink in favour of the animals is necessary. We regret that the Commission has not yet been able to take the step forward towards such sustainable, real change.

Please download our complete comments here: www.animals-angels.de/comments

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A. Introduction

On 7th December 2023, the European Commission published a proposal for a Regulation amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005, hereafter referred to as 'the Proposal'.

Animals' Angels welcomes the opportunity to respond to the 'Have Your Say' on the Proposal. The revision of the EU animal transport rules is long overdue, and the Proposal has the potential to improve the welfare of the animals during transport in many aspects and to bring it in line with latest scientific findings.

Particularly positive to emphasize is the introduction of journey time limits, increased space allowances including clear requirements for the headroom. Furthermore, we highly welcome newly introduced provisions such as the authorisation of organisers, the mandatory veterinary supervision of loadings, the mandatory appointment of animal welfare officers on livestock vessels, and the new rules to prevent 'assembly-centre-hopping'.

Yet other aspects fall short of expectations. First and above all, the failure to ban the export of live animals to third countries that offer no animal welfare guarantees whatsoever and do not even make a rudimentary effort to implement the internationally agreed WOAHA animal welfare standards.

Further details that may require further review or discussion can be found in our detailed comments under chapter B.

Our comments reflect 25 years of practical experience of Animals' Angels in the field of transport of terrestrial animals in the EU and in non-EU countries. Our 25 years of observations of the animals on the transports, the results of countless conversations with drivers, transporters, keepers, veterinarians, police officers and government officials flow into our comments as well as scientific findings.

We have endeavoured to cover all provisions of the proposal. However, due to the short time available, this document does not claim to be exhaustive.

B. Detailed comments on the Proposal¹

I. CHAPTER I: SUBJECT MATTER, SCOPE, DEFINITIONS AND GENERAL PROVISIONS

1) Article 1: Subject matter, here: definition of 'economic activity'

Proposed wording: *'This Regulation lays down rules for the protection of animals during transport in connection with an economic activity.'*

The term 'economic activity' is not further defined in the Proposal. The interpretation of the term can have far-reaching legal consequences, as it excludes the obligation to apply the proposed Regulation. Already Regulation (EC) No 1/2005 does not include the definition of the term 'economic activity'. Practice has shown in the last decades that in the Member States there is uncertainty about the definition of this term² and different ways of interpretation are leading to legal uncertainty³. Accordingly, it is not uncommon for the courts to be called upon to answer questions of interpretation regarding the definition of 'economic activity'⁴. Whether a transport is connected to an economic activity may not be subject to national or even regional or individual assessment.

Animals' Angels therefore suggests the introduction of the legal definition of the term 'economic activity'. The definition should be embedded in Article 3 of the Proposal and could read as follows: Transport in connection with an economic activity is not limited to cases in which there is a direct exchange of money, goods, or services. It includes, in particular, cases in which a direct or indirect profit is made or sought⁵.

2) Article 2 paragraph 2 lit c): Scope, here: derogation for events such as sports and culture events and leisure activities

Proposed wording: *'Transport for the following purposes shall only be subject to Article 4: (...) (c)Transport of animals for the purposes of participating in training, exhibitions, competitions, cultural events, circuses, and equestrian sport and leisure activities;'*

Animals' Angels objects to this extensive derogation. Except for 'leisure activities' all exceptions listed in the proposed paragraph concern economic activities, i.e., business operations where the

¹ **Explanatory note: proposed changes in the wording: deletions indicated by strikethrough; additions indicated by double underlining.**

² See e.g.,

https://www.gr.ch/DE/institutionen/verwaltung/dvs/alt/tiere/tierverkehr/Documents/Handbuch.pdf?csf=1&e=Zap_arl

³ See e.g., Position Paper for a Revision of the EU's Legislation on Animal Transport by Denmark, Sweden, Germany and Belgium, June 2022, https://www.bmel.de/SharedDocs/Downloads/EN/_Animals/position-paper-eu-legislation-animal-transport.pdf?__blob=publicationFile&v=2

⁴ BVerwG v. 09.04.2014 - 3 C 2/13; Vorlage zur Vorabentscheidung; EuGH-Vorlage; Tierschutz- und Tierseuchenrecht; Vermittlung und Transport von herrenlosen Hunden aus dem Ausland nach Deutschland.

⁵ E.g., horses are transported to competitions aiming that they move up in the competition category and thus increase their economic sales value.

use of animals is intended for financial gaining or financial advantages. Where business operations include animals, strict requirements should also be placed on the transportation of the animals involved in these businesses to ensure that they are transported safely and stress-free and their welfare does not fall victim to financial interests. Exceptions may only be permitted if an animal owner or keeper participates outside his or her professional activity in a leisure event with the own animal(s).

Animals' Angels suggests limiting this exception to the transport of animals by their owners or keepers with their own vehicles for leisure activities and to change the wording as follows: Transport for the following purposes shall only be subject to Article 4: (...) (c) Transport of animals for the purposes of participating in training, exhibitions, competitions, cultural events, circuses, and equestrian sport and transported by their owners or keepers with their own vehicles for their leisure activities.

***Nota bene:* Additionally, we propose the introduction of the definition of the term 'leisure activity'.⁶**

3) Article 3 paragraph 2 lit b): Definitions, here: definition of place of departure

Proposed wording: *'For the purposes of this Regulation the following definitions shall apply: (...) 2. 'place of departure' means: (...) (b) an assembly centre if the animal has been collected within a distance of no more than 100 km;'*

In the context of transports to assembly centres and e.g. markets practice has shown that animals often spend extended periods of time on board the transport vehicle before being unloaded at an assembly centre even though the distance between holding of origin and assembly centre is relatively short. This is due to the following reasons: The delivery of animals to markets or auctions usually takes place in the early hours of the morning. For organisational reasons, often dealers or transporters pick up the animals at the farms in the evening before the market/auction and the animals spend the night before the stay at the assembly centre on board the vehicle. Often dealers or transporters collect the animals at several holdings and even in a circumference of not more than 100 km around the assembly centre, the animals undergo long tours due to multiple pickups. At the assembly centre these cases are easily recognisable due to increased amount of urine and excrement on board the vehicles despite very short distances.

Animals' Angels suggests adding the following sentence to definition in Article 3 paragraph 2 lit b): For the purposes of this Regulation the following definitions shall apply: (...) 2. 'place of departure' means: (...) (b) an assembly centre if the animals has have been collected within a distance of no more than 100 km and were not loaded on the means of transport more than two hours before being unloaded at the assembly centre;

4) Article 3 paragraph 33: Definitions, here: definition of unbroken equine animal

Proposed wording: *'unbroken equine animal' means an equine animal that cannot be tied or led by a halter without causing avoidable excitement, pain or suffering.'*

⁶ Please see also: Position Paper for a Revision of the EU's Legislation on Animal Transport by Denmark, Sweden, Germany and Belgium, June 2022, https://www.bmel.de/SharedDocs/Downloads/EN/Animals/position-paper-eu-legislation-animal-transport.pdf?__blob=publicationFile&v=2

Especially horses with a low level of tameness are at higher risk for transport-related stress, disease and injury. For this reason, the Proposal (as before Regulation (EC) No 1/2005) limits the transport of unbroken or untamed equines to short journeys. However, in practice, official veterinarians cannot verify regulatory compliance as it is difficult to classify if an equine is broken or unbroken. The proposed legal definition is unlikely to fully do justice to the situation, as the equine can be excited or suffer at the moment of being led by a halter or tied for manifold reasons despite being tamed.

Animals' Angels proposes to change the wording as follows: 'unbroken equine animal' means an equine animal that is not used to cannot be tied or led by a halter and to whom these procedures are likely to cause without causing avoidable excitement, pain or suffering.

5) New paragraph to Article 3: Definitions, here: transport to slaughter

Article 3 lacks a definition for transport to slaughter. This could lead to different interpretation and non-uniform implementation of the Regulation. Furthermore, it could lead to situations where the nine-hours transport-rule for 'slaughter' animals is circumvented by transporting them under the category of fattening purposes.

Animals' Angels therefore proposes adding a new paragraph to Article 3 with the following wording: 34. 'transport to slaughter' means all transport of animals for the purpose of slaughter that will take place within the following eight months.

6) Article 4 paragraph 1: General provisions on the transport of animals, here: possible spelling error

Proposed wording: *'No person shall transport animals or cause animals to be transported in a way that causes or is likely to cause undue suffering to it'.*

Animals' Angels assumes that there is a spelling error and proposes to change the wording as follows: 'No person shall transport animals or cause animals to be transported in a way that causes or is likely to cause undue suffering to it them'.

7) Article 4 paragraph 2 lit a): General provision on the transport of animals, here: common welfare hazards

Proposed wording: *'Any person transporting animals or causing animals to be transported shall ensure compliance with the following requirements: (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;'*

E.g., gastro-enteric disorders, respiratory disorders⁷, so-called shipping-fever⁸ are common pathologic processes caused by transport. Transport and especially long transport process entail a high risk of infection and diseases to the transport. This welfare hazard should therefore be listed in Article 4 paragraph 2 lit a.

Animals' Angels proposes changing the wording as follows: Any person transporting animals or causing animals to be transported shall ensure compliance with the following requirements: (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, disease, pathologic processes, injuries or thermal discomfort are minimised;

8) Article 4 paragraph 2 lit f): General provisions on the transport of animals, here: delay through multiple pick-ups and unloading events.

Proposed wording: '*Any person transporting animals or causing animals to be transported shall ensure compliance with the following requirements: (...) (f) the transport is carried out without undue delay;*'

An aspect which is often neglected in the calculation of the total journey time is the additional time needed when the animals are collected and loaded at different departure places, or when the animals are transported to different destination places. While such multiple pick-ups and multiple unloading events are often carried out by transporters and organisers to save work-time, effort, and money, they regularly mean a considerable extension of the transport time for at least a part of the animals and are a common reason for transport delays⁹.

Animals' Angels therefore suggests to clearly limit multiple pick-ups and unloading events and to only permit this practice if there are no more than two loading or unloading places and these are directly connected to each other, i.e. the journey to additional first loading or unloading points does not mean a detour.

II. CHAPTER II: ORGANISER AND TRANSPORTER AUTHORISATIONS

1) Article 6 paragraph 1 of paragraph 4 first sentence: Application for organiser authorisation for long journeys, here: suspension of the authorisation.

⁷ EFSA AHAW Panel (EFSA Panel on Animal Health and Welfare), Nielsen SS, Alvarez J, Bicout DJ, Calistri P, Canali E, Drewe JA, Garin-Bastuji B, Gonzales Rojas JL, Gortázar Schmidt C, Michel V, Miranda Chueca MA, Padalino B, Pasquali P, Roberts HC, Spoolder H, Stahl K, Velarde A, Viltrop A, Winckler C, Earley B, Edwards S, Faucitano L, Marti S, Miranda de La Lama GC, Nanni Costa L, Thomsen PT, Ashe S, Mur L, Van der Stede Y and Herskin M, 2022. Scientific Opinion on the welfare of equidae during transport. *EFSA Journal* 2022; 20(9):7444, 113 pp. <https://doi.org/10.2903/j.efsa.2022.7444>

⁸ <https://www.msdtvetmanual.com/respiratory-system/bovine-respiratory-disease-complex/overview-of-bovine-respiratory-disease-complex>

⁹ See: Animals' Angels Report: Delays in Live Animal Transport – a Mismatch Between Theory and Practice; A documentation by Animals' Angels with observations from 2019 until mid-2023, p. 20. www.animals-angels.de/delay

Proposed wording: *'If the organiser no longer meets the conditions provided for in Article 5(4) or in Article 33(6), the competent authority shall order the suspension of the authorisation in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES without delay.'*

This newly introduced provision is important and necessary to ensure the implementation of the organiser's obligations. However, in our opinion, the request to the authority to take immediate action is missing here. According to the current text, immediate action only refers to the entry in TRACES.

Animals' Angels proposes changing the wording as follows: If the organiser no longer meets the conditions provided for in Article 5(4) or in Article 33(6), the competent authority shall immediately after obtaining such knowledge order the suspension of the authorisation in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES without delay.

2) Article 6 paragraph 5 of paragraph 4: Application for organiser authorisation for long journeys, here: correction of deficiencies in case of transport to non-EU countries

Proposed wording: *'For transport to a third country, if the organiser has not corrected the deficiencies within three months of the suspension, the competent authority shall withdraw the authorisation.'*

Animals' Angels is aware that the organisation of live animal transports to non-EU countries is a very challenging task. However, and especially considering that the protected objects of the Proposal are the animals, the biggest challenge of an export transport lays with the animals. For them, it is still a question of sheer survival. Export transports involve so many risks for the welfare and physical integrity of the animals due to border crossings, waiting times, length of transport, lack of infrastructure, heat, cold, etc. that it is incomprehensible that the organiser who does not fulfil his or her duties should be better positioned than in the case of intra-European transports, even if exports are proportionally much more difficult to organise.

Animals' Angels therefore proposes deleting this paragraph and changing Article 6 paragraph 4 of paragraph 4 as follows: ~~For transport within the Union, if~~ If the organiser has not corrected the deficiencies within one month of the suspension, the competent authority shall withdraw the authorisation.

3) Article 7 paragraph 2 lit b): Application for transporter authorisation for short journeys, here: written instructions on animal handling.

Proposed wording: *'The transporter shall submit an application for an authorisation to transport animals on short journeys to the competent authority in TRACES using the form in Section 2 of Annex V. The application shall contain evidence that the following conditions are met: (...) (b) the transporter has sufficient and appropriate staff and equipment and has written instructions for staff as regards watering, feeding and care of animals and operational procedures in place to enable its staff to comply with this Regulation;*

Loading and unloading as well as handling of emergency situations are essential parts of the transport operation. Expertise and training of drivers are an important contribution to stress

reduction during handling of animals.¹⁰ Therefore, drivers and attendants must be trained in handling the animal species they are transporting. Nevertheless, as regarding to watering, feeding and care of the animals, the applicant for a transporter's authorisation should also have written instructions on animal handling.

Animals' Angels proposes to change the wording as follows: The transporter shall submit an application for an authorisation to transport animals on short journeys to the competent authority in TRACES using the form in Section 2 of Annex V. The application shall contain evidence that the following conditions are met: (...) (b) the transporter has sufficient and appropriate staff and equipment and has written instructions for staff as regards watering, feeding, handling, and care of animals and operational procedures in place to enable its staff to comply with this Regulation;

4) Article 7 paragraph 2: Application for transporter authorisation for short journeys, here: submission of contingency plan not foreseen.

The Proposal does not require the submission of contingency plans for short journeys. This means that transporters carrying out only journeys under nine hours, do not need to develop contingency plans. However, despite optimal preparation, planning and execution of animal transports, unforeseeable events can occur that may jeopardize the physical integrity and welfare of the animals. Such delays leading to emergency situations can be caused by weather, traffic, road conditions, breakdowns or accidents, in long journey as well as in so-called short journeys that still can include more than eight hours of travelling, meaning long distances from the homebase and well-known surroundings. In such situations, emergency plans are also necessary and helpful for short-distance transports. The aim of contingency plans is to ensure the safety and protection of animals in the event of an emergency. Also, the Proposal requires that animals who get injured or fall ill during transport must receive immediate first aid¹¹. This provision applies to all transports, regardless of the journey time¹². To provide immediate care and first aid, contact numbers of local veterinarians must be placed at disposal of the driver/attendant; data which would be contained in a contingency plan.

Animals' Angels is of the opinion that contingency plans are an essential condition for short journeys as well as for long journeys and shall be required as condition for granting the transporter authorisation for short journeys. Animals' Angels proposes changing the wording of Article 7 accordingly.

5) Article 9 paragraph 6: Grant renewal, suspension, and withdrawal of transporter authorisations, here: suspension of transporters authorisation.

Proposed wording: *'If the transporter no longer meets the conditions provided for in Article 7(2) or Article 8(2), the competent authority shall order the suspension of the authorisation in accordance*

¹⁰ Nicolaisen S, Langkabel N, Thoene-Reineke C, Wiegard M. Animal Welfare during Transport and Slaughter of Cattle: A Systematic Review of Studies in the European Legal Framework. *Animals* (Basel). 2023 Jun 13;13(12):1974. doi: 10.3390/ani13121974. PMID: 37370484; PMCID: PMC10295209, p. 1

¹¹ Annex I Chapter I point 7

¹² Niedersächsisches Ministerium für Ernährung, Landwirtschaft und Verbraucherschutz, Leitfaden für einen optimierten Kurzstrecken-Tiertransport, 2022, p. 38

with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES without delay.'

See above point II.1).

Animals' Angels proposes changing the wording as follows: If the transporter no longer meets the conditions provided for in Article 7(2) or Article 8(2), the competent authority shall immediately after obtaining such knowledge order the suspension of the authorisation in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES without delay.

III. CHAPTER III: MEANS OF TRANSPORT

1) Article 13 paragraph 1 lit a): Certificate of approval of livestock vessels, here: plan of the vessel with layout of pens.

Proposed wording: *'The transporter shall submit an application for a certificate of approval of a livestock vessel for the transport of animals to the competent authority in TRACES using the form set out in Section 6 of Annex V. The application shall include the following documents: (a) a document containing the applicant and livestock vessel details, including conversion date when applicable, plan of vessel with layout of pens, lighting, water drainage, firefighting and ventilation systems;'*

To adequately separate, treat and monitor animals that become ill or injured during the journey or are otherwise compromised, the vessel shall be fitted with hospital pens on all decks. Animals' Angels recommends emphasizing the necessity of providing hospital pens in Article 13.

Furthermore, the plan should indicate the storage areas for feeding stuff and bedding materials as this is essential for the firefighting and it should indicate the location of the engine room as animals may not be accommodated close to the engine room.

We therefore suggest changing the wording as follows: The transporter shall submit an application for a certificate of approval of a livestock vessel for the transport of animals to the competent authority in TRACES using the form set out in Section 6 of Annex V. The application shall include the following documents: (a) a document containing the applicant and livestock vessel details, including conversion date when applicable, plan of vessel with layout of pens including positioning of hospital pens, storage areas of feeding stuff and bedding materials, lighting, water drainage, firefighting, engine room and ventilation systems.

2) Article 13 paragraph 2 lit d): Certificate of approval of livestock vessels, here: approval of grey listed vessels.

Proposed wording: *'The competent authority shall grant a certificate of approval of the livestock vessel in TRACES using the form set out in Section 6 of Annex V, provided that it complies with the following conditions: (...) (d) the vessel flies a flag with a flag performance rating of white or grey according to the Paris Memorandum of Understanding on port State control.'*

According to the Paris Memorandum of Understanding on Port Control¹³, the 'White, Grey and Black (WGB) List' presents the full spectrum, from quality flags to flags with a poor performance that are considered high or very high risk. It is based on the total number of inspections and detentions during a 3-year rolling period for flags with at least 30 inspections in that period. The "White List" represents quality flags with a consistently low detention record. Flags with an average performance are shown on the "Grey List". Their appearance on this list may serve as an incentive to improve and move to the "White List". At the same time, flags at the lower end of the "Grey List" should be careful not to neglect control over their ships and risk ending up on the "Black List" the following year. The lower-end grey listed vessels have a high risk to be detained, inspected or banned from a region which is likely to hinder a smooth animal transport operation.

Animals' Angels is therefore of the opinion that EU authorities may only grant a certificate of approval when the vessel flies a white flag and suggests changing the wording as follows: The competent authority shall grant a certificate of approval of the livestock vessel in TRACES using the form set out in Section 6 of Annex V, provided that it complies with the following conditions: (...) (d) the vessel flies a flag with a flag performance rating of white or grey according to the Paris Memorandum of Understanding on port State control.

IV. CHAPTER IV: OBLIGATIONS PRIOR TO DEPARTURE

1) Article 14 paragraph 3 lit c): Obligations for organisers, here: consideration of the weather forecast.

Proposed wording: *'The organisers shall ensure that for each journey: (...) (c) the organisation of the journey takes into account the temperature forecast when relevant for the species and categories of animals concerned in accordance with Article 31 and Chapter V of Annex I;'*

Animals' Angels welcomes that in Article 14 the obligations and responsibilities for the organisers are laid down. However, the wording "when relevant" of paragraph 3 lit c) is a vague formulation which can be interpreted differently or subjectively and raise doubts, which in turn can lead to ineffective enforcement.

Animals' Angels therefore suggests changing the wording as follows: The organisers shall ensure that for each journey: (...) (c) the organisation of the journey takes into account the temperature forecast when relevant for the species and categories of animals concerned in accordance with Article 31 and Chapter V of Annex I;

2) Article 15 paragraph 6: Journey log for all long journeys and short journeys to third countries, here: retention of journey logs in TRACES.

¹³ <https://parismou.org/PMoU-Procedures/Library/memorandum>

Proposed wording: *'Competent authorities shall ensure that journey logs for long journeys and short journeys to third countries are retained in TRACES for a maximum period of 6 years for subsequent official controls in accordance with Article 21 of Regulation (EU) 2017/625.'*

Animals' Angels welcomes the improvements suggested in Article 15. However, we would like to suggest a clearer wording, adding "all" in the case of long journeys to make clear that long journeys within the EU as well as to non-EU countries are included in the provisions. Furthermore, we suggest deleting "maximum" as the wording is contradictory. It should be clearly defined that journey logs as described in paragraph 6 have to be retained in TRACES for at least 6 years and not erased earlier. Compare also with Article 16 paragraph 2.

Animals' Angels therefore suggests changing the wording as follows: Competent authorities shall ensure that journey logs for all long journeys and short journeys to third countries are retained in TRACES for a ~~maximum~~ period of 6 years for subsequent official controls in accordance with Article 21 of Regulation (EU) 2017/625.

3) Article 17 paragraph 1 first sentence: Obligations for keepers prior to the journey, here: ensuring that the animals are fit for transport.

Proposed wording: *'Keepers at the place of departure shall be responsible for ensuring that the animals to be loaded on the means of transport are fit for transport.'*

To make clear a reference to the technical rules on fitness for transport laid down in the annexes, we propose adding this reference to the sentence.

Animals' Angels suggests changing the wording as follows: Keepers at the place of departure shall be responsible for ensuring that the animals to be loaded on the means of transport are fit for transport as referred to in the technical rules set out for terrestrial animals in Chapter I of Annex I and for aquatic animals in point 4 of Annex II.

4) Article 17 paragraph 2: Obligations for keepers prior to the journey, here: veterinary supervision of the loading operations

Proposed wording: *'Loading of animals on means of transport shall be supervised by a veterinarian.'*

Animals' Angels highly welcomes the proposed requirement that a veterinarian shall supervise the loading operations. In our opinion it is essential that the veterinarian supervising the loading of animals is well-trained in the field of animal transports and able to perform official controls in order to conduct efficient checks, ensure compliance and enforcement of the Regulation. Therefore, we propose adding that the supervision should either be carried out by an official veterinarian (Article 3 no. 32 of Regulation (EU) 2017/625) or a delegated body (Article 3 no. 5 of Regulation (EU) 2017/625).

Accordingly, Animals' Angels suggests changing the wording as follows: Loading of animals on means of transport shall be supervised by an official veterinarian or delegated body.

V. CHAPTER V: OBLIGATIONS DURING TRANSPORT AND AT THE PLACE OF DESTINATION

1) Article 18 paragraph 2: General obligations for transporters, here: responsibility of the transporter for the fitness of the animals.

Proposed wording: *'The transporter shall be responsible for the fitness for transport of the animals from loading of the animals at the place of departure to the unloading of the animals at the place of destination.'*

To provide more clarity, we would suggest emphasizing that the responsibility also applies until unloading in the non-EU country.

Animals' Angels therefore suggests changing the wording as follows: The transporter shall be responsible for the fitness for transport of the animals from loading of the animals at the place of departure to the unloading of the animals at the place of destination within the Union or in a third country.

2) Article 18 paragraph 4 lit a): General obligations for transporters, here: exception of presence of attendant

Proposed wording: *'For transport by road or rail, the transporter shall ensure that an attendant accompanies all consignments of animals except in the following cases:
(a) where animals are transported in containers which are secured, adequately ventilated and, where necessary contain enough food and water, in dispensers which cannot be tipped over, for a journey of twice the anticipated journey time;'*

Attendants and drivers, respectively, are the ones who accompany the animals during the journey. As defined in Article 3 paragraph 13 of the Proposal, an "attendant" means a person directly in charge of the welfare of the transported animals who accompanies them during a journey on road or rail transport. They must therefore be familiar with the type of animals they are transporting, with their characteristics and needs, with the requirements of the Regulation in relation to these animals and be able to intervene competently in the event of incidents or emergencies. There is no reason why animals transported in containers under certain conditions are excluded from these provisions.

In our opinion, for obvious reasons also drivers of transports, for example, of poultry, rabbits, minks, dogs or cats that are transported in containers which are secured, adequately ventilated, and where necessary contain enough food and water (...), need to have basic knowledge about these animals and their needs and must be competent to react properly and in accordance with the legal requirements to take the necessary steps in case of unexpected circumstances or emergencies ensuring the welfare of these animals during the journey at all time.

Therefore, Animals' Angels strongly suggests to delete this exemption and to word Article 18 paragraph 4 as follows: For transport by road or rail, the transporter shall ensure that an attendant accompanies all consignments of animals except in the following cases: ~~(a) where animals are transported in containers which are secured, adequately ventilated and, where~~

necessary contain enough food and water, in dispensers which cannot be tipped over, for a journey of twice the anticipated journey time; (b) where the driver performs the functions of attendant.

3) Article 19 paragraph 1: Obligations for organisers, transporters, drivers and attendants during transport by road or rail, here: performance of regular checks of the animals.

Proposed wording: *'The driver or attendant shall check on the animals at least every 4,5 hours to assess their welfare and fitness for transport.'*

Practice has shown that often drivers or attendants only check animals on the first deck in case of road vehicles and that the animals loaded on the upper decks remain without monitoring throughout the journey. The reason is simply that drivers often don't carry a ladder on board the vehicle or they consider it too time-consuming to unpack the ladder. Therefore, we suggest emphasizing that the animals on all decks of the vehicle shall be checked.

Animals' Angels accordingly proposes the following wording: The driver or attendant shall check on the animals on all decks of the means of transport at least every 4,5 hours to assess their welfare and fitness for transport.

4) Article 19 paragraph 3: Obligations for organisers, transporters, drivers and attendants during transport by road or rail, here: liability of the transporter in the event of injury or transport-related illness.

Proposed wording: *'The transporter shall be responsible for any animal that becomes unfit for transport during the journey due to the inappropriate performance by the attendant or driver of his or her tasks.'*

The introduction of this paragraph is important as in practice the question of who has to bear the costs of treatment or accommodation arises time and again in the event of necessary veterinary treatment or emergency unloading during transportation. This leads e.g. to the fact that control post operators hesitate to accept emergency unloading because they are afraid of being left with the costs. In practice, however, it will be very difficult to provide evidence for the inadequate performance by drivers or attendants. Animals' Angels therefore suggests a more specific and clearer wording. Furthermore, we propose to impose the burden of proof on the transporter.

We suggest changing the wording as follows: The transporter shall be responsible bear the costs of especially any unloading, treatment or killing of the animals in case of infringements or if any animal that becomes unfit for transport during the journey due to the inappropriate performance by the attendant or driver of his or her tasks. The transporter bears the burden of proof for the appropriate performance of the driver or attendant.

5) Article 20 paragraph 1: Obligations for keepers at assembly centres, control posts and places of destination, here: technical rules.

Proposed wording: *'Keepers of animals kept at assembly centres, control posts and places of destination shall ensure compliance with the technical rules set out in Points 1 to 3 of Chapter I of Annex I and in Point 4 of Annex II where applicable.'*

Regarding terrestrial animals, it is not comprehensible why the keepers of animals at assembly centres, control posts and places of destination shall only ensure compliance with the technical rules set out in points 1 -3 of Chapter I of Annex I. Chapter I of Annex I is about the fitness for transport, and i.a. in point 4 it is stated that unbroken equine animals shall not be considered fit for transport on long journeys. For what reason shall the keeper not consider this provision? Another example refers to point 9 of Annex I where it is stated that lactating females of bovine, ovine and caprine species not accompanied by their offspring shall be milked at intervals of not more than 12 hours. Again, why shall the keeper not consider this provision either, especially taking into account that these lactating animals most likely have to be milked at his/her place? Therefore, we recommend changing that compliance with the whole Chapter I must be ensured by the keeper of these places, too. We also highly suggest introducing the points 1 – 4 of Chapter III of Annex I to paragraph 1 as they lay down the provisions for transport practices, including loading and unloading, handling and separation of the animals – all of these practices are carried out at assembly centres, control posts and places of destination and thus – for obvious reasons - should be relevant for the keepers of these places to comply with, as well. Please note that in Regulation (EC) No. 1/2005, Article 8 includes the complete Chapter I of Annex I on fitness for transport as well as section 1 of Chapter III (transport practices such as loading, unloading, handling incl. separation).

For aquatic animals, we suggest including the points 2 (Handling), 3 (Water), 4 (Fitness for transport) as well as 5 (Loading practices) as these transport-related practices are relevant, e.g. at places of destination and thus, also keepers of such places should comply with these provisions.

Animals' Angels therefore proposes changing the wording as follows: Keepers of animals kept at assembly centres, control posts and places of destination shall ensure compliance with the technical rules set out in Points 1 to 3 of Chapter I and in points 1 – 4 of Chapter III of Annex I and in points 2 – 5-4 of Annex II where applicable.

6) Article 21, headline: Animal welfare officer on livestock vessels, here: including veterinarian during sea journey by livestock vessel.

Proposed wording: '*Animal welfare officer on livestock vessels*'

Sea transports of live animals often take several days or even weeks during which the animals are confined on board the vessels under conditions that pose a high health and welfare risk to the animals. If an animal becomes sick or injured, there is no possibility on sea to call a veterinarian for proper medical treatment or humane killing. Also, an animal welfare officer on board the livestock vessel cannot fulfil these veterinary tasks and duties if he/she is not qualified as a veterinarian.

Animals' Angels therefore demands including the obligation that a veterinarian accompanies the animals on board the livestock vessel during sea transport and suggests changing the wording as follows: Article 21: Veterinarian and animal welfare officer on livestock vessels, adding the following paragraph to Article 21: For a journey by livestock vessel, the transporter shall ensure that a veterinarian accompanies all consignments of animals on board the vessel except in the case that the designated animal welfare officer is a qualified veterinarian who performs this function.

7) Article 21 paragraph 3 lit a): Animal welfare officer on livestock vessels, here: responsibility to check on the animals.

Proposed wording: *'The animal welfare officer shall be responsible for: (a) caring for the animals and checking them at least twice a day to assess their welfare and fitness for transport, and taking appropriate measure to maintain their welfare;'*

Animals' Angels highly welcomes the introduction of animal welfare officers on livestock vessels. Regarding the proposed paragraph 3 lit a) we would like to suggest a clearer wording to the effect that all animals should be checked twice a day.

We therefore propose to change the wording as follows: The animal welfare officer shall be responsible for: (a) caring for the animals and checking all of them at least twice a day to assess their welfare and fitness for transport, and taking appropriate measure to maintain their welfare;'

8) Article 21 paragraph 3 lit c): Animal welfare officer on livestock vessels, here: emergency killing during transport at sea .

Proposed wording: *'The animal welfare officer shall be responsible for: (...) (c) ensuring compliance with Regulation No 1099/2009, when animals are killed during the journey at sea to put an end to their suffering.'*

The current wording does not define precisely who is carrying out the emergency killing and does not lay down any specification for the means of killing suitable for the transported species. Appropriate precautions must be taken to relieve the animal of its suffering if there is no other option, particularly considering that during sea journey there is no possibility to call a veterinarian for emergency situations – if the veterinarian is not travelling with the animals on board the vessel. In our opinion emergency killing should be only performed by a qualified expert, such as a veterinarian who is trained and has expertise to fulfil this task properly as there is a high risk of maltreatment and further suffering for the animals concerned when the emergency killing is carried out in a wrong way – see also point V. 6) above, regarding obligation for a veterinarian on board the livestock vessel.

In any case, it must be absolutely ensured that every person responsible for emergency killing – if veterinarian or animal welfare officer – is fully trained and familiar with the use of the killing equipment to not cause any further harm to the suffering animal.

Animals' Angels therefore urges to 1.) include the obligation that a veterinarian always accompanies the animals on board the livestock vessel during sea transport, and 2.) consider in the mandatory training for animal welfare officers to learn how to carry out emergency killing for the species concerned and to handle such device in an emergency situation.

9) Article 22 paragraph 1: Assembly centres, here: training courses

Proposed wording: *'Operators of assembly centres shall provide their staff with training courses on the technical rules set out in Point 1 of Chapters I and III of Annex I.'*

It is not logical why operators of assembly centres shall only provide their staff with training courses on the technical rules set out in point 1 of Chapters I and III of Annex I. Regarding Chapter I, this is also inconsistent with paragraph 2 lit a) where operators of assembly centres

shall entrust the handling of animals to personnel who have completed training courses on the relevant technical rules set out in Annex I. As laid down in point V. 5) above related to Article 20, there is no reason why training courses for staff working at assembly centres should not include all provisions set out in Chapter I, like, e.g., that lactating animals need to be milked every 12 hours. Also concerning Chapter III on transport practices and as explained under point V. 5) above related to Article 20, also workers and staff at assembly centres should be provided with training courses which not only include the general provisions but which also teach the technical rules for loading and unloading, handling and separation of animals – as these practices are regularly undertaken at assembly centres and thus are highly relevant for the staff involved in order to ensure compliance with the Regulation.

Animals' Angels therefore suggests changing the wording as follows: Operators of assembly centres shall provide their staff with training courses on the technical rules set out in Point 1 of Chapters I and in point 1 – 4 of Chapter III of Annex I.

10) Article 24 paragraph 4: Means of transport positioning systems, here: setting of locations.

Proposed wording: *'When completing section 1 of the journey log as set out in point 1 of Annex III, organisers shall set the locations of the following points of the journey: (a) place of departure; (b) control posts; (c) exit point from the Union and border crossings between Member States; and (d) place of destination.'*

Practice has shown that the non-compliance with the resting periods for the animals in the non-EU journey leg is a major problem in export transports. Animals' Angels therefore suggests a clearer wording to ensure that also all resting facilities in the non-EU countries are set as position. Also, practice has shown that in the route planning the ports where road vehicles embark a roll-on-roll-off ferry and the waiting times at these ports are often not taken into consideration in the journey planning. Therefore, also ports included in the journey should be set as position.

We therefore suggest changing the wording as follows: When completing section 1 of the journey log as set out in point 1 of Annex III, organisers shall set the locations of the following points of the journey: (a) place of departure; (b) control posts and in case of non-EU countries resting facilities; (c) ports where applicable, (c) (d) exit point from the Union and border crossings between Member States; and (d) e) place of destination.

11) Article 24 paragraph 5: Means of transport positioning systems, here: storage period in TRACES.

Proposed wording: *'After the completion of the journey, TRACES shall retrieve data from the information system referred to in paragraph 3 on the time when means of transport reached the locations as set out in paragraph 4. This information will be stored in TRACES for the purpose of official controls, including the analysis of completed journeys.'*

Paragraph 5 of Article 24 states that the information retrieved from the information system will be stored in TRACES for the purpose of official controls. However, it is not specified for how long this data will be saved. We propose aligning it with Article 15 and 16 of the current Proposal and setting a period of 6 years.

Animals' Angels therefore proposes changing the wording as follows: After the completion of the journey, TRACES shall retrieve data from the information system referred to in paragraph 3 on the time when means of transport reached the locations as set out in paragraph 4. This information will be stored in TRACES for the purpose of official controls, including the analysis of completed journeys, for a period of 6 years.

12) Article 25 paragraph 1: Obligations at the place of destination, here: definition of bad condition.

Proposed wording: *'The driver or attendant, and the keeper at the place of destination shall record in TRACES the date and time of arrival of the animals and their condition, by completing and signing section 3 of the journey log as set out in point 1 of Annex III. In case of disagreement on the condition in which the animals have arrived at the place of destination between the driver or attendant and the keeper at the place of destination, or where the journey log indicates that the animals have arrived in bad condition, the keeper and the driver or the attendant shall record the anomalies encountered in section 5 of the journey log as set out in point 1 of Annex III.'*

The description 'bad condition' allows a wide scope for interpretation. Practice has shown that on the one hand such open terms are often interpreted to the disadvantage of the animals and that the interpretations may differ significantly within the Union.

Animals' Angels therefore suggests introducing a definition of bad general condition and of good general condition to the Proposal¹⁴.

13) Article 26 paragraph 1: Monitoring of indicators, here: deletion of "when relevant"

Proposed wording: *'For the purposes of Article 25(1), the driver or attendant and the keeper at the place of destination shall assess the condition of terrestrial animals on arrival using the following indicators: (...) (d) health and physical problems other than injuries, including when relevant, heat or cold stress, prolonged thirst, and hunger in a consignment, observed in the animals.'*

The wording "when relevant" of paragraph 1 lit d) is a vague formulation which leaves room for interpretation and can lead to different implementation and ineffective enforcement of the Regulation and therefore should be avoided to use in the legislative text.

Animals' Angels therefore suggests changing the wording as follows: For the purposes of Article 25(1), the driver or attendant and the keeper at the place of destination shall assess the condition of terrestrial animals on arrival using the following indicators: (...) (d) health and physical problems other than injuries, including ~~when relevant~~, heat or cold stress, prolonged thirst, and hunger in a consignment, observed in the animals.

VI. CHAPTER VI: CONDITIONS FOR TRANSPORT OF TERRESTRIAL ANIMALS

¹⁴ See e.g., <https://www.lmnci.com/site/wp-content/uploads/2017/11/Guidelines-on-fitness-for-transport-of-bovine-animals-FVE-May-2012.pdf>

1) Article 27, headline: Journey times, rest periods, feeding and watering intervals during transport of adult terrestrial animals by road and rail for long journeys, here: definition of adult animal.

Proposed wording: *'Journey times, rest periods, feeding and watering intervals during transport of adult terrestrial animals by road and rail for long journeys.'*

As written in Article 27, it refers to "adult terrestrial animals". However, a definition of "adult" is lacking and in the following only the distinction to "unweaned animals" is made (see Article 29 of the Proposal). Accordingly, weaned animals are, for example, excluded from these provisions which in turn can raise doubts and cause different interpretation of the Regulation, thus leading to ineffective, non-uniform implementation and enforcement. Furthermore, there are e.g. no clear (legal) definitions of adult pigs or horses.

Animals' Angels therefore suggests the introduction of a definition of "adult animals" for the different species concerned or exchange the term "adult" with "weaned", respectively.

2) Article 27 paragraph 5: Journey times, rest periods, feeding and watering intervals during transport of adult terrestrial animals by road and rail for long journeys, here: deletion of exemption for transport by rail.

Proposed wording: *'For transport by rail, paragraph (1), point (c) shall not apply.'*

Animals' Angels understands that for logistical reasons it is likely not feasible to implement that in case of transport by rail, the train stops for a rest period of at least 1 hour after a maximum of 10 hours. Nevertheless, there must be regulated that the animals transported by rail are provided with water and feed to avoid that the animals concerned experience hunger and thirst during transport. If the proposed 1h watering and feeding interval cannot be implemented in practice, it must be either required that the animals are provided with water and feed during the entire transport ad libitum or if this is not feasible that animals are only allowed to be transported by rail for maximum nine hours.

Animals' Angels therefore suggests changing the wording as follows: For transport by rail, paragraph (1), point (c) shall not apply the animals shall be provided with water and feed ad libitum during the entire journey. Otherwise, the animals shall only be transported by rail on short journey.

3) Article 27 paragraph 6: Journey times, rest periods, feeding and watering intervals during transport of adult terrestrial animals by road and rail for long journeys, here: deletion of exemption for bio-secure transports.

Proposed wording: *'Paragraphs (1) to (5) shall not apply to animals transported in bio-secure transports for the purposes of an authorised project or breeding under Directive 2010/63/EU.'*

It is not conclusive why animals used for scientific purposes and transported in bio-secure transports are exempted from the provisions laid down in paragraphs 1 – 5. Animals' Angels understands that bio-secure transports entail special requirements, but this cannot result in excluding the animals concerned from a limitation of journey times or from the suspension of

their watering, feeding and resting intervals as their physiological needs must be respected and their welfare must be ensured during transport.

Animals' Angels therefore suggests deleting paragraph 6 or laying down specific rules for animals transported in bio-secure transports for the purposes of an authorised project or breeding under Directive 2010/63/EU, respectively.

4) Article 28 paragraph 2: Journey times and rest periods for transport of terrestrial animals to slaughter by road or rail, here: additional conditions for derogation.

Proposed wording: *'When, within the Union, no slaughterhouses adapted for slaughter of the species and categories of animals referred to in paragraph 1 can be reached within a short journey for a specific place of departure, the competent authorities at the place of departure may grant an authorisation for a long journey to the nearest slaughterhouse adapted to the species transported.'*

Animals' Angels welcomes the important step to finally implement a journey time limit of maximum nine hours for terrestrial animals destined for slaughter. This is long overdue and veterinary experts and scientists have been claiming for years that 'animals should be reared as close as possible to the premises on which they are born and slaughtered as close as possible to the point of production'¹⁵.

However, it must be ensured that the derogation laid down in paragraph 2 will only be applied in exceptional cases and does not become common practice. Therefore, additional conditions must be established defining in which cases competent authorities at departure places may grant an authorisation based on paragraph 2. It must be clarified that long journeys to other slaughterhouses are not permitted when, for example, nearby slaughterhouses are fully booked and have reached their capacities. By defining concrete and precise conditions for the application of paragraph 2 a uniform implementation can be assured within the EU Member States avoiding unfair shift in competition.

Animals' Angels therefore suggests adding concrete conditions which define and clarify such exceptional cases when the derogation of paragraph 2 may be applied.

5) Article 29 paragraphs 2 and 4: Journey times, rest periods, feeding and watering of unweaned calves, lambs, kids, piglets and foals, here: journeys for unweaned animals exceeding 8 hours.

Proposed wording: *'2. By way of derogation from paragraph 1, provided the means of transport is equipped with a feeding system approved in accordance with paragraph 5, unweaned calves, lambs, kids, piglets and foals may be transported for a maximum of 9 hours, after which a rest period of at least an hour without unloading shall take place before resuming the journey for a maximum of another 9 hours. (...) 4. Unweaned calves, lambs, kids, piglets and foals shall be provided with water ad libitum and be fed species-specific milk or appropriate milk replacement at 9-hour intervals counted from the start of the journey and regardless of the means of transport in which they are being transported.'*

¹⁵ FVE (2008): FVE calls to end suffering of animals during long distance transports. Position paper, FVE/08/doc/069, p. 3. https://fve.org/cms/wp-content/uploads/fve_08_016_transport.pdf / FVE (2016): The welfare of animals during transportation. FVE position paper, FVE/16/doc/065, p. 2. <https://fve.org/cms/wp-content/uploads/065-Long-distance-transport-of-livestock-Final.pdf>

The Proposal includes a journey limit for unweaned animals. That is to be welcomed. However, for the highly sensitive, very young animals, Animals' Angels would have liked to see a move away from the current system (in which young calves in particular are hawked as a 'by-product'¹⁶ to the highest bidder, no matter how far the transport is) and much more far-reaching restrictions on transport times for unweaned animals.

While a transport time limit of eight hours would already be a far-reaching compromise, Animals' Angels considers the continuation of the 9+1+9 rule to be unacceptable.

This proposal is not in line with the scientific findings. The European Food Safety Authority (EFSA) concludes in their findings published in September 2022 that the transport of unweaned calves shall not exceed eight hours – 'unless technology to allow on-truck feeding is developed'¹⁷. Although the Proposal addresses the need for a special vehicle with a special feeding system in paragraphs 2, 5 and 6 of Article 29, it clearly fails to recognise that there is a lack of knowledge in this respect. It also fails to recognise that when feeding calves, it is necessary to observe, monitor and handle each animal individually. Even if this were possible on the vehicle through individual access to each animal, the driver (and/or attendant) would not be able to do this within an hour. Furthermore, it fails to recognise that the scientific findings conclude that unweaned calves need proper rest after each meal for at least three hours¹⁸. Assuming that each calf (eighth week) should receive two litres of milk per meal and that with approx. 175 - 200 calves usually loaded on board a truck and with monitoring of each individual animal and a rest period for proper digestion of preferably three hours, this process cannot take place within one hour. That an appropriate feeding process followed by an appropriate resting period (lying down calmly with sufficient space for each animal) will take place during transport is very unlikely; that it can be done properly within one hour is not realistic.

Furthermore, the Proposal overlooks the fact that the requirement for a special drinking and feeding system already existed in Regulation (EC) No 1/2005 (Annex I Chapter II point 2.7, Chapter V point 1.4 lit a) and Chapter VI points 1.3 to 1.5), but due to the knowledge gap and the practical impossibility of adequate feeding of calves, this has not been taken into account in 20 years.

Animals' Angels therefore urges to finally renounce this unrealistic exception rule and to do more justice to the welfare of unweaned animals. Accordingly, we propose changing the wording as follows:

~~2. By way of derogation from paragraph 1, provided the means of transport is equipped with a feeding system approved in accordance with paragraph 5, unweaned calves, lambs, kids, piglets and foals may be transported for a maximum of 9 hours, after which a rest period of at least an hour without unloading shall take place before resuming the journey for a maximum of another 9 hours. (...)~~

34. Unweaned calves, lambs, kids, piglets and foals shall be provided with water *ad libitum* and be fed species-specific milk or appropriate milk replacement at 9-hour intervals. ~~counted from~~

¹⁶ EFSA AHAW Panel (EFSA Panel on Animal Health and Welfare), Nielsen SS, Alvarez J, Bicout DJ, Calistri P, Canali E, Drewe JA, Garin-Bastuji B, Gonzales Rojas JL, GortazarSchmidt C, Michel V, Miranda Chueca MA, Padalino B, Pasquali P, Roberts HC, Spoolder H, Stahl K, Velarde A, Viltrop A, Winckler C, Earley B, Edwards S, Faucitano L, Marti S, de La Lama GCM, CostaLN, Thomsen PT, Ashe S, Mur L, Van der Stede Y and Herskin M, 2022. Welfare of cattle during transport. EFSA Journal 2022;20(9):7442, 121 pp. <https://doi.org/10.2903/j.efsa.2022.7442>, p. 72

¹⁷ Ibid., p. 76

¹⁸ Ibid., pp. 96, 100. / Marahrens, M. and Schrader, L. (2020): Animal Welfare during Transport: Technical requirements for long-distance transport of unweaned calves. German Federal Research Institute for Animal Health (FLI). Link: https://www.openagrar.de/receive/openagrar_mods_00060429

the start of the journey and regardless of the means of transport in which they are being transported. After each meal the animals must be granted a resting period of at least three hours with sufficient space for each individual animal to lie down and rest comfortably.

6) Article 29 paragraph 3: Journey times, rest periods, feeding and watering of unweaned calves, lambs, kids, piglets and foals, here: sea transport for unweaned animals.

Proposed wording: *'3. Where parts of a journey for transport of unweaned calves, lambs, kids, piglets and foals takes place at sea, that part of the journey shall not be counted as part of the journey time.*

In the opinion of Animals' Angels, the journey time at sea should always be considered in the context of a complete journey, so together with the journey times on road. That means, when planning a journey that involves, for example, a segment on a roll-on-roll-off ferry, the calculation of the total journey time should include the loading of the animals at the place of departure, the road transport until embarking the ferry, the journey time at sea, the road transport after disembarking the ferry until reaching the place of destination, and the unloading of the animals. I.e. the journey time calculation starts with the loading of the first animal at the place of departure and ends with the unloading of the last animal at the place of destination. There is no scientific basis for the assumption that the transport time at sea should not count here.

Transport by sea (including livestock vessels and roll-on-roll-off (Ro-Ro) ferries) present several stressors in common with road transport such as stocking density, heat stress, noxious gases, motion stress, long journey times and handling stress¹⁹. In fact, transport by sea even present further welfare concerns. As stated by EFSA (2022) "transport of cattle in livestock vessels increases risks for the welfare of the animals, as they are exposed to additional hazards, as compared to road transport. Among the additional hazards and concerns for animal welfare are microclimatic conditions during the waiting time in ports and during the journey, motion arising from sea conditions and post-journey handling."²⁰ Concerning transports by Ro-Ro ferries, EFSA also confirms that they present further concerns: "The main welfare concerns related to transport of cattle on Ro-Ro ferries are: 1) a combination of waiting time in the port before and after the voyage plus the duration of the sea journey leading to the total time spent inside vehicles exceeding the recommended journey time; 2) weather disruption leading to delay or cancellation of journeys, as well as to motion stress; 3) reduced ventilation due to lack of natural ventilation (wind) inside the vessel and 4) difficulties in attending to animals and unloading them in case of emergencies."²¹

Unweaned animals are particularly vulnerable and fragile. They should not be subjected to such transport risks. According to the WOAHP Terrestrial Animal Health Code "the maximum duration of a journey should be determined in accordance with factors such as: a) the ability of the animals to cope with the stress of transport (such as very young, old, lactating or pregnant animals (...))"²².

¹⁹ EFSA AHAW Panel (EFSA Panel on Animal Health and Welfare), Nielsen SS, Alvarez J, Bicout DJ, Calistri P, Canali E, Drewe JA, Garin-Bastuji B, Gonzales Rojas JL, Gortazar-Schmidt C, Michel V, Miranda Chueca MA, Padalino B, Pasquali P, Roberts HC, Spooler H, Stahl K, Velarde A, Viltrop A, Winckler C, Earley B, Edwards S, Faucitano L, Marti S, de La Lama GCM, Costa LN, Thomsen PT, Ashe S, Mur L, Van der Stede Y and Herskin M, 2022. Welfare of cattle during transport. EFSA Journal 2022;20(9):7442, 121 pp. <https://doi.org/10.2903/j.efsa.2022.7442>, pp. 86 - 88.

²⁰ Ibid., p. 97

²¹ Ibid., p. 97

²² WOAHP Terrestrial Animal Health Code, article 7.3.5. point 3 lit a

Animals' Angels accordingly proposes changing the wording as follows: ~~Where parts of a journey for~~ The transport of unweaned calves, lambs, kids, piglets and foals takes place at by sea, that part of the journey shall not be counted as part of the journey time is not permitted except the total journey time from the loading of the first animal including the journey time by sea and the unloading of the animals at the final destination does not exceed eight hours and the truck is equipped with a feeding system appropriate for unweaned animals.

7) Article 29 paragraph 6: Journey times, rest periods, feeding and watering of unweaned calves, lambs, kids, piglets and foals, here: approval of feeding systems.

Proposed wording: *'The Commission shall, by means of implementing acts in accordance with Article 49, approve the feeding system referred to in paragraph 2, provided that there is scientific and technical evidence that the feeding system allows all unweaned calves, lambs, kids, piglets and foals on board to be fed, during the journey, milk or milk replacers at body temperature and appropriate hygiene level.'*

As mentioned above (see point VI. 5) related to Article 29 paragraphs 2 and 4), when feeding calves, it is necessary to observe, monitor and handle each animal individually. I.e. before approving a feeding system, it must be ensured that each animal on board the vehicle can be accessed and handled individually.

Animals' Angels therefore suggests changing the wording as follows: 6. The Commission shall, by means of implementing acts in accordance with Article 49, approve the feeding system referred to in paragraph 2, provided that there is scientific and technical evidence that the feeding system allows all unweaned calves, lambs, kids, piglets and foals on board to be fed, during the journey, milk or milk replacers at body temperature and appropriate hygiene level and that every animal can be accessed and handled individually on board the vehicle.

8) Article 30 paragraph 1 first sentence: Journeys by road to and from livestock vessels and roll-on roll-off vessels for transport of terrestrial animals other than domestic birds and rabbits, here: differentiation between sea journey by livestock vessels and Ro-Ro ferries.

Proposed wording: *'Journey times for transport of terrestrial animals other than domestic birds and rabbits which include a part of the journey at sea where consignments from different places of origin are transported, shall be counted from the loading of the animals at the place of departure the farthest away in driving time from the port of loading. (...).'*

In our view, this provision refers to the transport of animals by livestock vessel where animals of different consignments/departure places are driven to a port, unloaded from the road vehicles and loaded in the vessels which are "either purpose-built or, more frequently, converted from ships previously used for other purposes such as car transporters. Most of the vessels used in the EU have pens for the animals in the interior of the ship (below deck) which protects the animals from the weather but require mechanical ventilation systems"²³.

Sea transports by roll-on roll-off vessels/ferries provide different conditions as the animals are kept during the whole sea crossing inside the road vehicle which embarks the ferry. The trucks

²³ EFSA AHAW Panel (EFSA Panel on Animal Health and Welfare), Nielsen SS, Alvarez J, Bicout DJ, Calistri P, Canali E, Drewe JA, Garin-Bastuji B, Gonzales Rojas JL, GortazarSchmidt C, Michel V, Miranda Chueca MA, Padalino B, Pasquali P, Roberts HC, Spooler H, Stahl K, Velarde A, Viltrop A, Winckler C, Earley B, Edwards S, Faucitano L, Marti S, de La Lama GCM, CostaLN, Thomsen PT, Ashe S, Mur L, Van der Stede Y and Herskin M, 2022. Welfare of cattle during transport. EFSA Journal 2022;20(9):7442, p. 86

can either be loaded on the open, upper deck of the ferry or on the enclosed, below decks. The driver (and/or attendant) accompanies the animals during the sea crossing and continues after disembarking at the port of destination until the place of destination.

In our opinion, sea transport by livestock vessel and by Ro-Ro ferry should be dealt with separately in order to be able to respond more precisely to the different conditions of these two types of sea transport. Also, EFSA treated these two types of sea transport in two different specific scenarios.²⁴

Animals' Angels therefore proposes splitting this paragraph into two and dealing separately with sea transport by livestock vessel and by Ro-Ro ferry.

9) Article 30 paragraph 1 last sentence: Journeys by road to and from livestock vessels and roll-on roll-off vessels for transport of terrestrial animals other than domestic birds and rabbits, here: counting of the sea journey time.

Proposed wording: '(...) *The counting of the journey time shall be suspended from the moment the last animal is loaded on the vessel until the moment the first animal is unloaded at the port of arrival.*'

Animals' Angels is of the firm opinion that the journey time at sea should always be considered in the context of a complete journey, so together with the journey times on road. In the case of Ro-Ro ferry transport, when planning a journey that involves a transport part on a ferry, the calculation of the total journey time should include the loading of the animals at the place of departure, the road transport until embarking the ferry, the journey time at sea, the road transport after disembarking the ferry until reaching the place of destination, and the unloading of the animals. I.e. the journey time calculation starts with the loading of the first animal at the place of departure and ends with the unloading of the last animal at the place of destination. There is no scientific basis for the assumption that the transport time at sea should not count.

Transport by sea (including livestock vessels and Ro-Ro ferries) present several stressors in common with road transport such as stocking density, heat stress, noxious gases, motion stress, long journey times and handling stress²⁵. In fact, transport by sea even present further welfare concerns. As stated by EFSA (2022) "transport of cattle in livestock vessels increases risks for the welfare of the animals, as they are exposed to additional hazards, as compared to road transport. Among the additional hazards and concerns for animal welfare are microclimatic conditions during the waiting time in ports and during the journey, motion arising from sea conditions and post-journey handling."²⁶ Concerning transports by Ro-Ro ferries, EFSA (2022) also confirms that they present further concerns: "The main welfare concerns related to transport of cattle on Ro-Ro ferries are: 1) a combination of waiting time in the port before and after the voyage plus the duration of the sea journey leading to the total time spent inside vehicles exceeding the recommended journey time; 2) weather disruption leading to delay or cancellation of journeys, as well as to motion stress; 3) reduced ventilation due to lack of natural ventilation (wind) inside the vessel and 4) difficulties in attending to animals and unloading them in case of emergencies."²⁷ In fact, motion stress is even more relevant during sea journeys on Ro-Ro ferries than during road transport, especially "if the sea is rough and/or vehicles are not properly secured against movement in any direction in the ferry."²⁸

²⁴ Ibid., p. 85 -88

²⁵ Ibid., pp. 86 - 88

²⁶ Ibid., p. 97

²⁷ Ibid., p. 97

²⁸ Ibid., p. 88

It is simply not logical to suspend the counting of the journey time during sea transport, because the journey time at sea cannot be considered as a resting period in the sense of 'rest' but the animals are even exposed to further transport stressors as laid down by EFSA.

A recent tragedy at the port of Tanger-Med, Morocco, shows in a shocking way why the time on board a transport vehicle always must be counted and can never be considered as "resting time" – regardless of whether on sea or land: Two transports with Portuguese bulls were detained at the port of Tanger-Med from 3rd – 22nd January 2024, after arriving at the Moroccan port by Ro-Ro ferry. The animals were confined on board the trucks for 20 days. Due to changes in the Moroccan import tariffs and customs issues, the transports were not allowed to leave the Moroccan port. No emergency measures were taken such as unloading and accommodating the animals to ensure their wellbeing. On the contrary, the animals were left to their fate on board the vehicles and exposed to extreme suffering. One bull already died on 8th January. The dead body was in an advanced state of decomposition and trampled by the other animals, and hardly recognizable anymore after more than two weeks on board the truck. The 'bedding' had turned into a mud of excrement and urine and the extreme smell was obviously affecting the respiratory tract of the animals.²⁹ Obviously, with every day more of confinement on the means of transport, the condition for these animals has become worse and worse. This case makes clear: the time the animals spent on board the transport vehicles matters. It is not comprehensible at all why the new Proposal allows that animals loaded on trucks and transported by Ro-Ro ferry can be theoretically shipped around the globe without any time limit by suspending the journey time at sea. This must not be accepted under any circumstances.

Animals' Angels therefore urges to delete the last sentence of paragraph 1.

10) Article 30 paragraph 2: Journeys by road to and from livestock vessels and roll-on roll-off vessels for transport of terrestrial animals other than domestic birds and rabbits, here: including watering times.

Proposed wording: *'Feeding times on board shall follow the specific rules laid down in point 1 of Chapter V of Annex I.'*

For the sake of completeness and clear wording, avoiding any misinterpretation, the provision to water the animals on board should be included here as well.

Animals' Angels therefore proposes changing the wording as follows: Feeding and watering times on board shall follow the specific rules laid down in point 1 of Chapter V of Annex I.

11) Article 31 paragraph 1: Journey times for transport of terrestrial animals other than domestic birds and rabbits by road and rail in extreme temperatures, here: checking temperature forecast.

Proposed wording: *'The organiser, when submitting the journey log in TRACES, and the competent authority when approving the journey log, shall take into consideration the temperature forecast at the place of departure, the place of destination and, when relevant, the place of the control post, at the time animals are expected to be at those places. For consignments transported to third countries, the organiser shall also take into consideration the temperature forecast at the exit point or the border control post of the third country.'*

²⁹ https://www.animals-angels.de/fileadmin/user_upload/09_Presse/2024_01_Notsituation_fuer_Rinder_Tiertransport_Marokko.pdf

For the sake of clear and precise wording, Animals' Angels suggests 1.) deleting "when" and replace it with "before" approving the journey log to make clear that the temperature forecast must be checked by the competent authority before the approval of the journey, 2.) adding "along the entire itinerary" to ensure that the animals are not transported during extreme temperatures for a prolonged period of time, 3.) deleting "when relevant" as it is a vague formulation and can lead to different interpretation and non-uniform implementation of the Regulation, 4.) adding "and competent authority" to make clear that not only the organiser has to consider the temperature forecast at exit points and border control posts of third countries but also the competent authority before approving such journeys, and 5.) adding that in the case of sea transport, also the temperature forecasts at ports of departure and arrival must be taken into account. As practice has shown, animals are often exposed to long waiting times at ports where the animals remain on board the stationary vehicle. This imposes a high risk for them to suffer from heat stress when transported during high temperatures.

Animals' Angels therefore suggests changing the wording as follows: The organiser, when submitting the journey log in TRACES, and the competent authority before when approving the journey log, shall take into consideration the temperature forecast along the entire itinerary and particularly at the place of departure, the place of destination and, where applicable when relevant, the place of the control post, at the time animals are expected to be at those places. For consignments transported to third countries, the organiser and competent authority shall also take into consideration the temperature forecast at the exit point or the border control post of the third country. For consignments including sea transport, the organiser and competent authority shall take into consideration the temperature forecast at the port of departure and arrival.

12) Article 31 paragraph 2: Journey times for transport of terrestrial animals other than domestic birds and rabbits by road and rail in extreme temperatures, here: temperature limits.

Proposed wording: *'For transport of terrestrial animals by road, except for dogs and cats:*

(a) when the temperature forecast indicates temperatures below 0°C, road vehicles shall be covered and air circulation in the animal compartment controlled to protect animals from exposure to windchill during the journey;

(b) when the temperature forecast indicates temperatures below -5°C, in addition to the measures in point (a), the journey time shall not exceed 9 hours;

(c) when the temperature forecast indicates temperatures between 25°C and 30°C, the journey time during the period between 10h00 and 21h00 shall not exceed 9 hours;

(d) when the temperature forecast indicates temperatures above 30°C, only journeys taking place fully between 21h00 and 10h00 shall be allowed.

(e) when the temperature forecast indicates temperatures above 30°C between 21h00 and 10h00, the space allowance for the animals shall be increased by 20%.'

Clearly, Animals' Angels would have liked to see concrete species-specific temperature limits in the Proposal which are in line with EFSA's recommendations and also take into account humidity thresholds to better protect our animals from possible heat or cold stress during transport. It is regrettable that, for example, animals are still allowed to be transported up to nine hours at temperatures below -5°C – without any minimum lower temperature limit, or that transports at temperatures above 30°C at night are still allowed – without any maximum upper temperature limit, or that the obligation of a ventilation system that keeps the temperature within legal limits disappeared in the Proposal. Here, without doubt, stricter provisions would have been desirable for the sake of the wellbeing and protection of the animals concerned.

However, Animals' Angels is aware about the complexity of the ongoing discussion on temperature limits, considering pressing issues like climate change and raising temperatures, especially in Southern Europe. Within this context, the current Proposal seems to be a compromise setting at least maximum and minimum temperature limits to long journeys.

However, we disagree that the Proposal lacks the provision of temperature monitoring and record systems as laid down in Council Regulation (EC) No 1/2005, in Annex I Chapter VI point 3.3.: *'Means of transport by road must be fitted with a temperature monitoring system as well as with a means of recording such data. Sensors must be located in the parts of the lorry which, depending on its design characteristics, are most likely to experience the worst climatic conditions. Temperature recordings obtained in such manner shall be dated and made available to the competent authority upon request.'* During transport it is important to observe the temperature development inside the animals' compartments so that the drivers and/or attendants can take immediate action in case of problematic temperature rises/fallings. Also, in our opinion analysing temperature records is still a valuable tool for competent authorities when carrying out retrospective checks.

Furthermore, we think that it could be an opportunity for the EU Commission to collect temperature records from inside the animals' compartments and compare these with the outside temperature data for the relevant transports. This could be an important source of data, to confirm whether the new provisions on temperature limits as laid down in Article 31 paragraph 2 of the Proposal are effective or need any adjustment to effectively protect the animals against heat or cold stress during transport. We therefore suggest including the provisions that means of vehicles must be fitted with temperature monitoring and recording systems and that the temperature sensors must be placed in those areas where the animals most likely experience the worst climatic conditions. These most critical areas as well as the number of sensors inside the vehicles and per deck should be specified.

13) Article 31 paragraph 4: Journey times for transport of terrestrial animals other than domestic birds and rabbits by road and rail in extreme temperatures, here: exemption for bio-secure transports.

Proposed wording: *'Paragraphs (1) to (3) shall not apply to animals transported in bio-secure transports for the purposes of an authorised project or breeding under Directive 2010/63/EU.'*

It is not conclusive why animals used for scientific purposes and transported in bio-secure transports are exempted from the provisions laid down in paragraphs 1 – 3. Animals' Angels understand that bio-secure transports entail special requirements, but this cannot result in excluding the animals concerned from any temperature limits during transport. Also, in completely closed, air-conditioned transport vehicles, temperature limits must be complied with to ensure that the physiological needs of the animals are met, and their welfare is respected during transport.

Animals' Angels therefore suggests deleting paragraph 4 or laying down specific temperature provisions for animals transported in bio-secure transports for the purposes of an authorised project or breeding under Directive 2010/63/EU, respectively.

VII. CHAPTER VII: TRANSPORT TO AND FROM THIRD COUNTRIES

1) Article 32 paragraph 1: Obligations concerning the transport of animals to third countries, here: condition for export transports.

Proposed wording: *'Organisers may only make arrangements for the transport of animals to third countries if they hold an authorisation granted in accordance with Article 5.'*

Exporting animals to third countries that do not offer any animal welfare guarantees and where there are no recognisable legal bases or other credible efforts to comply with the internationally agreed WOAH animal welfare standards³⁰ does not correspond to the European understanding of animal welfare and is not compatible with Article 14 TFEU. It may not be permitted to deprive animals of the protection to which they are entitled under European law by transporting them to a non-EU country. This is also underlined by the judgement of the European Court of Justice of 23.04.2015 which clearly states that the protection of animals and the corresponding relevant rules may not end at the EU borders³¹.

Animals' Angels accordingly proposes changing the wording as follows: 'Organisers may only make arrangements for the transport of animals to third countries if they hold an authorisation granted in accordance with Article 5 and if they can prove that the third countries of transit and destination have adopted relevant legislation to ensure implementation of section 7 of the Terrestrial Animal Health Code of the World Organisation for Animal Health (WOAH).

2) Article 32 paragraph 3: Obligations concerning the transport of animals to third countries, here: pre-attestation of competent authority at the third country of destination.

Proposed wording: *'For journeys which include transport by livestock vessel, the organiser shall ensure that the competent authority at the third country of destination has completed, signed and stamped the attestation set out in Annex IV and transmitted it to the competent authority at the place of departure. The competent authority shall not approve the journey log if this attestation is not provided.'*

Animals' Angels welcomes the introduction of a model of attestation ensuring that the competent authority at the third country of destination confirms the acceptance of the imported animals in advance before approving such export transports. However, it is not reasonable why such pre-attestation should be only implemented for transports by livestock vessels to non-EU countries. Numerous incidents have shown in the past that also during export transports by road and by Ro-Ro transport to non-EU countries, animals have been rejected and stuck for days or even weeks at (terrestrial) border crossings. The most recent case known to Animals' Angels occurred in January 2024: two transports of heavy EU cattle were detained at the customs at the Moroccan port Tangier-Med for 20 days without unloading the animals. At least one animal died. The others were in a disastrous state of health and animal welfare.³² Also in August-September 2023, 41 cattle transported from Romania and destined for Türkiye were stuck on board the truck at the Turkish border crossing Kapikule for nearly four weeks due to the refusal of Turkish authorities to let the transport continue. The EU refused to take the animals back. The animals confined in the truck suffered from heat, stood ankle-deep in their own excrements and were only scarcely provided with food and water. On board, one heifer gave birth – both, the mother and her newborn died as well as another cattle due to the unbearable conditions on board. After only almost four weeks, the Romanian owner found a new buyer in Iraq, a destination further 2,000 km away. The surviving animals were reloaded – only after four hours of rest at a stable in Kapikule – on a

³⁰ WOAH Terrestrial Animal Health Code Chapter 7

³¹ ECJ C-424/2013

³² Please see: „[Notsituation für EU-Rinder im Hafen von Tanger, Marokko – Tiere seit über 20 Tagen auf LKW eingesperrt](#)“

Turkish truck transporting them to Iraq.³³ These are just two examples of many more demonstrating that also on road transports (and incl. Ro-Ro) to non-EU countries there is a high risk that import documents are incomplete or wrongly declared, health requirements are not complied with the rules set in the importing non-EU country, or financial disputes occur between organiser and buyer so that the transported animals are rejected by the importing non-EU country, “stranded” in the no-man’s-land after leaving the EU and left to their fate. A pre-attestation of the importing country like proposed for the transport by livestock vessel is urgently needed for all kind of export transports to non-EU countries, including by road and by Ro-Ro, to ensure that all pre-requirements set by the importing non-EU country are complied with, and to avoid that the animals are rejected at the non-EU border crossings - before sending animals on such risky journeys.

Animals' Angels therefore demands to add the requirement for an attestation also for transports by road, including transport parts by Ro-Ro ferry, destined to a third country to paragraph 3 and adapt Annex IV accordingly. We propose changing the wording as follows: For all journeys with destination in a third country which include transport by livestock vessel, the organiser shall ensure that the competent authority at the third country of destination has completed, signed and stamped the attestation set out in Annex IV and transmitted it to the competent authority at the place of departure. The competent authority shall not approve the journey log if this attestation is not provided.

3) Article 32, insert new paragraph 5: denial of EU exit in case of non-compliance with the Regulation.

In practice, Animals' Angels regularly observes that transports of animals are allowed to leave the EU exit point and continue their journey to a non-EU destination despite obvious violations of Regulation (EC) No 1/2005. For example, animals transported in overcrowded conditions, with insufficient head space, lack of feeding stuff on board, or obviously exceeding journey times in the non-EU leg of the journey are allowed and approved at the Border Control Posts to exit the EU. This common practice causes immense suffering to the animals concerned. In our opinion it is important to set clear rules and define responsibilities in the revised Regulation for a uniform implementation and to ensure that the animals transported to non-EU countries are only allowed to leave the EU when the transport is in compliance with the Regulation.

Animals' Angels therefore proposes inserting a new paragraph with the following wording: 5. Transports of animals to third countries shall only be allowed to leave the customs territory of the Union when the competent authorities at the designated exit points confirm full compliance of the transports with this Regulation. In case of non-compliance, the transports concerned shall be denied the EU exit and send back to the nearest control post or place of destination ensuring the welfare of the animals at any time.

4) Article 33 paragraph 2 lit f): Certificate for transport of animals to third countries, here: evaluation of animal condition independently from mode of transport.

³³ <https://www.animals-angels.de/neuigkeiten/beitrag/tiertransporte-in-die-tuerkei-wochenlange-tortur-fuer-schwangere-faersen-an-grenze-und-weiter-in-den-irak.html>

Proposed wording: *'The certification body shall evaluate whether the following conditions were met during the first journey referred to in paragraph 1: (...) (f) for journeys with a leg by livestock vessel, the animals arrive in good condition at the port of arrival; (...).'*

It is not logical that the certification body only has to evaluate for journeys with a leg by livestock vessel that the animals arrive in good condition at the port of arrival but that transports by road and Ro-Ro vessel to third countries are excluded from this provision. In our view, it must also be evaluated whether the animals transported by road and/or Ro-Ro vessel to third countries arrive in good condition at their destination in the third country before issuing a corresponding certificate to the organiser as also road and Ro-Ro vessel transports to third countries pose a high welfare risk to the animals.

Animals' Angels therefore proposes changing the wording as follows: The certification body shall evaluate whether the following conditions were met during the first journey referred to in paragraph 1: (...) (f) for sea journeys with a leg by livestock vessel, the animals arrive in good condition at the port of arrival, and for all journeys including by road to third countries, the animals arrive in good condition at the destination place.

5) Article 33 paragraph 9: Certificate for transport of animals to third countries, here: implementing acts.

Proposed wording: *'The Commission is empowered to adopt implementing acts in accordance with Article 49 to further establish the elements to be verified by the evaluation and the frequency of evaluations.'*

For clear wording, uniform implementation and more effectiveness of this provision, we recommend that implementing acts are to be adopted by the Commission. In this context, a template for a check list of such evaluation would be helpful which includes all elements that have to be verified during the evaluation. This should be done within a few months after the entry into force of the Regulation to ensure that the provision for certificates for transports to third countries is effectively enforced.

Animals' Angels proposes changing the wording as follows: The Commission shall ~~is empowered to adopt implementing acts in accordance with Article 49 to define further establish the elements to be verified by the evaluation, including a template for a check list, and the frequency of evaluations.~~

6) Article 34 paragraph 2: Control posts in third countries, here: unannounced controls

Proposed wording: *'Control posts in third countries shall only be included in the list provided for in paragraph 3 if they are certified by a certification body as having the means to comply with requirements equivalent to those laid down in Regulation (EC) No 1255/97. The certificate shall be valid for 5 years. The operator of the control post or the organiser may request the Commission to include the control post in the list referred to in paragraph 3.'*

For clear wording, uniform implementation and more effectiveness of this provision, we recommend that the Commission provides a template of the certificate used to evaluate control posts in third countries as well as the composition of the certification body by means of implementing acts within a few months from the entry into force of the provision or the provision would not be effectively enforced.

Like proposed in Article 33 paragraph 7 concerning the certificates for transport of animals to third countries and unannounced evaluations of journeys by the certification body, it would be only coherent and complete that also control posts in third countries – once certified by a certification body and included in the list provided in paragraph 3 – are checked and evaluated unannounced by certification bodies at least twice within the 5 years of validity of the certificate, in order to verify compliance with the requirements equivalent to those laid down in Regulation EC 1255/97.

Animals' Angels therefore proposes changing the wording as follows: Control posts in third countries shall only be included in the list provided for in paragraph 3 if they are certified by a certification body as having the means to comply with requirements equivalent to those laid down in Regulation (EC) No 1255/97. The Commission shall provide, by means of implementing acts in accordance with Article 49, a template for a certificate and the composition of the certification body. The certificate shall be valid for 5 years. The operator of the control post or the organiser may request the Commission to include the control post in the list referred to in paragraph 3. Certification bodies shall perform at least two unannounced evaluations of the control posts in third countries within 5 years of validity of the certificate, in order to comply with the provisions equivalent to those laid down in Regulation (EC) No 1255/97.

VIII. CHAPTER VIII: OBLIGATIONS OF COMPETENT AUTHORITIES

1) Article 37: Trainings, here: composition of the training courses

Proposed wording: '1. For the purposes of Article 10, Member States shall designate the competent authority responsible for:

- (a) ensuring that training courses are available for drivers, attendants and animal welfare officers involved in the transport of animals relevant to species and the categories of animals concerned;
- (b) keeping a list of approved training courses available to drivers, attendants and animal welfare officers responsible for animal welfare during transport;
- (c) organising an independent final examination to test the drivers', attendants' and animal welfare officers' knowledge, the content of which shall be relevant for the categories of animal concerned and shall correspond to the stage of transport concerned;
- (d) delivering certificates of competence attesting the passing of the independent final examination;
- (e) determining the content of the training courses referred to in point (a) and the modalities of the examination referred in point (b).

2. The training courses referred to in paragraph 1 shall cover at least the following competences, knowledge and skills:

- (a) the animal welfare obligations, in particular those set out in Annexes I and II;
- (b) the species-specific behaviour of animals and their physiological and ethological needs during a journey;
- (c) ways to minimise animal welfare risks during a journey;
- (d) recognition of expressions of animals' positive and negative emotions, including any sign of suffering during a journey;
- (e) use and maintenance of equipment used for animals accommodated in the means of transport;
- (f) methods for monitoring indicators in accordance with Article 26; and
- (g) contingency plans in Article 8.'

In the context of the EU, it is necessary to make the training courses homogeneous for operators in all Member States by defining not only the basis of the content but also the minimum number of hours to be carried out for both, theory and practice. Given the fact that already the EU transport legislation is very complex, and the drivers and attendants need to learn further contents as e.g., the needs and behaviour of the animals and different species, a minimum of 20 hours of theory should be required and following the best practice of Austria³⁴, 80 hours of practice are recommended.

Animals' Angels accordingly proposes adding to Article 37 an additional paragraph with the following wording:
3. The training must be configured for at least 20 theory hours and must include practice in handling animals during animal transportation for at least 80 hours under the supervision and guidance of a person who is in possession of a certificate of competence and who must confirm attendance.

2) Article 38 paragraphs 1 and 2: Certificate of competence, here: infringement records

Proposed wording: '1. The competent authority shall grant a certificate of competence in TRACES provided that the following conditions are fulfilled:

(a) the applicant has successfully passed the final examination referred to in Article 37(1), point (c);
 (b) the applicant has provided a written declaration stating that he/she has not committed a serious infringement as provided for in Article 44 in the 3 years preceding the date of the application for that certificate.

2. The competent authority shall not grant the certificate of competence if another competent authority has prohibited the applicant from handling animals.'

A self-declaration in this case cannot relieve the authorities of the duty to ascertain that the person in question has no previous record of violating the EU animal transport rules. Therefore, it is necessary for the authorities to check, also with the liaison bodies of other Member Countries and the infringement notification systems in practice, that the person in question has no previous record. The reference period for the analysis of precedents should be increased from three to five years, corresponding to the duration of the certificate. Moreover, convictions for mistreatment of animals should also be considered and the certificate may not be granted in such cases.

Animals' Angels proposes changing the wording as follows:

1. The competent authority shall grant a certificate of competence in TRACES provided that the following conditions are fulfilled:

(a) the applicant has successfully passed the final examination referred to in Article 37(1), point (c);

(b) the applicant has provided a written declaration stating that he/she has not committed a serious infringement as provided for in Article 44 in the 3 5 years preceding the date of the application for that certificate. The competent authority must also ascertain from the breach notification systems in place and ask the Regulation's contact point network if the person has a history of breaching the Regulation or mistreating animals.

2. The competent authority shall not grant the certificate of competence if another competent authority has prohibited the applicant from handling animals or issued sanctions for a serious violation or sanctions for at least 3 violations of the Regulation in the previous 3 years or if the applicant was convicted for animal mistreatment.

³⁴ § 2 II 2. Verordnung der Bundesministerin für Gesundheit, Familie und Jugend über die Ausbildung von Personen, die Tiertransporte durchführen, Personen, die auf Sammelstellen mit Tieren umgehen, sowie Personen, die Tiertransportkontrollen durchführen (Tiertransport-Ausbildungsverordnung, TT-AusbVO)

3) Article 39 lit a): Designation of exit points, here: management of emergencies

Proposed wording: *'Member States shall: (a) designate the exit points through which transport of animals to third countries may take place; (...)'*

Exit points for the transport of animals to third countries must allow the management of emergencies given the high risk of bureaucratic inconsistencies that can generate long waiting times and the consequent threat this poses to the welfare of animals confined on board a vehicle.

Animals' Angels accordingly proposes changing the wording as follows: Member States shall: (a) designate the exit points through which transport of animals to third countries may take place, which must be equipped or organised with a place for the unloading and handling of animals in emergencies; (...).

4) Article 40 paragraph 1 lit d): Livestock vessel inspection on loading and unloading, here: vessel's ship risk profile.

Proposed wording: *'Livestock vessel inspection on loading and unloading*

1. Before animals are loaded onto a livestock vessel, the competent authority shall inspect the vessel in order to verify in particular that: (...) (d) the livestock vessel's ship risk profile rating is standard risk or low risk according to the Paris Memorandum of Understanding on port State control. (...)

In view of the high risk posed by sea transports, especially for the very long ones, and the accidents that have occurred³⁵, it is considered necessary to allow only ships with a Paris Memorandum of Understanding on port State control (PMoU) low risk profile to transport sentient beings.

Animals' Angels accordingly proposes changing the wording as follows: Livestock vessel inspection on loading and unloading
1. Before animals are loaded onto a livestock vessel, the competent authority shall inspect the vessel in order to verify in particular that: (...) (d) the livestock vessel's ship risk profile rating is ~~standard risk or~~ low risk according to the Paris Memorandum of Understanding on port State control.

IX. CHAPTER IX: SANCTIONS

1) Article 42 lit b): Measures and sanctions to ensure compliance, here: appropriate measures.

Proposed wording: *'Without prejudice to the application of Regulation (EU) 2017/625, Member States shall lay down the rules on measures and sanctions against the natural person having committed, or the legal person held liable for, an infringement of this Regulation. In particular,*

³⁵ See e.g., <https://www.freightwaves.com/news/livestock-shipping-is-already-infamous-its-reputation-just-got-worse>

Member States shall systematically: (...) (b) take appropriate measures, when an infringement is detected, including to bring the infringement to an end; (...)

The term “appropriate measures” is not further defined and specified, thus leaving room for interpretation and different implementation among the Member States. The general obligations of the competent authorities as regards enforcement action according to Article 137 of the Regulation EU 2017/625 as well as the actions in the event of established non-compliance according to Article 138 of Regulation EU 2017/625 are not specifically tailored for the transport of animals but kept more general. Thus, for ensuring uniform understanding, implementation and enforcement of the Regulation, it would be helpful to concretise and complement “appropriate measures” in the case of non-compliance in the context of animal transport.

Animals' Angels therefore suggests, e.g. inserting a new article listing appropriate measures to ensure compliance, mentioned in Article 42 lit b), like those measures e.g. formerly specified and listed by Regulation (EC) No 1/2005, Article 23 and Article 26 paragraph 4 lit. a), b), c), paragraph 5 and paragraph 6.

2) Article 43: Sanctions for infringements of this Regulation, here: definition of sanctions

Proposed wording: '1. Without prejudice to the application of Regulation (EU) 2017/625, Member States shall ensure that a natural person having committed or a legal person held liable for an infringement of this Regulation is subject to administrative sanctions in accordance with this Regulation, and national law. Alternatively, Member States may apply criminal sanctions.

2. Member States shall ensure that sanctions applied in accordance with this Regulation and the relevant provisions of national law are proportionate to the seriousness of infringements and adequate in severity to effectively punish and deter further infringements.

3. When determining sanctions, including when fixing the amount of financial penalties in accordance with paragraph 5, Member States shall take into account the nature, gravity and extent of the infringement, including the harm to the welfare of the animals concerned, their number, type, age or vulnerability, the duration of the infringement, its repetition, and the accumulation of simultaneous infringements and if the infringement was committed deliberately or by negligence.

4. The following shall be considered aggravating circumstances:

(a) infringements perpetrated through fraudulent or deceptive practices, or using documents/certificates that are falsified or known to be invalid;

(b) deliberately making false or misleading declarations in journey logs.

5. In the case of a serious infringement, Member States shall ensure that the serious infringement is punishable by administrative financial penalty of which the minimum shall be at least the value of the consignment. In the case of a repeated serious infringement within a three-year period, Member States shall ensure that the serious infringement is punishable by administrative financial penalties, of which the minimum shall be at least twice the value of the consignment.

Member States may take into account the economic situation of the natural person having committed or legal person held liable for the infringement to ensure the deterrence of sanctions. For that purpose, Member States may, in accordance with national law, apply a system whereby a financial penalty is imposed which is calculated as a percentage of the turnover of the operator being held liable for the infringement."

The sanctioning system of Regulation (EC) No 1/2005, which is left to the discretion of each Member State, has shown several shortcomings. The first of which is that it is completely disharmonious from one country to another and that it is often neither proportionate, effective nor dissuasive. For this reason, the new sanctioning system must be improved. For example,

making sanctions certain³⁶, defining the degree of severity so that it is the same for all countries in table/catalogue form, easy to understand and unequivocal, right in line with the principle of legal certainty³⁷, the key objective of Better Regulation Agenda³⁸ and the Interinstitutional Agreement on Better-Law-Making³⁹, to promote clear and simple EU laws. Therefore, leaving the definition of sanctions in the hands of Member States, as it has been the case for the last 20 years, and given the disastrous results, would be irresponsible and reckless. Just providing the diversification of sanctions according to the negative effect on animal welfare, the number of animals involved, their type, their age, and the duration of the violation, means leaving the Member States once again in the dark. Furthermore, to make a penalty dependent on the number of animals involved means to belittle the infringement when the animal affected is one and does not take into account the individuality of the sentient being. Considering wilfulness and negligence as additional factors makes the whole thing tremendously complicated, as proof of wilfulness is notoriously impossible, and as for administrative violations there is generally a presumption of guilt, the burden of proof to the contrary being on the offender. It is instead necessary and consistent with the Better Regulation approach of the European Commission and with Commission Regulation (EU) 2016/403 to distinguish between three intensities of seriousness of violations, i.e. serious, very serious, most serious violations⁴⁰. The Proposal should define them in a table taken from Commission Regulation (EU) 2016/403. So, there would be a clear and common basis for all Member States to define harmonized sanctions.

Animals' Angels accordingly proposes changing the wording as follows:

- “1. Without prejudice to the application of Regulation (EU) 2017/625, Member States shall ensure that a natural person having committed or a legal person held liable for an infringement of this Regulation is subject to administrative sanctions in accordance with this Regulation, and national law. Alternatively, Member States may apply criminal sanctions.**
- 2. Member States shall ensure that sanctions applied in accordance with this Regulation and the relevant provisions of national law are proportionate to the seriousness of infringements and adequate in severity to effectively punish and deter further infringements.**
- 3. When determining sanctions, including when fixing the amount of financial penalties in accordance with paragraph 5, Member States shall take into account the nature, gravity and extent of the infringement, including the harm to the welfare of the animals concerned, their number, type, age or vulnerability, the duration of the infringement if the infringement is serious, very serious or most serious, and its repetition, and the accumulation of simultaneous infringements and if the infringement was committed deliberately or by negligence.**
- 4. The following shall be considered aggravating circumstances:**
 - (a) infringements perpetrated through fraudulent or deceptive practices, or using documents/certificates that are falsified or known to be invalid;**
 - (b) deliberately making false or misleading declarations in journey logs.**
- 5. In the case of a most serious infringement, Member States shall ensure that the most serious infringement is punishable by administrative financial penalty of which the minimum shall be at**

³⁶ “Violation of Council Regulation (EC) No 1/2005 on the Protection of Animals During Transport: the Current Sanctioning Systems in the EU Member States and how to Harmonize them.” A study by Animals' Angels of 2022. Pages 58-63.

³⁷ Legal certainty is one of the general principles of European Union law recognised by the European Court of Justice since 1960s.

³⁸ https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation_en

³⁹ From whereas (2): “The three Institutions recognise their joint responsibility in delivering high-quality Union legislation and in ensuring that such legislation (...) is as simple and as clear as possible, avoids overregulation and administrative burdens for citizens, administrations and businesses, especially small and medium-sized enterprises (“SMEs”), and is designed with a view to facilitating its transposition and practical application (...).”

⁴⁰ COMMISSION REGULATION (EU) 2016/403 of 18 March 2016 supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council, Annex I, paragraph 12

least the value of the consignment. In the case of a repeated serious infringement within a three-year period, Member States shall ensure that the most serious infringement is punishable by administrative financial penalties, of which the minimum shall be at least twice the value of the consignment.

Member States may take into account the economic situation of the natural person having committed or legal person held liable for the infringement to ensure the deterrence of sanctions. For that purpose, Member States may, in accordance with national law, apply a system whereby a financial penalty is imposed which is calculated as a percentage of the turnover of the operator being held liable for the infringement.

6. In the case of serious and very serious infringements, Member States shall ensure that they are punishable by administrative financial penalty of which the minimum shall be at least 1,000 Euros for the serious and 3,000 Euros⁴¹ for the very serious.

7. In the case of aggravating circumstances or repetition, the penalty should be increased of 30%⁴² and an accessory measure must be applied to withdraw or suspend permissions.

8. The amount of the administrative financial penalties must be different for the natural person or the legal person.

3) Article 44: Serious infringements, here: most serious infringements

Proposed wording: *'The following infringements shall be considered serious when committed deliberately or negligently:*

- (a) animals with severe open wounds, prolapses and broken limbs are transported;
- (b) animals are transported before the minimum age for transport;
- (c) the vertical height provided to animals transported is less than 80% of the requirements for vertical height set out in point 6 of Chapter III of Annex I;
- (d) the space allowance for animals transported is less than 80% of the requirements for space allowances set out in Chapter VII of Annex I;
- (e) the journey time exceeds the maximum journey time by 30%, excluding rest periods;
- (f) aquatic animals are transported without monitoring of water parameters in accordance with Annex II;
- (g) animals are transported for long journeys without an organiser authorisation, a transporter authorisation, a certificate of approval for a means of transport, or a certificate of competence of driver or attendant;
- (h) animals are transported for long journeys without an approval by the competent authority of the journey log;
- (i) animals are transported with a destination in a third country without a valid certificate for transport of animals to third countries in accordance with Article 33.'

Transporting unfit animals, space and travel time are the cornerstones for the protection of the transported animals. It is a must to consider the violation of these cornerstones as most serious without exception. It is not acceptable to make differences within these cases and punish some hypotheses and others not. Just as it is not acceptable to punish them only if the violation was of a certain percentage precisely because they are the most serious violations.

**Animals' Angels accordingly proposes changing the wording as follows:
The following infringements shall be considered most serious ~~when committed deliberately or negligently~~:**

⁴¹ Proposed by averaging the sanctions in force in the Netherlands, Austria, Italy, Romania and Greece

⁴² This is just a proposal. Animals' Angels believes that the Regulation should provide for the consequence of aggravation and repetition in a precise and measurable way and above all equal and homogeneous for all Member States, in the perspective of the acts indicated in the above footnotes from 33 to 35.

- (a) ~~animals with severe open wounds, prolapses and broken limbs are transported~~ animals unfit for transport;
- (b) ~~animals are transported before the minimum age for transport~~;
- (c) ~~(b) the vertical height provided to animals transported is less than 80% of the requirements for vertical height set out in point 6 of Chapter III of Annex I~~
- (d) ~~(c) the space allowance for animals transported is less than 80% of the requirements for space allowances set out in Chapter VII of Annex I~~
- (e) ~~(d) the journey time exceeds the maximum journey time by 30%, excluding rest periods; or the necessary 24 h rest period is not respected.~~
- (e) temperature limits for animals transported are violated;
- (f) aquatic animals are transported without monitoring of water parameters in accordance with Annex II;
- (g) animals are transported for long journeys without an organiser authorisation, a transporter authorisation, a certificate of approval for a means of transport, or a certificate of competence of driver or attendant, or in case of sea transport by livestock vessel without a certificate of competence of the animal welfare officer;
- (h) animals are transported for long journeys without an approval by the competent authority of the journey log;
- (i) animals are transported with a destination in a third country without a valid certificate for transport of animals to third countries in accordance with Article 33.

4) Article 45: Other sanctions, here: bearing costs.

Proposed wording: '1. The sanctions provided for in this Chapter are without prejudice to other sanctions that may be taken by competent authorities in the event of an established infringement, in particular:

- (a) the immobilisation of the vehicle or livestock vessel involved in the infringement;
- (b) the confiscation of the vehicle or livestock vessel or the animals transported;
- (c) the suspension or withdrawal of the organiser or transporter authorisation;
- (d) the suspension or cessation of all or part of the economic activities of the operator related to the transport of animals.

2. Member States shall determine the duration of the sanctions referred to in paragraph 1.'

The question of who bears the costs in the case of unloading animals on board immobilised and confiscated vehicles and for storing for these vehicles is a matter of constant discussion and controversy among the authorities.

Animals' Angels therefore demands to clarify the point who bears the costs in such situations in order to make its application effective. We suggest inserting this point in paragraph 2 or in a new paragraph 3.⁴³

X. CHAPTER X: PROCEDURAL PROVISIONS

1) Article 46: Report on the state of animal welfare during transport, here: providing information.

⁴³ See also proposal regarding Article 19 paragraph 3 of the Proposal

Proposed wording: '1. Based on the data recorded in TRACES in accordance with Article 26 and any other relevant data, the Commission shall publish by [5 years after the date of entry into force of this Regulation] and thereafter every 5 years, a monitoring report on the state of animal welfare with regard to transport in the Union. 2. For the purpose of the reporting referred to in paragraph 1, Member States shall provide the Commission with the information necessary for the preparation of this report.'

The Regulation must indicate what information the Commission needs, in what form and how often it must be provided by the Member States. The Commission should provide the Member States with a template indicating the required information, so that it is uniform for comparison and statistics.

Animals' Angels therefore proposes adding a new paragraph 3 specifying how often the information must be provided according to paragraph 2, and where to find the template provided by the Commission.

2) Article 47: Amendment of Annexes

Proposed wording: '1. The Commission is empowered to adopt delegated acts in accordance with Article 48 to update the technical rules contained in Annex I, Chapters I, II, V and VII, and Annex II in order to take into account technical progress and scientific developments when available, including scientific opinions of the EFSA, and of social, economic and environmental impacts, with regards to:

- (a) the design and maintenance of means of transport;
- (b) the handling equipment;
- (c) the water requirements, including maximum levels for water parameters, and water monitoring requirements;
- (d) feeding requirements;
- (e) fitness for transport;
- (f) loading and unloading practices;
- (g) handling during and after transport activities;
- (h) conditions on board roll-on roll-off vessels and transport by air;
- (i) transport practices;
- (j) space allowance and stocking density requirements.

2. The Commission is empowered to adopt implementing acts in accordance with Article 49 to update the templates for journey logs in Annex III and the model of attestation in Annex IV.'

Article 47 first mentions only some annexes and chapters but then refers to technical provisions contained in the excluded chapters. This obviously does not make sense, especially if the purpose of these acts is to adapt technical rules to scientific developments: all technical rules must be able to be adapted. For the same reason, all models of attestation of technical matters must also be able to be modified, such as Annex V concerning certificates for means of transport.

Animals' Angels therefore proposes adding Annex I Chapters III, IV, VI, VII and Annex V to paragraph 1 of Article 47.

3) Article 48: Exercise of delegation

Proposed wording: '1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts shall be conferred on the Commission for a period of 5 years from the date of entry into force of this Regulation. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in paragraph 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to paragraph 2 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'

The power of the European Commission to adopt delegated acts should be valid for the entire life of the Regulation, since these are tools that serve to improve and evolve it in step with science, and it should not be revoked, for the same reasons. Additionally, citizens and stakeholders should be consulted with a deadline of at least four weeks⁴⁴.

Animals' Angels accordingly proposes changing the wording as follows:

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts shall be conferred on the Commission for a period of 5 years from the date of entry into force of this Regulation. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in paragraph 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. 3. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. Citizens and stakeholders should be also consulted with a deadline of 4 weeks.

5. 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. 5. A delegated act adopted pursuant to paragraph 2 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two

⁴⁴ See https://commission.europa.eu/about-european-commission/get-involved/comment-eu-policy-and-law_en

months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

XI. CHAPTER XI: OTHER PROVISIONS

1) Article 55: Derogation, here: application of the proposed Regulation in transports within, to and from outermost regions

Proposed wording: *'By way of derogation to this Regulation, Member States may continue to apply the current national provisions concerning transport of animals within their outermost regions, originating from or arriving at those regions. They shall inform the Commission thereof.'*

This derogation debases and renders futile the new Regulation and the legislator's aim of improving the conditions of animal transport that have hitherto been recognised as unsuitable for even minimal protection.

Animals' Angels urges to deleting this derogation.

XII. ANNEX I: TECHNICAL RULES FOR TERRESTRIAL ANIMALS

1) Chapter I: Fitness for transport

a) Annex I Chapter I point 1 f): Terrestrial animals considered not fit for transport, here: pregnant females and animals that have given birth recently.

Proposed wording: *'Terrestrial animals shall not be considered fit for transport if: (...) (f) they are pregnant females for whom 80 % or more of the expected gestation period has already passed, or females who have given birth in the previous 7 days;'*

The proposed wording does not meet the needs of pregnant animals. There are significant risks to the health and welfare of e.g., heifers and cows transported over long distances in late pregnancy. In heifers (whose very long export transports are even increasing), the risk may be greater because they tend to have a shorter pregnancy and since most pregnant heifers are physically immature during pregnancy, they may be more susceptible to the stress of long-distance transport⁴⁵. To give special consideration to the health of pregnant animals and their unborn offspring, animals should not be transported if more than 40% of their gestation period has passed.

Also, females who gave birth within eight weeks before the transport shall not be transported⁴⁶.

⁴⁵ <https://www.thecattlesite.com/articles/2580/health-and-welfare-of-cattle-transported-in-late-pregnancy>

⁴⁶ Eurogroup for Animals, Live Animal Transport: Time To Change The Rules, White Paper on the revision of Council Regulation (EC) 1/2005, p. 18 https://www.eurogroupforanimals.org/files/eurogroupforanimals/2021-02/2020_01_27_efa_transport_white_paper_0.pdf

Giving birth is an extremely stressful and painful process after which mother and newborn need time to recover. In the post-partum period, numerous health problems can occur. It is important to provide proper care to the mother, nutrition and health monitoring in the post-partum period. As reported “after calving, the cow’s reproductive tract needs to recover both physically and physiologically, in order to resume cycling and become ready for the next pregnancy. (...) During this period, dairy cows are at risk of developing calving-related diseases, such as hypocalcemia, metritis (uterine infection), ketosis, and displaced abomasum. (...) Health monitoring of postpartum cows during the first few weeks after calving is crucial. Sound management, thorough preventative protocols, and treatment of post-partum disorders associated with calving such as ketosis, milk fever, uterine infections, retained fetal membranes, displaced abomasum, and udder edema, is required to reduce the unnecessary use of antibiotics and hormones. These health disorders are evaluated by monitoring rectal temperature, appetite, rumen function, ketones, and milk production. Cows should be treated promptly according to the farm’s protocol and/or veterinarian’s recommendations.”⁴⁷ Regarding post-partum conditions of cows, “post-partum problems are often inter-linked and can be the result of nutritional, breeding, management and environmental factors acting to compromise the cow’s ability to withstand disease. (...) in some cases, infection overwhelms the cow’s ability to respond, and a number of conditions may occur”. It is recommended to examine all post-partum cows at least 14-28 days after calving by a veterinarian.⁴⁸ Enough time should be given to the mother to recover before exposing her to another stressful event such as transport. Hereby, 7 days seems too short. We recommend a longer time of eight weeks in order to avoid potentially serious negative health consequences for the animals during transportation as far as possible from the outset.

Animals’ Angels proposes changing the wording accordingly: Terrestrial animals shall not be considered fit for transport if: (...) (f) they are pregnant females for whom ~~80%~~ 40 % or more of the expected gestation period has already passed, or females who have given birth in the previous ~~7 days~~ eight weeks.

b) Annex I Chapter I point 1 j): Terrestrial animals considered not fit for transport, here: rabbits

Proposed wording: ‘1. Terrestrial animals shall not be considered fit for transport if: (...) (j) they are rabbits of less than 48 hours of age.’

According to the latest scientific findings, one of the main conditions making rabbits unfit for transport is when they are unweaned⁴⁹.

Commonly, rabbits are weaned between four and six weeks of age. For farming purposes moderate weaning at an age of four weeks is considered suitable by scientists⁵⁰. Among others, early weaned rabbits (e.g. 23 days) are likely to present lower body weight and higher mortality rate than other weaned rabbits and the early withdrawal of milk may have affected the growth of rabbits by an indirect effect on health. As unweaned rabbits should not be transported according

⁴⁷ https://www.mcgill.ca/research/files/research/dc-406_post_partum_care_of_dairy_cattle.pdf

⁴⁸ <https://www.farmhealthonline.com/US/disease-management/cattle-diseases/post-partum-conditions/>

⁴⁹ EFSA AHAW Panel (EFSA Panel on Animal Health and Welfare), Nielsen SS, Alvarez J, Bicout DJ, Calistri P, Canali E, Drewe JA, Garin-Bastuji B, Gonzales Rojas JL, Gortázar Schmidt C, Herskin M, Michel V, Miranda Chueca MA, Padalino B, Roberts HC, Spoolder H, Stahl K, Viltrop A, Winckler C, Mitchell M, James Vinco L, Voslarova E, Candiani D, Mosbach-Schulz O, Van der Stede Y and Velarde A, 2022. Scientific Opinion on the welfare of domestic birds and rabbits transported in containers. *EFSA Journal* 2022; 20(9):7441, 188 pp. <https://doi.org/10.2903/j.efsa.2022.7441>, p. 150

⁵⁰ EL-SABROUT K., AGGAG S.A., THE GENE EXPRESSION OF WEANING AGE AND ITS EFFECT ON PRODUCTIVE PERFORMANCE OF RABBITS, *World Rabbit Sci.* 2017, 25: 1-7, p. 6

to the scientific findings and the acceptable weaning age is at 28 days, rabbits may not be transported before this age.

Accordingly, Animals' Angels suggests changing the wording as follows: 1. Terrestrial animals shall not be considered fit for transport if: (...) (j) they are rabbits of less than ~~48 hours~~ 28 days of age.

c) Annex I Chapter I point 3 a): Derogation: Fitness for transport of slightly injured or ill animals, here: difficult interpretation.

Proposed wording: *'By way of derogation from point 1 (a) and (b), animals may be considered fit for transport if they are: (a) slightly injured or ill, and transport would not cause additional suffering;'*

This derogation was already included in Regulation (EC) No 1/2005. It offers a wide range of interpretation. Practice has shown in the last decades that it gives rise to manifold situations where the condition of the animal is difficult to assess, and it can be hard to decide if the animal is fit for transport or not. It is important to keep in mind that a minor injury or illness is not always a sufficient indication of the animal's fitness for transportation; it is also important to assess the animal's general condition. Animals' Angels therefore suggests narrowing the wording and adding that the animal must also be in good general condition.

Accordingly, we suggest changing the wording as follows: By way of derogation from point 1 (a) and (b), animals may be considered fit for transport if they are: (a) slightly injured or ill, they are in good general condition and transport would not cause additional suffering.

Nota bene: Accordingly, we advise the inclusion of the definition of good general condition, for example in Article 3 of the Proposal.

d) Annex I Chapter I point 3 c): Derogation: Animals that have been submitted to veterinary surgical procedures, here: missing veterinary supervision.

Proposed wording: *'By way of derogation from point 1 (a) and (b), animals may be considered fit for transport if they are: (...) (c) animals that have been submitted to veterinary surgical procedures, provided that wounds are not bleeding, and measures are taken to minimise physical contact with the wound.'*

Here it remains unclear if the decision to transport the animal after a veterinary surgical procedure is alone the decision of the owner. As after a veterinary surgical procedure, there is a high risk that the animal suffers or may suffer an infection or that e.g., the wound reopens, the decision if such an animal may be transported must be the decision of a veterinarian.

Animals' Angels accordingly proposed to change the wording as follows: By way of derogation from point 1 (a) and (b), animals may be considered fit for transport if they are: (...) (c) animals that have been submitted to veterinary surgical procedures, provided that wounds are not bleeding and measures are taken to minimise physical contact with the wound and the transport takes place under veterinary supervision.

e) Annex I Chapter I point 7: Fitness for transport, here: first aid treatment for animals that fall ill or injured during transport.

Proposed wording: *'7. When animals fall ill or are injured during transport, they shall be separated from the others and receive first-aid treatment as soon as possible. They shall immediately be given appropriate veterinary treatment and if necessary, undergo emergency slaughter or killing in a way which does not cause them any unnecessary suffering.'*

Animals' Angels agrees with the high importance of this provision which already existed under Regulation (EC) No 1/2005. Unfortunately, practice has shown that in most situations it is very difficult to separate an animal on board the vehicle and to grant first aid to the animals on board the vehicle. The practical reasons for this are usually the impossibility of reaching individual animals on board the vehicles and/or the high loading densities. Therefore, to really grant attention to an injured or ill animal, it must be unloaded. This in turn means that often due to the position of the animal in the vehicle, all animals must be unloaded to unload one individual and that for safety reasons the animal must be taken off the vehicle in a safe environment, which means at a control post or emergency unloading facility. The net of such facilities within the Union is low⁵¹ and in third countries often not even existing. We emphasize these difficulties to reiterate the importance of keeping loading densities low and ensuring access to all animals on the vehicle.

In addition, we suggest following the German or Italian wording of this provision in future, as this seems more logical in itself in connection with the temporal sequence of 'as soon as possible' and 'immediately'. This would read as follows in English: When animals fall ill or are injured during transport, they are separated from the others and given first aid as soon as possible. They are examined and treated by a veterinarian and, if necessary, emergency slaughtered or killed to avoid unnecessary suffering.

2) Annex I Chapter II: Means of transport.

a) Annex I Chapter II point 1.1 new letter j): Provisions for all means of transport and containers, here: temperature sensors and warning system

We suggest adding a new letter j) to point 1.1. which provides for the equipment of temperature sensors inside the animals' compartments in order to allow the driver and/or attendant of the animals to monitor and regularly check the temperature development inside the vehicle. Especially during high or cold temperature and in case of unexpected delays with long standstill periods, such temperature monitoring system with an alert system on board can be an additional, important tool for the driver or attendant to take immediate action when temperatures reach critical values.

Animals' Angels therefore suggest adding a new paragraph with the following wording:
1.1. Means of transport, containers and their fittings shall be designed, constructed, maintained and operated so as to: (...)
(j) provide a temperature monitoring and recording system on board the means of transport. Temperature sensors must be located in the parts of the means of transport which, depending on its design characteristics, are most likely to experience the worst climatic conditions and on each deck and provide a warning system in order to alert the driver when the temperature in the compartments where animals are located reaches the maximum or the minimum limit.

We furthermore recommend specifying in detail where these most critical areas are and to define the number of sensors that should be installed on a means of transport.

⁵¹ [100 Reasons to Revise Council Regulation EC 1/2005 on the Protection of Animals during Transport. A List of Demands by Animals' Angels](#), p. 26

b) Annex I Chapter II point 1.4: Provisions for all means of transport, here: partitions.

Proposed wording: *'1.4. Partitions shall be strong enough to withstand the weight of animals. Fittings shall be designed for quick and easy operation.'*

Practice has shown that one major problem concerning the partitions is that they regularly present gaps where the animals can get stuck with their hooves or claws, legs, horns or even heads when they are lying down. In horse transports, the partitions sometimes are not high enough and thus not preventing from fighting and biting each other. Also in smaller animals, as e.g., calves, Animals' Angels observes repeatedly that the divisions are not high enough and not preventing the animals to jump or trying to jump from one compartment to the other. As the unsafe structure or operation of the dividers is a very common problem, we would recommend emphasizing the before-mentioned aspects in Chapter II point 1.4.

We therefore recommend changing the wording as follows: 1.4. Partitions shall be strong enough to withstand the weight of animals. They may not present any gaps where the animals could get stuck with their hooves, claws, legs, horns or heads. The partitions must be high enough to prevent animals from fighting or biting each other and from jumping over the partitions. Fittings shall be designed for quick and easy operation.

c) Annex I Chapter II point 1.1. lit f): Provisions for all means of transport, here: access to the animals

Proposed wording: *'1.1. Means of transport, containers and their fittings shall be designed, constructed, maintained and operated so as to: (...) (f) provide access to the animals to allow them to be inspected, fed and cared for;'*

Access to the animals is essential in order to check on the animals, to ensure that their welfare is maintained, to separate animals, to give first aid to animals, to water animals, to feed animals, i.e., for the driver or the attendant to comply with their legal duties. Accordingly, this requirement already exists in Regulation (EC) No 1/2005. Nevertheless, in practice, this very important requirement is often disregarded⁵²: Access to the animals is not possible, access doors are too small, access doors as blocked etc. Especially, still means of transport carrying animals in containers are authorised despite the fact that there is no possibility to access the animals placed in the crates during the transit. Animals' Angels therefore recommends emphasizing a) that access must be possible to all animals and b) that this requirement (as the headline of the section indicates) refers to all animal species including the ones transported in containers.

We therefore suggest changing the wording as follows: 1.1. Means of transport, containers and their fittings shall be designed, constructed, maintained and operated so as to: (...) (f) provide access to all the animals, including those transported in containers, to allow them to be inspected, fed and cared for;'

d) Annex I Chapter II point 2.4: Additional provisions for transport by road or rail of equine, bovine, ovine, caprine and porcine animals, here: availability of means of killing.

⁵² https://www.eyesonanimals.com/wp-content/uploads/2011/12/Downloads_Eyes_on_Animals_report_Importance_of_Access.pdf

Proposed wording: *'Where transport by rail is to last more than 3 hours, a means of killing suitable for the species shall be available with written instructions to use it for the animals transported and in a language that attendants understand.'*

It is understandable that when transporting an animal in a means of transport where it is very likely that it will not be stopped for economic reasons in the event of an animal emergency in order to provide the animal with appropriate veterinary care, appropriate precautions must be taken to relieve the animal of its suffering if there is no other option. However, it must then be absolutely ensured that the attendants and responsible persons are trained and familiar with the use of such equipment.

Animals' Angels urges to consider in the mandatory training for drivers and attendants to learn how to handle such device in an emergency situation. Killing a sick or injured animal only upon written instructions seems highly irresponsible.

e) Annex I Chapter II point 3.2: Additional provisions for transport on roll-on-roll-off vessels, here: conditions for the loading of animal road or rail animal transport vehicles.

Proposed wording: *'Only if equipped with a sufficient number of adequately designed, positioned and maintained securing points enabling them to be securely fastened to the vessel can road vehicles and rail wagons be loaded unto vessels. Road vehicles and rail wagons shall be secured to the vessel before the start of the sea journey to prevent them being displaced by the motion of the vessel.'*

Especially for very long ferry journeys as those from the Spanish mainland to the Canary Islands, it is essential that the drivers or attendants have the possibility for refill the water tanks of vehicles on which the animals are loaded in order to fulfil the needs of the animals and to comply with the legal requirements (see Article 30 paragraph 2). The necessity the refill the water tanks with fresh water may also occur in shorter journeys, e.g. in case of delays or malfunctioning of the watering system. Therefore, near to where the means of transports carrying animals are located on board the vessel, there must be a water point enabling the refilling of the water tanks for the animals with fresh water. We recommend including this in point 3.2. of Chapter II.

Animals' Angels therefore suggests changing the wording as follows: Only if equipped with a sufficient number of adequately designed, positioned and maintained securing points enabling them to be securely fastened to the vessel can road vehicles and rail wagons be loaded unto vessels. Road vehicles and rail wagons shall be secured to the vessel before the start of the sea journey to prevent them being displaced by the motion of the vessel. Furthermore, nearby the securing points there must be water points to refill the water tanks of the road vehicles or rail wagons with fresh water.

f) Annex I Chapter II point 3.3. a): Additional provisions for transport on roll-on-roll-off vessels, here: distance to other vehicles

Proposed wording: *'The master shall ensure that: (a) vehicles are loaded in a way to provide empty space of at least 1m on both sides of the vehicles;'*

Animals' Angels welcomes the fact that a distance regulation is to be prescribed here. However, one metre seems too little. It must be considered that the air inside the decks is usually very poor, that e.g. refrigerated transports run engines that generate heat and that the access, feeding and

manual watering of the animals must be possible. The distance should be therefore of at least two metres.

Animals' Angels proposes changing the wording as follows: The master shall ensure that: (a) vehicles are loaded in a way to provide empty space of at least 21m on both sides of the vehicles;

g) Annex I Chapter II point 4.2: Additional provisions for transport in containers, here: minimising severe jolts and shaking.

Proposed wording: *'4.2. During transport and handling, containers shall always be kept upright and severe jolts or shaking shall be minimised. Containers shall be secured before the start of the journey to prevent displacement due to the movement of the means of transport.'*

Severe jolts or shaking must be clearly avoided to avoid risk of injuries, additional fear and stress in the animals.

Animals' Angels proposes changing the wording as follows: '4.2. During transport and handling, containers shall always be kept upright and severe jolts or shaking shall be minimised. Containers shall be secured before the start of the journey to prevent displacement due to the movement of the means of transport.'

3) Chapter III: Transport practices

a) Annex I Chapter III point 1.1: General provisions, here: transport of certain categories of animals such as wild animals.

Proposed wording: *'Due regard shall be paid to the need of certain categories of animals, such as wild animals, to become accustomed to the mode of transport prior to the proposed journey.'*

It is understandable that certain categories of animals, such as wild animals, need to be acclimatised to living in confined spaces before transport. However, Animals' Angels believes that the Proposal should set out how the animals can be habituated to transportation in the most animal-friendly way possible.

Animals' Angels urges to include corresponding instructions to avoid harm and additional suffering to the animals.

b) Annex I Chapter III 1.2: General provision, here: facilities to keep the animals in case of long loading procedures.

Proposed wording: *'Where loading or unloading operations last for more than four hours, except for poultry, facilities shall be available for keeping, feeding and watering the animals outside the means of transport without being tied.'*

The proposed provision should be in line with Article 21 paragraph 3 of Regulation (EU) 2017/625 on official controls.

Animals' Angels therefore proposes changing the wording as follows: Where loading or unloading operations last for more than two ~~four~~ hours, except for poultry, facilities shall be available for keeping, feeding and watering the animals outside the means of transport without being tied.

c) Annex I Chapter III point 3.1. d): Handling, here: handling of poultry and rabbits

Proposed wording: *'It shall be prohibited to: (...) (d) lift or drag the animals by legs (except for poultry and rabbits), head, ears, horns, tail or fleece; (...)'*

E.g. catching birds for slaughter is one of the most stressful stages in broiler production and can cause suffering and stress to the animals.⁵³ It also causes economic problems due to fractures and lesions.⁵⁴ This because it is common to catch birds by legs and carry them in an inverted position with three to five chicken in one hand. According to international animal welfare recommendations broilers should be caught and loaded while the birds are in an upright position⁵⁵. Accordingly, EFSA (2002) has advised to carry and load birds upright, instead of inverted by their legs. The recommendation reads 'during loading, inversion and carrying birds by the legs increases the severity of handling stress and the risk of injuries (dislocated joints, fractures in legs or wings and bruises) compared to handling birds in an upright position.'

EFSA also confirms that inversion is stressful as birds do not have a diaphragm. 'Inversion can provoke compression of the heart and lungs by the viscera and might compromise breathing and cardiac activity. This causes stress, fear and wing flapping behaviour in an attempt to return to the upright position.' EFSA mentions that due to bone fragility, susceptibility to fracture and housing systems (high risk of birds bumping into objects), the catching and crating of end-of-lay hens represents a particularly high risk of injuries.⁵⁶

Many responsible chicken producers in the EU and other third countries such as Brazil, Thailand, Norway therefore started accepting only chicken caught upright. Also, the EU legislators should follow modern, more animal welfare-friendly knowledge and science instead of following outdated methods just because they are more cost-effective for industrial agriculture.

Regarding rabbits, i.e. in a fact sheet issued by the EU Commission in 2018⁵⁷, it reads: 'never lift by the ears – they are sensitive'.

Such findings must be taken into account in a new EU legislation.

Animals' Angels therefore urges deleting the exception for poultry and rabbits and change the wording as follows: It shall be prohibited to: (...) (d) lift or drag the animals by legs (~~except for poultry and rabbits~~), head, ears, horns, tail or fleece;

⁵³ Queiroz et al., 2015; Kittelsen et al., 2018).

⁵⁴ Moran and Berry, 1988; Gregory and Wilkins, 1990; Queiroz et al., 2015

⁵⁵ https://www.woah.org/fileadmin/Home/eng/Health_standards/tahc/current/chapitre_aw_broiler_chicken.pdf

⁵⁶

https://efsa.onlinelibrary.wiley.com/action/downloadSupplement?doi=10.2903%2Fj.efsa.2022.7441&file=efs2744_1-sup-0004-Annex_D.pdf

⁵⁷ https://food.ec.europa.eu/system/files/2019-01/aw_prac_slaughter_factsheet-2018_farm_rabbits_en.pdf

d) Annex I Chapter III point 3.2. Handling, here: administration of electric shocks

Proposed wording: *'The use of instruments which administer electric shocks shall be prohibited when animals move in group. It shall only be permitted:*

(a) on bovine animals or pigs over 80 kg live weight, and

(b) when an animal refuses to move without any visible reasons.

Shocks shall not be used more than twice, shall last no longer than one second and shall only be applied to the muscles of the hindquarters.'

The use of electric goads should not be permitted as all farm animal species can be moved without electric goads and they pose an unacceptable welfare risk.

As summarised in a recent review of electric shock control of farmed animals by Grummet and Butterworth (2022)⁵⁸ – “Application of a prod is likely to produce significant pain, especially in sensitive body locations, as evidenced by aversive behavioural responses from an ethical perspective, animals under human control should, as far as is practicable, be kept free from pain...This ethical principle is a legal requirement in some jurisdictions...[where] it is an offence for a person to fail to take reasonable steps to avoid or reduce the suffering of an animal for which they are responsible”.

There is no justification for a modern EU legislation to permit the use of electric prodders given that a range of contemporary, low-stress animal handling techniques can be used that offer a range of benefits to animal welfare and human-animal interactions. For obvious animal welfare concerns, electric goads and prods should not be used to move animals and it should be forbidden to use them repeatedly on the animals. For example, in South Africa, electrical prodding on pigs and calves is prohibited by law since 2004⁵⁹.

Faucitano (2010)⁶⁰ found immediate and residual stress in both behaviour and meat quality markers between pigs that were electrically prodded and those not.

Animals' Angels therefore proposes changing the wording as follows: The use of instruments which administer electric shocks shall be prohibited, when animals move in group. It shall only be permitted: (a) on bovine animals or pigs over 80 kg live weight, and (b) when an animal refuses to move without any visible reasons. Shocks shall not be used more than twice, shall last no longer than one second and shall only be applied to the muscles of the hindquarters.'

e) Annex I Chapter III points 3.6. and 3.7. Handling, here: handling of birds and rabbits

Proposed wording: *'3.6. When loading or unloading birds, arrangements shall be made to reduce the duration of handling birds inverted.*

3.7. Birds and rabbits shall be caught, lifted and carried by two legs, using breast slides in cages or operator's leg as support for bird's breast. A maximum of 3 birds per hand may be carried.'

⁵⁸ Grummett, D., & Butterworth, A. (2022). Electric shock control of farmed animals: Welfare review and ethical critique. *Animal Welfare*, 31(3), 373–385

⁵⁹ Red Meat Regulations. 2004. Government Gazette Notice No 26779. Regulation. Gazette No 8056. Parliament of the Republic of South Africa. Department of Agriculture No. 1072. Point 66 (3). Humane Treatment of Animals at Slaughter. Meat Safety Act, no 40 of 2000.

⁶⁰ Faucitano, L. (2010). Invited Review: Effects of Lairage and Slaughter Conditions on Animal Welfare and Pork Quality. *CanJ.Anim.Sci.* 90:461-469.

The instructions for handling birds and rabbits must reflect modern knowledge. This means e.g. carrying one broiler around the abdomen and in an upright position containing its wings⁶¹. Rabbits shall be carried with two hands, one under the chest, one under the hindlegs with their side against chest of the person carrying them⁶².

Animals' Angels urges to change the wording as follows: 3.6. When loading or unloading, birds, may not be carried arrangements shall be made to reduce the duration of handling birds inverted.

3.7. Birds and rabbits shall be caught, lifted and carried upright by two legs, using breast slides in cages or operator's leg as support for bird's breast. A maximum of 2-3 birds per hand may be carried.

f) Annex I Chapter III point 6.5: Minimum vertical height, here: rabbits

Proposed wording: *'For slaughter rabbits the height of the container shall be sufficient to ensure rabbits can sit with their ears extended'*.

To ensure that this provision is applied properly, it should be added that the rabbits may not touch the upper roof or top cover of the container when sitting with the ears upright.

Animals' Angels proposes changing the wording as follows: For slaughter rabbits the height of the container shall be sufficient to ensure rabbits can sit with their ears extended, without touching the ceiling (or top cover of the container).

4) Annex I Chapter IV: Additional provisions for livestock vessels and container vessels

a) Annex I Chapter IV point 1: Construction and equipment requirements for livestock vessels

Proposed wording: *'(...) 1.3. Storage or production capacity for fresh water shall be appropriate to meet the water requirement laid down in Chapter VI taking into account the maximum number and the type of animals to be transported as well as the maximum duration of the intended journeys.(...)*

1.4. The fresh water system shall be capable of supplying fresh water continuously in each livestock area and sufficient receptacles shall be available to ensure that all animals have easy and constant access to fresh water. Alternative pumping equipment shall be available to ensure water supply in the event of failure of the primary pumping system. (...)

1.6. Livestock areas, passageways and ramps to livestock areas shall be provided with sufficient lighting. Emergency lighting shall be available in case of a failure of the main electrical installation. Sufficient portable lighting shall be provided to allow the attendant adequate inspection and care of the animals.(...)

1.8. The following systems for livestock shall be equipped with a monitoring, control and alarm system in the wheelhouse:

- (a) ventilation;*
- (b) fresh water supply and drainage;*
- (c) lighting;*

⁶¹ Victor Abreu de Lima, Maria Camila Ceballos, Neville G Gregory, Mateus J R Paranhos Da Costa, Effect of different catching practices during manual upright handling on broiler welfare and behavior, Poultry Science, Volume 98, Issue 10, 2019, Pages 4282-4289

⁶² <https://www.rabbitrr.org/picking-up-your-rabbit.html>

(d) fresh water production if necessary (...)

1.10. Livestock vessels shall be equipped with a means of killing suitable for the species transported with written instructions in a language that attendants understand.

In line with Better Regulation agenda, it is necessary not to use the word “sufficient”, which is too vague and makes it impossible to understand what is allowed and what is not. Therefore, it is requested that the word “sufficient” be replaced by what science, common sense or known facts consider sufficient. At point 1.4 it is necessary to specify how many individual drinkers per animals or how many collective drinkers per animals, according to their measures, must be in place.

Regarding point 1.10. concerning the means of killing on livestock vessels: appropriate precautions must be taken to relieve the animal of its suffering if there are no other options in an event of animal emergency. However, it must then be ensured that the attendants and responsible persons are trained and familiar with the use of such equipment (see also our suggestions regarding Annex I Chapter II point 2.4).

Sea transports of live animals often take several days or even weeks during which the animals are confined on board the livestock vessels under conditions that pose a high health and welfare risk to the animals. If an animal becomes sick or injured, there is no possibility on sea to call a veterinarian for proper medical treatment or humane killing. Therefore, we only can repeat our demand that a veterinarian has to accompany the animals during the sea journey who is qualified and competent to euthanise the animal in an emergency event (see our demand regarding Article 21).

Animals' Angels proposes replacing “sufficient” and specifying in point 1.4. the number of drinkers per animals.

Additionally, we propose changing the wording as follows:

(...) 1.3. Storage or production capacity for fresh water shall be appropriate to meet the water requirement laid down in Chapter VI taking into account the maximum number and the type of animals to be transported as well as the maximum duration of the intended journeys, included the additional 7 days provided by point 2.

(...) 1.6. Livestock areas, passageways and ramps to livestock areas shall be provided with sufficient lighting. Emergency lighting shall be available in case of a failure of the main electrical installation. ~~Sufficient~~ ~~Each attendant must have available a portable lighting shall be provided to allowing the attendant~~ adequate inspection and care of the animals.

(...) 1.8. The following systems for livestock shall be equipped with a monitoring, control and alarm system in the wheelhouse: (a) ventilation; (b) fresh water supply and drainage; (c) lighting; (d) fresh water production ~~if necessary.~~

Concerning point 1.10., Animals' Angels urges to consider in the mandatory training for animal welfare officers to learn how to handle such device in an emergency situation. Killing a sick or injured animal only upon written instructions seems highly irresponsible. We also repeat our demand on the presence of a veterinarian accompanying the animals on the sea journey.

b) Annex I Chapter IV point 2: Feed and water supply on livestock vessels or vessels transporting containers for large animals.

Proposed wording: ‘Livestock vessels or vessels transporting animals in containers for large animals, shall carry from the time of departure sufficient bedding as well as sufficient feed and water to cover the minimum daily feed and water supply requirements set out in Table 1 for the intended journey plus at least seven days' spare supply of bedding, feed and water.’

Table 1 does not include any instruction on the quantities of bedding materials. The % of water for small animals, like sheep and lambs, is not adequate. Sheep consume between 5 and 20% of their body weight in water daily.⁶³ Therefore 10% can be insufficient, especially with high temperatures⁶⁴.

Animals' Angels recommends adding bedding quantities to table 1 and changing % of water according to the animal species.

5) Annex I Chapter V: Journey times, temperatures, rest periods and watering and feeding intervals.

a) Annex I Chapter V point 2.1: Domestic birds and rabbits transported in containers, here: feed and water.

Proposed wording: '2.1. For domestic birds and rabbits, suitable feed and water shall be available in adequate quantities.'

"Suitable" and "adequate" are vague formulations that should be avoided to use as they can be interpreted differently leading to doubts and non-uniform implementation of the provision.

Animals' Angels therefore proposes changing the wording as follows: For domestic birds and rabbits, suitable feed and water shall be available in good quality and quantity to ensure that the physiological and species-specific needs of the transported animals are fulfilled. -adequate quantities.

b) Annex I Chapter V point 2.2: Domestic birds and rabbits transported in containers, here: maximum journey times for rabbits and 'end-of-lay' hens.

Proposed wording: 2.2. Maximum journey times are defined as follows:

- (a) 12 hours including loading and unloading time for journeys including those to a slaughterhouse;
- or
- (b) 24 hours for chicks of all domestic bird species, if it is completed within 48 hours after hatching;
- (c) 24 hours for adult breeding rabbits if they have permanent access to feed and hydration;
- (d) 10 hours for end-of-lay hens including the loading and unloading time.'

Small animals who are forced to sit inside the containers cannot stay confined for more than 12 hours, as the general provision shows. It is not only a matter of access to water and food. It is also a matter of being on a truck in motion, with airflow/windchill, in containers where the excrements leak from the containers on top to those below. It has been also a matter of many discussions how to water and feed animals in containers, without finding practical solutions for animals transported for slaughter of which the value is minimum and for which it is not worth for

⁶³ The influence of heat load on Merino sheep. 1. Growth, performance, behaviour and climate. July 2020. Animal Production Science. Angela M Lees and others.
https://www.researchgate.net/publication/342737193_The_influence_of_heat_load_on_Merino_sheep_1_Growth_performance_behaviour_and_climate (accessed on 22.01.2024)

⁶⁴ "When the availability of 40 degrees C drinking water was restricted (to similar to 10% of liveweight) in the hot environment, sheep had higher respiration rates than those offered unlimited water." Water and feed intake responses of sheep to drinking water temperature in hot conditions. January 2008. Australian Journal of Experimental Agriculture. D. B. Savage and others.
https://www.researchgate.net/publication/248892148_Water_and_feed_intake_responses_of_sheep_to_drinking_water_temperature_in_hot_conditions (accessed on 22.01.2024)

the industry to invest in research of a new design of cages. For this reason, it is not acceptable that rabbits are allowed to be transported for 24 hours until research will show cages which allow effective feeding and watering of the animals on board but also the possibility for them to sit without their ears touching the ceiling of the containers.

As stated by EFSA "(...) if animals are to be fed in containers, the systems for feeding must be designed in a way enabling all animals access to sufficient amount for feed. If this is not the case, the risk of prolonged hunger is not reduced. Unless all animals can access feed from their original position in the container, the space allowance, including height, must enable animals to move freely within the container to access feed. This is not common practice today, and, if it would be the case, it might also increase the risk of injuries (...)"⁶⁵ The same is reported concerning the access to water.⁶⁶ Particularly in the case of transporting adult breeding rabbits, fighting can occur, e.g. due to mixing of these sexually mature animals, leading to injuries.⁶⁷

The proposed provision under Annex I Chapter V point 2.2 d) does not offer sufficient protection to these vulnerable animals as the transport of 'end-of-lay' hens for slaughter presents a particular cause for concern due to their less robust condition⁶⁸. Loading, i.e. catching or depopulation and unloading are among the most delicate moments of hen transportation⁶⁹. With the prevailing manual catching, the quality of the working conditions as well as the attitude and training of the catcher is of utmost importance to preserve the welfare and physical integrity of the animals⁷⁰. If the catching is done under pressure, as it is likely when it is included in the total maximum transport time, the risk that the quality of work conditions as well as the quality of the catching decrease significantly. And this is likely to severely impact on the animals, including bone fractures, bruises etc⁷¹. Therefore, in the case of 'end-of-lay' hens, the loading and unloading time should be excluded from the maximum transport time. The maximum transportation time should be reduced to a maximum of four hours in order to take account of the vulnerability of these animals. Animals' Angels already considers a four-hour transport of these animals to be a compromise solution. The farms should be set up in such a way that the animals can be killed humanely in situ⁷². Under no circumstances, however, should the transport be prolonged for the sake of profit.

Animals' Angels therefore proposes changing the wording as follows:

2.2. Maximum journey times are defined as follows:

(a) 12 hours including loading and unloading time for journeys including those to a slaughterhouse; or

⁶⁵ EFSA AHAW Panel (EFSA Panel on Animal Health and Welfare), Nielsen SS, Alvarez J, Bicout DJ, Calistri P, Canali E, Drewe JA, Garin-Bastuji B, Gonzales Rojas JL, Gortázar Schmidt C, Herskin M, Michel V, Miranda Chueca MA, Padalino B, Roberts HC, Spoolder H, Stahl K, Viltrop A, Winckler C, Mitchell M, James Vinco L, Voslarova E, Candiani D, Mosbach-Schulz O, Van der Stede Y and Velarde A, 2022. Scientific Opinion on the welfare of domestic birds and rabbits transported in containers. *EFSA Journal* 2022; 20(9):7441, 188 pp. <https://doi.org/10.2903/j.efsa.2022.7441>, p. 133

⁶⁶ Ibid., p. 134

⁶⁷ Ibid., p. 114

⁶⁸ Vecerkova, L, Vecerek, V, Voslarova, E, Welfare of end-of-lay hens transported for slaughter: effects of ambient temperature, season, and transport distance on transport-related mortality, *Poultry Science*, Volume 98, Issue 12, 2019, Pag 6217

⁶⁹ Gregory, N. G., and L. J. Wilkins. 1989. Broken bones in domestic fowl: handling and processing damage in end-of-lay battery hens. *Br. Poult. Sci.* 30:555–562

⁷⁰ Abreu de Lima, V, Ceballos, M C, Gregory, N G, Paranhos Da Costa, M J R, Effect of different catching practices during manual upright handling on broiler welfare and behavior, *Poultry Science*, Volume 98, Issue 10, 2019, Page 4283

⁷¹ Ibid, p. 4282

⁷² Or they are allocated a dignified 'retirement' domicile.

- (b) 24 hours for chicks of all domestic bird species, if it is completed within 48 hours after hatching;**
(c) 24 hours for adult breeding rabbits if they have permanent access to feed and hydration;
(d) (c) 10 4 hours for end-of-lay hens excluding including the loading and unloading time.

c) Annex I Chapter V point 2.3: Domestic birds and rabbits transported in containers, here: temperature limits.

Proposed wording: '2.3. Thermal comfort shall be provided as follows:

- (a) when the temperature forecast at the place of departure and at the place of destination at the time animals are expected to be at those places is below 10°C, rabbits and domestic birds other than end-of-lay hens shall only be transported in vehicles with protection against windchill.
(b) end-of-lay hens shall not be transported if temperatures inside vehicles of at least 15°C cannot be ensured.'

It is not acceptable that point 2.3. does not lay down any maximum temperature limit. I.e. domestic birds and rabbits are still allowed to be transported at excessive high temperature causing heat suffering to the animals involved. As stated by EFSA "heat stress is a highly relevant welfare consequence when transporting domestic birds, with a higher prevalence in summer compared to other seasons. Domestic birds can experience heat stress during the entire journey or for parts of the journey. If continuously present, the severity will increase over time as animals experience distress and eventually fail to cope and die."⁷³ Further "the effective temperature experienced by the animal is affected by many factors such as ambient temperature, humidity and radiation, and air movement. However, in the context of transport of animals in containers, effective temperature is considered to be primarily determined by dry-bulb temperature and humidity (water vapour content). (...) Effective temperature can be divided into safe, alert or danger zones based upon thermoregulatory demands and physiological responses. In the safe zone animals will not experience heat stress because they require no or minimal thermoregulatory effort. In the alert zone, animals are at risk of heat stress because they require increasing thermoregulatory efforts. In the danger zone, animals will experience heat stress because the mechanisms to cope with it will become less effective."⁷⁴ There are several indices based on dry-bulb temperature and relative humidity for measuring high effective temperature inside the transport containers, such like the Apparent Equivalent Temperature (AET) and Enthalpy Comfort Index (ECI). EFSA concluded that "between AET values of 40 and 65, there will be an increasing risk of heat stress (alert zone) and above an AET of 65, birds will experience heat stress (danger zone)."⁷⁵ Regarding the second index ECI, EFSA concluded that there will be an increasing risk of heat stress for birds when ECI exceeds 48.0 kJ/kg (warning zone) and when ECI is above 57.6 kJ/kg the birds will experience heat stress (critical zone).⁷⁶ For rabbits, EFSA uses the Temperature-Humidity Index (THI) and concludes that "if THI is above 28.9, the rabbit's mechanisms to cope with heat stress will become less effective and the rabbits will experience heat stress (danger zone). If THI remains below 27.8, rabbits will not experience heat stress during transport (safe zone). Between THI values of 27.8 and 28.9, there will be an increasing risk of heat stress (alert zone)."⁷⁷

⁷³ Ibid., p. 143

⁷⁴ Ibid., p. 143

⁷⁵ Ibid., p. 143

⁷⁶ Ibid., p. 143

⁷⁷ Ibid., p. 152

EFSA clearly states that “domestic birds should never travel in the danger critical zone in order to avoid heat stress”⁷⁸ and rabbits never in the danger zone (THI above 28.9)⁷⁹. It is simply not acceptable that latest scientific findings were not considered in the current Proposal.

Concerning point 2.3 lit. a) it makes no sense to set a temperature limit only at the departure and arrival place, allowing any critical temperature for 12 hours, i.e. the maximum duration of the transport.

Animals' Angels therefore demands to align the proposal with latest scientific findings concerning upper temperature limits to avoid that the transported animals are exposed to heat stress and suffering and to insert a new letter to the paragraph laying down maximum temperature limits considering humidity.

Additionally, we suggest changing the wording as follows:

2.3. Thermal comfort shall be provided as follows:

(a) when the temperature forecast ~~at the place of departure and at the place of destination at the time animals are expected to be at those places~~ during the entire itinerary is below 10°C, rabbits and domestic birds other than end-of-lay hens shall only be transported in vehicles with protection against windchill.

(b) end-of-lay hens shall not be transported if temperatures inside vehicles of at least 15°C cannot be ensured.

6) Annex I Chapter VI: Additional provisions for long journeys of domestic Equidae and domestic animals of bovine, ovine, caprine, porcine species, cats and dogs.

a) Annex I Chapter VI point 2: Floor and Bedding, here: vague wording

Proposed wording: “Animals shall be provided with appropriate bedding or equivalent material which guarantees their comfort appropriate to the species, the number of animals being transported, the journey time, and the weather. This material has to ensure absorption of urine and faeces so that animals remain clean and dry during the entire journey.”

“Appropriate” is a vague formulation and leaves room for interpretation which in turn can lead to different implementation of the provision.

Animals' Angels therefore demands to insert a table that provides the right quantity and type of bedding for the different animal species⁸⁰, likewise table of Chapter VII point 2.

b) Annex I Chapter VI point 3.1: Feed, here: quantity of food.

Proposed wording: “3.1. The means of transport shall carry a sufficient quantity of appropriate feeding stuff so that animals do not show sign of hunger or fatigue. The feeding stuffs shall be protected from the weather and from contaminants such as dust, fuel, exhaust gases and animal urine and dung.”

“Sufficient” and “appropriate” are vague formulations that leave room for interpretation and thus should be avoided to ensure uniform implementation of the provision.

⁷⁸ Ibid., p. 157

⁷⁹ Ibid., p. 163

⁸⁰ See “Animal Transport Guides – Cattle on long journeys”, 2017 of the European Commission.

Animals' Angels demands to insert a table that provides the right quantity of food for the different animal species, likewise table of Chapter VII point 2.

c) Annex I Chapter VI Point 4: Partitions, here: safety of partitions.

Proposed wording: *"4.1. The means of transport shall be fitted with partitions so that separate compartments may be created, while providing all the animals with free access to water.
4.2. The partitions shall be constructed in such a way that they can be placed in different positions so that the size of compartment can be adapted to specific requirements, and to the type, size and number of animals."*

All too often the dividers used on the transport vehicles pose a high risk for the animals due to the gaps between the dividers and the floor or side walls of the truck. Practice has shown over and over again that animals get stuck with body parts including their heads in these gaps.

Animals' Angels therefore proposes changing the wording as follows:

4.1. The means of transport shall be fitted with partitions so that separate compartments may be created, while providing all the animals with free access to water.

4.2. The partitions shall be constructed in such a way that they can be placed in different positions so that the size of compartment can be adapted to specific requirements, and to the type, size and number of animals.

4.3. Partitions must be solid and high enough for the species transported to avoid that animals can jump or try to jump over it. There shall be no gaps between partition and the floor and the ceiling, or the side walls of the truck where animals can get stuck with their legs or head underneath or in between them.⁸¹

d) Annex I Chapter VI point 5: Water supply for transport by road, rail or in containers for large animals.

Proposed wording: *'5.1. The means of transport and containers for large animals shall be equipped with a water supply that makes it possible for the attendant to provide water instantly whenever it is necessary during the journey, so that each animal has access to water.*

5.2. The watering devices shall be in good working order and be appropriately designed and positioned for the categories of animals to be watered on board the vehicle.

5.3. The water tanks' total capacity for each means of transport shall be at least equal to 1,5 % of its maximum payload. Water tanks shall be designed so that they can be drained and cleaned after each journey and shall be fitted with a system allowing their water level to be checked. They shall be connected to drinking devices within the compartments and maintained in good working order.

5.4. A derogation from point 5.3. may apply to containers for large animals exclusively used on vessels that supply water to them from the vessel's own water tanks.'

Point 5 of Chapter VI proposes nothing new with respect to the previous provision in Regulation (EC) No 1/2005 (Annex I Chapter VI point 2). However, the provision in Regulation (EC) No1/2005 has been the subject of much discussion for years and has therefore been controversial in some respects. The new provision of the current Proposal has the duty, after 15 years of discussion, to resolve these disputes. In other words, the fact that drinking troughs must be connected to the tank means that portable drinking devices cannot be approved as the main drinking system of a

⁸¹ "Animal Transport Guides for the Transport of Cattle", 2017, of the European Commission, recommendation no. 90

vehicle for animals, but rather an accessory one. Further, there is a great deal of confusion as to which type of drinker is suitable for each species of animal to be transported. The authorities approve whatever drinker is on the vehicle just because the manufacturer, lacking in instructions and scientific knowledge about animals, has installed it. It is time to resolve this confusion.

Animals' Angels demands that point 5 specifies that portable drinkers can only be accessories to the main watering system, which works with tank-connected devices that can be switched on at any time, even while the vehicle is moving, to supply water to the animals. A further point must define which kind of drinker is acceptable for which kind of species and animal category, specifying, for example, that drinkers such as metal nipples are suitable for pigs, whereas all other species must be able to drink from troughs with open water surface⁸².

e) Annex I Chapter VI point 6: Ventilation systems for means of transport by road, here: type of ventilation and sensors.

Proposed wording: "6.1. Ventilation systems on means of transport by road shall be designed, constructed and maintained in such a way that, at any time during the journey, whether the means of transport is stationary or moving, they are capable of operating for at least 6 hours.
6.2. The ventilation system shall be capable of ensuring even distribution throughout the vehicle."
This provision does not describe at all what type of ventilation systems should or can be used. Also, it is not specified that sensors must be installed to monitor the internal temperature in the animal compartments. Especially at high or low temperatures, they are important tools during transport and for ex-post checks.

Animals' Angels demands to define what type of ventilation systems can be installed on vehicles and to provide for the obligation to install sensors, specify what type of sensors and where they must be installed and to carry out their calibration twice a year, before winter and before summer by a competent body and in writing.

XI. ANNEX II: SPECIFIC CONDITIONS FOR THE TRANSPORT OF AQUATIC ANIMALS

1) Annex II, headline: Specific conditions for the transport of aquatic animals as referred to in Articles 2, 18, 33, 44 and 47.

Article 20 makes also references to Annex II and should be mentioned accordingly.

Animals' Angels proposes changing the wording as follows: Specific conditions for the transport of aquatic animals as referred to in Articles 2, 18, 20, 33, 44 and 47.

2) Annex II point 2: Handling

⁸² As is the case on all farms, where pigs are provided with tucks while everyone else has cups or wide troughs. See also audit report with reference number Ares(2012)42276 - 13/01/2012 of the European Commission, page 8: « The audit team did not consider the bite operated nipple drinkers appropriate for bovine animals or sheep, although these had been approved for sheep, cattle and goats ». Drinkers cannot be assumed to be suitable only because the manufacturer of the truck indicated it, from Audit Report with Ref. Ares(2018)68850 - 05/01/2018 of the European Commission, conclusion n. 12, page 5.

Proposed wording: '2.1. Aquatic animals shall not be lifted by their gills.

2.2. The handling equipment shall be designed, constructed, and maintained to minimize physical injuries.'

Animals' Angels welcomes that specific conditions for the transport of aquatic animals are laid down in the Proposal, thus giving fish welfare during transport more importance. However, the Proposal still lacks species-specific requirements and is kept general and vague, leaving room for interpretation and non-uniform implementation. It is therefore necessary to put in place species-specific rules by means of delegated acts according to Article 47 as soon as the corresponding EFSA opinions are published.

Concerning the handling of fish, the provisions laid down in point 2 of Annex II are kept short and superficial, and e.g. the recommendations given in the guidelines on water quality and handling for the welfare of farmed vertebrate fish by the Own Initiative Group on Fish of the EU Platform on Animal Welfare⁸³ were not sufficiently considered. As stated there "1. Handling causes stress, raising activity as well as oxygen demand. A brief period of stress may bring long lasting effects. Various genetic, developmental and environmental factors can have a modifying effect on the magnitude and duration of the stress response. 2. Inappropriate handling procedures can lead to injury, pain, distress, and suffering. As a result, increased disease incidence, increased mortality, reduced appetite, impaired development, and deformities in fish may ensue."⁸⁴

Animals' Angels therefore demands to at least include the following provisions to point 2 of Annex II and change the wording as follows:

2.1. Aquatic animals shall not be lifted by their gills and shall not be thrown onto solid objects or onto each other or hit solid objects including when exiting pipes and pumps. Fish shall not be allowed to fall from a height that would compromise welfare⁸⁵.

2.2. The handling equipment shall be designed, constructed, and maintained to avoid minimize physical injuries, be appropriate to the species, size, weight and number of fish to be handled, and be maintained in good condition. Equipment shall be cleaned and disinfected between each use to reduce the risk of disease transmission.⁸⁶ Nets shall not be overloaded so as not to crush or injure the fish.⁸⁷

2.3. Handling shall be kept to an absolute minimum to reduce stress for the animals⁸⁸. Fish shall not be handled at the outer limits of the temperature ranges that they can tolerate⁸⁹.

2.4. Prior to handling, the health and welfare status of the fish shall be assessed to ensure that they are fit and able to withstand the rigors and stress of handling without risking adverse welfare and health implications.⁹⁰ Fish shall be inspected during and after handling for signs of external injury or excessive time to resume feeding that might be due to the procedures or equipment used. In case of injury or excessive mortality, the handling procedure shall be evaluated to identify pitfalls in order to avoid similar occurrences in the future.⁹¹

2.5. If fish have to be removed from water for handling, the time shall be limited to the minimum and they shall be kept moistened at all times. Fish shall not be allowed to asphyxiate under any circumstances.⁹²

⁸³ https://food.ec.europa.eu/system/files/2022-07/aw_platform_plat-conc_guide_farmed-fish_en.pdf

⁸⁴ Guidelines on Water Quality and Handling for the Welfare of Farmed Vertebrate Fish by the Own Initiative Group on Fish of the EU Platform on Animal Welfare, p. 15

⁸⁵ Ibid., point 14, p. 17

⁸⁶ Ibid., Point 20, p. 18

⁸⁷ Ibid., point 19, p. 18

⁸⁸ Ibid., point 5, p. 15

⁸⁹ Ibid., point 7, p. 16

⁹⁰ Ibid., point 9, p. 16

⁹¹ Ibid., point 12, p. 17

⁹² Ibid., point 13, p. 17

2.6. Procedures involving pumping shall avoid pain, distress and suffering including the risk of injury. In particular, it shall be ensured that pumps' or pipes' height, pressure and speed, as well as the height from which fish fall when they emerge, are adjusted to this aim. Pumps shall have an appropriate piping size, and this shall be adjustable when it will be used for different sizes of fish. The design of the pipes and pumping system shall be such that sharp bends, rough surfaces, and protrusions are avoided in order to minimise injuries. An appropriate procedure shall be in place to ensure that all fish have been removed from the system at the end of the operation.⁹³

2.7. During crowding and removal of fish from water, which occur as part of handling procedures, measures shall be taken to avoid invoking a maximal stress response in fish. Fish shall only be crowded at the lowest density possible that is appropriate for the required handling procedure. The impact of crowding shall be reduced primarily by carrying it out in several steps. The number of crowding events shall be minimised. The water quality and especially levels of oxygen shall be monitored and kept within acceptable limits. The period in which fish are kept crowded shall be as short as possible.⁹⁴

2.8. Vibrations and noise caused by some equipment may have an impact on fish welfare and shall be kept to a minimum.⁹⁵

XII. ANNEX III: TEMPLATES FOR JOURNEY LOGS

1. TEMPLATE FOR JOURNEY LOG FOR ALL LONG JOURNEYS AND FOR SHORT JOURNEYS TO PLACES OF DESTINATION IN A THIRD COUNTRY

- a) Section 1 - Planning: the template foresees in its boxes 3.1. and 3.2. only the indication of the place and the country.**

Practice has shown that it is necessary to indicate very precisely the place of destination. This is because sometimes it is not clear if the indication refers to a village, a city, a district or even a region. Especially, in international or intra-communitarian transports it is than not possible for the official veterinarian at the place of departure to calculate the journey time correctly. Additionally, especially in transports to non-EU countries practice has shown that often drivers are only informed about the final destination, i.e. the place of unloading, during the transport. That means that in the transport documents fake or dummy indications are made. The requirement to indicate the place of destination more precisely could help to contain these problems.

Animals' Angels therefore proposes requiring in boxes 3.1. and 3.2. of the template to indicate additionally the addresses of the places of departure and destination. Preferably, also the coordinates of the places should be indicated.

- b) Section 1 - Planning: in box 3.9. the template does not foresee the option for the date of 'natural service' and 'other categories'.**

In accordance with Article 17 paragraph 1 of the Proposal the optional date of natural service should be included in the template.
The template should clarify which other categories must be indicated because this is not clear.

⁹³ Ibid., point 18, p. 18

⁹⁴ Ibid., point 15, p. 17

⁹⁵ Ibid., point 17, p. 18

For the correct calculation of density, if there are animals of different species or same species but of different weights transported in different compartments, this should be indicated as well as, in the case of ovine animals, if they are shorn or not and in general if the animals have horns or not.

Animals' Angels proposes to change the template accordingly.

c) Section 1 - Planning: box 3.10 missing.

Box 3.10. is apparently missing. This can be introduced to indicate on how many decks the animals will be loaded, so that the authority in charge to approve section 1 can correctly calculate density.

Animals' Angels proposes to change the template accordingly.

d) Section 1 - Planning: more precise indication of the total weight in box 3.12.

Regarding box 3.12, animals are often weighed, either on departure or arrival. Animals' Angels has visited collection centres with scales that weighed the sheep during loading but has also observed trucks going over weighbridges at the end of the journey. This is because the buyer wants to be sure to be paying the right price for the kilos purchased and would never accept to pay a rough estimated price. Requesting the estimated weight can result in tricks to load more animals by making it appear that the density is correct. In order to avoid this, it is worth specifying "estimated" only where weighing is not available at departure and asking for a weighing receipt when available, at least on arrival.

Animals' Angels therefore proposes changing the wording in box 3.12. into "Total weight according to weighing receipt or, when not existing, estimated total weight of the consignment (in kg)."

e) Section 1 - Planning: in the boxes 3.14. the template does not foresee the option for the indication of the planned milking stops for lactating females and transfer places such as ports.

According to Annex I Chapter I point 9, lactating females of bovine, ovine and caprine species (not accompanied by their young) must be milked every 12 hours. Depending on the country, the net of control posts offering the possibility of milking bovines, ovines and caprines is not dense⁹⁶. Therefore, it is essential to foresee and properly plan the milking stops. Ports are also transfer places and often cause waiting times that should be scheduled and included in box 3.14.

Animals' Angels proposes to change the template accordingly introducing an optional box for the case that milking stops are necessary and another optional box for the expected date and time of arrival and length (in hours)/waiting time at ports.

⁹⁶

https://webgate.ec.europa.eu/tracesnt/directory/publication/establishment/index#!/search?classificationSectionId=CONTROL_POSTS&classificationSectionChapter=veterinary&sort=country.translation

f) Section 1 - Planning: in box 3.14.3. the expected date is not written down.

In box 3.14.3. regarding exit points, there is likely a typo as it is only written "expected time of arrival" and the indication of the date is missing like it is indicated in the previous boxes 3.14.1. and 3.14.2.

Animals' Angels therefore proposes changing the wording as follows: 3.14.3. Exit point: address / expected date and time of arrival / length (in hours)

g) Section 2 - Place of departure: Section 2 does not foresee the declaration of the veterinarian.

According to Article 17 paragraph 2 of the Proposal, a veterinarian shall be present during the loading of the animals. Consequently, Section 2 should also foresee the declaration of the veterinarian.

Animals' Angels proposes to change the template accordingly.

h) Section 2 - Place of departure: box 2.4. does not foresee the option for indication of 'other categories'.

Box 2.4. of section 2 should correspond with the indications laid down in box 3.9. of section 1.

Animals' Angels therefore proposes changing the template accordingly.

i) Section 3 - Place of destination: box 5 does not foresee the option of the presence of sick animals and lacks further options for checks performed.

The boxes under no. 5 (Indicators) do not foresee the option of the presence of sick animals. The boxes under no. 5 (checks performed) should also include the state of the bedding specifying if the bedding is clean and covers entirely the metal floor⁹⁷, the state of the drinkers specifying if all drinkers are in working order, the state of the dividers specifying if dividers are placed in all decks and do not present dangerous gaps. These basics are easy to check and provide valuable feedback for the competent authority at the departure place but also useful data for statistical purposes on important aspects of transport.

Animals' Angels proposes to include a box under 5 (indicators) for indicating if sick animals are observed, specifying among others typical symptoms that occur during transport such as coughing, respiratory disorder, nasal and ocular discharge, fever, dehydration. Furthermore, we recommend adding a box on transport conditions.

j) Section 3 - Place of destination: Section 3 does not foresee the declaration of the official veterinarian.

As indicated in box 3, if an official veterinarian is present during the unloading at the place of destination, he/she should also fill in a declaration. Consequently, Section 3 should also foresee the declaration of the official veterinarian if present.

⁹⁷ "Welfare assessment protocol for cattle during transport", May 2014. Authors: WUR, ICT, FLI, IRTA and IDELE.

Animals' Angels proposes changing the template accordingly.

k) Section 4 - Declaration by transporter

The declaration of the transporter does not specifically identify watering and feeding of the animals. From the transporter's declaration it should be possible to verify compliance with the watering and feeding intervals and to be able to trace when the animals were last watered and fed, for example to determine why the animals show signs of hunger or thirst during unloading.

Also, the declaration of the driver cannot be a mere copy of the planning, where only the rest, transfer and exit points are marked but it must be a logbook of the actual itinerary in which the driver records any relevant stops (e.g. lasting more than half an hour), e.g. due to an engine breakdown, traffic jam, border crossing, a necessary detour or when taking care of animals who fell ill during transit.

Animals' Angels therefore proposes adding in the second line of the declaration: Actual itinerary – Rest, watering, feeding, stops, transfer or exit points.

l) Section 4- Declaration of transporter: missing box for signature/declaration of the driver

The declaration of the transporter also does not require to be signed by the driver.

Unfortunately, in the years, it has become common knowledge that the driver's declaration as until now also required by Regulation (EC) No 1/2005 all too often does not correspond to the GPS-data, to the tachograph data or respectively to the reality.

We consider it important that the transporter's declaration is signed, and that the driver confirms the accuracy of the information provided.

m) Section 5 - Anomaly Report

The Anomaly Report should not only be completed by drivers/attendants, keepers or official veterinarians but also by other authorities checking the transport on the roadside, for example police forces or customs empowered in some Member States to carry out checks on animal transport.

Animals' Angels proposes changing the wording accordingly.

n) Section 5 - Anomaly Report: box 4 does not foresee the option of the presence of sick or dead animals.

Under box 4, the Anomaly Report does not foresee the presence of sick or dead animals.

Animals' Angels proposes adding a corresponding box for the case of the presence of sick or dead animals.

o) Section 5 - Anomaly Report: missing box indicating the necessity of an autopsy of dead animal(s)

The death of an animal during transport may occur due to manifold reasons and occasionally be unavoidable. However, de facto death during transport still occurs too often and within certain limits in numbers and depending on the transported species and their economic value it is considered normal. This is not acceptable. Where doubt arises why an animal died during transport, its death should be investigated.

Animals' Angels therefore suggests adding a box to be filled by the veterinarian at the place of destination indicating the necessity of an autopsy of the dead animal(s).

p) Section 5 - Anomaly Report: box 4.1.4. /state of pregnancy

Under point 4.1.4. 'pregnant in more than 80%' is indicated.

Animals' Angels suggests changing the wording into 'pregnant in more than 40 %'. See point above Chapter XII. 1) a) referring to Annex I Chapter I point 1 f).

q) Section 5 – Anomaly Report: box 4.1.7. / age indication

Under point 4.1.7. 'lambs of less than 10 days' is indicated. This should be aligned with Annex I Chapter I Point 1 lit h) concerning the provision that lambs and kids of less than 3 weeks shall not be considered fit for transport.

Animals' Angels therefore demands changing the wording as follows: 4.1.7. lambs and goat kids of less than 10 days 3 weeks;

XIII. ANNEX IV: MODEL ATTESTATION

1) Model attestation concerning the acceptance of documentation for transport of animals to a third country.

A similar model should also exist for terrestrial border crossings. See above for further explanation Chapter VII Transport to and from third countries, point 2) Article 32 paragraph 3.

Animals' Angels demands adding such model attestation for road transports to third countries.

2) Box 3: Attestation

Box 3 lacks a statement what happens in case the import of the animals is refused by the competent authorities of the third country. This must be clarified.

Even with attestation of the importing country, there is no guarantee that the transports will not be refused to enter the importing country as just seen recently: Portuguese cattle were detained on board two transport vehicles at the port of Tanger-Med, Morocco, from 3rd – 22nd January, i.e. for 20 days, with the animals non-stop on board. Due to changes in the import tariffs and customs issues, the transports were not allowed to leave the Moroccan port– even though

beforehand, the Moroccan authorities have confirmed the authorisation of these transports. No emergency measures were taken such as unloading and accommodating the animals to ensure their wellbeing. On the contrary, the animals were left to their fate on board the vehicles and exposed to extreme suffering. One bull already died on 8th January. The dead body was in an advanced state of decomposition and trampled by the other animals, and hardly recognizable anymore after more than two weeks on board the truck. The 'bedding' had turned into a mud of excrement and urine and the extreme smell was obviously affecting the respiratory tract of the animals.⁹⁸

Animals' Angels therefore demands adding in box 3 the following wording: „In case of import refusal, the consignment will be redirected to the dispatching country within 48 hours from docking at the port, after ensuring that transport conditions during the return will comply with the Regulation. The dispatching country accepts the return of the animals”.

XIV. ANNEX V: FORMS FOR ORGANISER AND TRANSPORTER AUTHORISATION

1) Sections 2 and 3: TRANSPORTER AUTHORISATION

The boxes 3 of the two different templates for the transporter's authorisation for short journeys and for all journeys indicate the scope of the authorisation including the mode of transport which are road, rail, sea and air. As part as mode of sea transport, the transport by roll on-roll off vessel is not specified. However, at present there is great uncertainty about the need for authorisation of transporters using Ro-Ro vessels. Such authorisation is of course necessary as these sea transporters have to fulfill a certain number of criteria in order to carry animals (see Article 11 paragraph 5 in connection with Annex Chapter II point 3).

Animals' Angels therefore proposes changing the wording in the boxes 3 of section 2 and 3 as follows: road, rail, sea (including by roll on-roll off vessels) and air.

2) Section 4: CERTIFICATE OF COMPETENCE FOR DRIVERS, ATTENDANTS AND ANIMAL WELFARE OFFICERS REFERRED TO IN ARTICLE 38

In box 4, the language used for the course and the examination should be indicated.

Animals' Angels proposes adding this missing information to box 4.

3) Section 5: CERTIFICATE OF APPROVAL OF MEANS OF TRANSPORT BY ROAD FOR LONG JOURNEYS REFERRED TO IN ARTICLE 12

In box 3.4. respectively 3.5. the surface per deck is not indicated. The certificate of approval of the means of transport should indicate total surface but also the surface of each deck. This is essential to correctly determine the loading density depending on the species loaded (1/2/3 or more decks) and the space occupied for roughage and bedding material. For the same reason it is also essential to indicate the presence of the gooseneck, the number of its decks and the surface of each deck.

In box 3 it is also necessary to indicate the presence of a SSN, of temperature sensors and of drinking devices, specifying their model.

⁹⁸ https://www.animals-angels.de/fileadmin/user_upload/09_Presse/2024_01_Notsituation_fuer_Rinder_Tiertransport_Marokko.pdf

Animals' Angels suggests requiring the indication of the surface of every deck in box 3.4. or 3.5. and adding additional boxes where to indicate the presence of the gooseneck, its number of decks and surface per deck, the presence of a SSN, temperature sensors and drinkers including their models.

4) SECTION 6: CERTIFICATE OF APPROVAL OF LIVESTOCK VESSELS REFERRED TO IN ARTICLE 13

See point 3 above.