



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 July 2012

12403/12

**AGRILEG 113
VETER 54**

NOTE

from: Austrian and Netherlands' delegations
to: Council

Subject: Council regulation on the protection of animals during transport
- Request from the Austrian and Netherlands' delegations

Delegations will find attached a note submitted by the Austrian and Netherlands' delegations, to be dealt with under "Any other business" at the meeting of the Council (Agriculture and Fisheries) on 16 July 2012.

At the meeting of the Council of June 18, 2012 conclusions of the Council on the report of the Commission to the European Parliament and to the Council concerning the impacts of Regulation (EC) No 1/2005 of the Council on the protection of animals during transport were adopted.

Austria was able to approve these conclusions only in terms of a compromise solution and assented to the statement of Sweden which was supported also by Belgium. Denmark, the United Kingdom and the Netherlands presented separate declarations on the issue. The Netherlands have supported the statement of Sweden in their own Declaration. The Netherlands have not opposed the Council conclusions. The Netherlands however wanted the Commission to come up with proposals for improvement, tightening and supplementing of – amongst others – the Regulation (EC) No 1/2005.

Austria and the Netherlands expressly regret that the Commission rules out a revision of the Regulation. There is severe doubt that the desired Europe-wide harmonisation can be achieved by establishing non-binding guidelines and recommendations. Also the rising number of Member States' national provisions on animal transport is an indication that requirements in the Regulation are missing or too general. Many of the deficits mentioned in the report are not primarily rooted in the different ways of enforcement by Member States, but are due to the well-known ambiguities of the text of the Regulation.

For the Netherlands and for Austria (being one of the EU Member States most directly affected by transit), a uniform and clear legal framework remains a question of utmost importance and a revision of Regulation (EC) No 1/2005 is still considered an absolute necessity. Such revision should contain not only more precise descriptions of unclear provisions. Also clear improvements for the purpose of animal protection are required, such as establishment of a maximum duration of transport of animals to be slaughtered (proposal: maximum of eight hours) and improvement and clarification of stipulations/rules concerning space allowances, like loading densities and internal/ceiling heights.