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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Outcome of a trilateral Ministerial meeting on animal welfare
(Vught, the Netherlands, 14 December 2014)
- Information from the Danish, German and Netherlands delegations

Delegations will find in Annex an information note from the Danish, German and Netherlands delegations, to be presented under "Any other business" at the Council ("Agriculture and Fisheries") at its session on 15-16 December 2014.

Joint Declaration on Animal Welfare

Denmark, Germany and the Netherlands,

recalling that:

- according to Article 13 of the Treaty on the Functioning of the European Union animals are sentient beings and therefore the Union and the Member States are committed to pay full regard to animal welfare requirements in formulating and implementing the Union's policies on agriculture, fisheries, transport, internal market, research and technological development and space;
- livestock production in the farming sectors of its Member States is characterised by a strong competitive position and a strong focus on both trade among Member States and export;
- specific animal welfare problems, not only in the livestock production in the farming sector, but also in other sectors, such as those concerning companion animals, horses and other animals kept or traded in the context of an economic activity (e.g. illegal trade in puppies within the EU) are better solved at EU-level;
- European legislation in the field of animal welfare also contributes to a level playing field within the EU and thereby to a well-functioning internal market;
- animal welfare should be further improved on the basis of scientific findings and with due regard for the efficiency and competitiveness of agricultural livestock husbandry;
- animal welfare and animal health are interrelated and therefore the use of antibiotics should be further reduced, also with a benefit to public health;

agree to pool their activities aimed at improving animal welfare and urge the EU Member States and European Commission to acknowledge the need for better regulation, better animal welfare and to promote awareness, EU-standards and knowledge.

Denmark, Germany and the Netherlands:

- **hold the view** that the current animal welfare legislation of the European Union, as it applies to the husbandry, transport and slaughter of animals, must be enforced in a stricter and more harmonised manner;
- **underline** that some of the current provisions of the European Union need to be adjusted to the latest scientific findings, technical innovations and socio-economic trends; meaning, among other things, that
 - animal based welfare indicators should be anchored more firmly,
 - consumer information should be improved,

- improvements should be made to, and certain restrictions placed on, the transport of animals, with regard to e.g. the stipulation of space allowances and journey times and
- non therapeutic mutilations should be reviewed with the aim of phasing them out when possible; mutilations such as beak trimming in chickens should be phased out;
- **deem it necessary to consider** whether specific EU-legislation should be laid down for farm animals other than those already covered by specific EU-legislation, such as turkeys, rabbits, broiler breeders or pullets;
- **deem it necessary to consider** whether specific EU-legislation should be laid down for companion animals (especially dogs and cats) and possibly other animals that are kept or traded in the context of an economic activity;
- **emphasise** the need to improve the competence of people who handle animals and to raise the awareness of other people such as consumers;
- **speak out in favour of** strengthening the synergy effects of the Union's policy fields, such as the Common Agricultural Policy and environmental policy in order to improve animal welfare;
- **support** that the European Union should continue its pioneering role in the field of animal welfare and should actively participate, at both European and international level, in raising awareness for the well-being of animals.

Denmark, Germany and the Netherlands call upon the European Commission to

- **take action** without delay in pursuit of the objectives outlined; in this context, they welcome the measures the European Commission announced in its "European Union Strategy for the Protection and Welfare of Animals 2012-2015" and they support the Commission in implementing these measures. In particular, they look forward to the results of the promised examination into whether the EU legislative framework for animal welfare can be simplified;
- **propose** an updated, comprehensive, clear and simple legislative framework that in addition would improve enforcement;
- **ensure** that a future simplification of the EU legislative framework for animal welfare does not lead to a decline in animal welfare standards or lowering the ambitions to improve animal welfare;
- **promote** in trade agreements and in international forums, EU standards and knowledge as regards the protection and welfare of animals and work towards the full recognition of animal welfare as a non-trade concern in the framework of the WTO;
- **set conditions** – in the framework of trade agreements – to the welfare of animals when their products may be imported into the EU;

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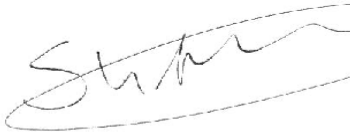
- **further improve** the current level of animal welfare in future legislative proposals and to systematically address existing shortcomings in the legislation;
- **establish** an EU platform for animal welfare for stakeholders and competent authorities to generate momentum and focus on the animal welfare challenges faced by the EU.

Denmark, Germany and the Netherlands:

- **agree** to promote and stimulate the cooperation in the areas of animal welfare research, the exchange of experiences on good animal welfare practice, and the improvement of animal welfare in relation to husbandry systems;
- **encourage** all stakeholders to develop voluntary guidelines to improve animal welfare;
- **support** the aim of the European Declaration on alternatives to surgical castration of pigs ('Brussels declaration') and agree to closely cooperate, with each other and with stakeholders, in resolving other animal welfare problems such as other non therapeutic mutilations;
- **urge** all EU stakeholder organisations to sign the Brussels declaration and to act accordingly;
- **step up** the implementation of EU legislation on the docking of pig tails, **urge** all EU stakeholder organisations to make a declaration aimed at phasing out the docking of pig tails and **cooperate** and **stimulate** research and exchange of information with regards to phasing out the docking of pig tails;
- **are of the opinion that** the transfer of research results into practice should be improved;
- **announce** that they will jointly continue to intercede in the work on animal welfare of international organisations, including the World Organisation for Animal Health (OIE);
- **agree** to promote animal welfare in international fora such as FAO and OECD;
- **intend** to promote animal welfare in the framework of national and international financial institutions that engage in the farming sector, as well as in the international policy framework for national export credit agencies, with due consideration for maintaining a level playing field;
- **agree** to step up the exchange of information on issues concerning the enforcement and implementation of EU legislation;
- **strive** for a further reduction of the use of antibiotics and **develop** a common strategy to establish a level playing field at EU and international level

Denmark, Germany and the Netherlands invite all EU Member States to join these initiatives and take part in future cooperation to improve animal welfare in the EU.

Vught, 14 December 2014



Sharon Dijksma

Christian Schmidt

Minister for Agriculture

Federal Minister of Food
and Agriculture
Germany

The Netherlands



Dan Jørgensen

Minister for Food,
Agriculture and Fisheries,
Denmark

Request for revision of Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432EEC and 93/119/EC and Regulation (EC) No 1255/97.

With reference to recital 11 in the "Transport Regulation" , Regulation No 1/2005 (EC) the governments of Germany, the Netherlands and Denmark would like to urge the Commission to consider a revision of the above mentioned regulation.

Recital 11 runs as follows:

"In order to ensure a consistent and effective application of this Regulation across the Community in the light of its basic principle according to which animals must not be transported in a way likely to cause injury or undue suffering to them, it is appropriate to set out detailed provisions addressing the specific needs arising in relation to the various types of transport. Such detailed provisions should be interpreted and applied in accordance with the aforesaid principle *and should be timely updated whenever, in particular in the light of new scientific advice, they appear no longer to ensure compliance with the above principle for particular species or types of transport.* "

The request is based on the last sentences marked in italics which stresses that the Transport Regulation should be timely updated specifically in accordance with new scientific advice. The EFSA Scientific Opinion Concerning the Welfare of Animals during Transport (EFSA Journal 2011; 9(1)) describes a series of new scientific achievements that can justify a revision of the Transport Regulation. Furthermore, Member States have since the implementation of the Transport Regulation in 2007 gained a lot of practical experience in the use of the Regulation where it in certain areas has shown to be unsuitable or too rigid and among these also some shortcomings has been evident which in some areas may create difficulties in fully complying with the legal text as there is no space for derogations.

Journey time

The EFSA Scientific Opinion (EFSA Journal 2011; 9(1)) (p 78) recommends a time limit for the transport of untrained horses for slaughter of 12 hours. Furthermore, in recital 5 of Regulation (EC) No 1/2005 it is stated that "For reasons of animal welfare the transport of animals over long journeys (more than 8 hours), including animals for slaughter, should be limited as far as possible". A report of 2002 submitted by the Scientific Committee on Animal Health and Animal Welfare (SCAHAW) already indicated that many animal species and categories after a maximum of 8 hours transport should have a considerable resting period (at least 6 hours). It should, therefore, be considered to set up restricted time limits for the transport of horses and other animals (i.e. cattle, pigs, sheep and goats) for slaughter. A considerable part of animals sent for slaughter are animals drawn out of production e.g. sows and dairy cows and their general condition will often make them unfit for longer transports. As most animal species for animal welfare reasons need a longer resting time after 8 hours transport, as indicated in the SCAHAW report, this would justify a maximum journey time for animals for slaughter of 8 hours, even if they are transported via assembly centers.

Space allowances

A more flexible and objective approach for the establishment of space allowance is needed. The existing tables in Regulation 1/2005 for the different animal species only give relatively large intervals which make it difficult for both the transporter and the veterinary control to agree on what is an acceptable loading density. Transporters will tend to provide the lower specified limit of space of the space-interval for all animals within the weight interval in question. Especially when it comes to adjusting the space allowance in order to be adapted to the length of the travel or ambient climatic conditions, the wide range in the tables makes it difficult to justify a needed increase in the space allowance.

The EFSA Scientific Opinion (pp 81-84) recommends the use of an allometric equation for both cattle, sheep and pig transports and that the space allowance for horses should be seen in relation to area per kg rather than area per animal. As animal transports involve all different age/weight stages, an allometric equation would give a much more objective calculation of the space allowance to the benefit of the animal welfare and at the same time be to great assistance for both the transporters and the controlling authorities.

Distance to ceilings (decks)

Distance between the decks or to the ceiling for animals that stand up during the transport is also an issue that needs to be dealt with as the existing paragraphs in the transport regulation within this area are relatively vague (Article 3 (g), Annex I, Chapter II, Points 1.1(f) and 1.2). EFSA has in its Scientific Opinion (p 83) recommended that the ceiling height should be at least 20 cm above the withers height of the tallest cattle. Such provisions should also be made for other production animals and be laid down in EU- legislation.

Furthermore, it should be considered to give a more precise definition of the provision in Annex I, Chapter II, Point 1.1(f) with regard to the distance between the decks especially in pig transports to allow proper inspection and care of the animals as well as to ensure proper ventilation around animals. A similar problem applies for closed transport vehicles, especially, for pigs where clarification is needed for the level of accessibility to these vehicles.

For poultry transports clarification of the internal height of the crates has been specified by the Commission in a letter (SANCO D5/EU D(2010)450029) dated 1 February 2010 with reference to an EFSA Scientific Opinion (EFSA Journal (2004) 44) stating "Space allowances recommended for poultry allow each bird to be able to sit in a container with its head and body in natural position". However, the way poultry are transported today in large vehicles in many layers may compromise the ventilation especially in the center of the consignment. Specific provisions are needed for poultry transports with regard to ensure proper ventilation in order to prevent suffocation of the animals.

Watering and feeding interval/requirements

Two aspects of this item need clarification in the regulation: both the definition of 'unweaned' calves/lambs and the way they should be given access to liquid and feed require clarification.

Definition: Due to common production systems, calves are separated from their mothers in an early stage of life and are, therefore, sometimes regarded as weaned animals even though their diet consists mainly of milk (or milk replacer). This interpretation would lead to the conclusion that not nine hours transport time until the first feeding interval, but 14 hours would apply. In the framework of Transport Regulation 1/2005 however, unweaned calves should be defined as calves under the age of two months and unweaned lambs as lambs under the age of 6 weeks (as recommended earlier by European Commission's DG SANCO on this aspect), and this definition should be incorporated under article 2 of the Transport Regulation 1/2005.

Supply of liquid and feed: According to the EU Transport Regulation 1/2005 unweaned calves and lambs which are still on a milk diet must be given a rest period after nine hours of transport so they can be given liquid and feed. Current experience from the field suggests, that calves and lambs which are still on a milk diet do not eat or drink adequately themselves inside a means of transport during driving time. Hence it is vital that calves and lambs which are still on a milk diet must be given liquid and if necessary feed after at latest nine hours. This would clarify that these calves and lambs must, after nine hours of travel, be given a rest period (of at least one hour), sufficient for them to be given liquid and if necessary fed. (After this rest period, they may be transported for a further nine hours).

In order to increase the animal welfare in calve transport further,

- calves which are less than 14 days old should be classified as not fit for transport in general and
- the number of times that calves are entered into control posts or assembly centers should be limited.

Ventilation requirements and length of - Poultry transports

At the time when the preparative work for the existing transport regulation were done, poultry transports were only within relatively short distances as most MS had slaughterhouses on their national territories. This situation has changed in recent years and long transports close to 12 hours are now more common and there is a clear connection between the duration of transport and number of animals dead at arrival. As mentioned in the EFSA Scientific Opinion (pp 48-54 and 80):

"Temperature multiplied by journey duration is an important determinant for deaths in transport resulting from thermal stress. Thus, journeys of over 4 hours for broiler chickens and end of lay hens (spent hens) constitute a greater risk to welfare from thermal stress (heat or cold) than shorter journeys, particularly in more severe weather conditions." The EFSA recommendation for journeys longer than 4 h for broilers and spent hens is that vehicles should be equipped with mechanical ventilation with the capacity to maintain satisfactory thermal environments. The thermal environment within the animal accommodation should be monitored and recorded.

On top of this, there is a general opinion (National Contact Points Transport, Grange, June 2014) that in the current situation there is no satisfying system for giving poultry access to water or (liquid) nutrients. Therefore, under the current state of play and as long as there are no systems which allow sufficient feeding and drinking poultry while transported, the journey times for poultry (except for day old chicks) should be limited to a maximum of 12 hours.

Navigation (tracing) systems in animal transports (pp 61-62, 88)

Many attempts have been made in order to set up common standards for tracing systems in animal transports.

The Joint Research Centre (JRC) concluded in a report from 2009 that "the system architecture, on-board architecture, functionalities and data availability vary considerably between different providers, which make it difficult to interpret the measured parameters and their relevance for animal welfare". A common communication standard (e.g. XML) and message structure from the intermediate service provider to a dedicated service provider would ensure a common data structure, irrespective of the origin of the vehicles and the tracing system.

Such uniform systems would be of important use for the routine control of the transport conditions for animals during transport and also for the competent authorities' control of e.g. journey log and transport conditions.

From a practical point of view sat-navigation systems should at least be mandatory also for long poultry transports and minimum requirements for out-prints of the navigation data should be established in order to facilitate controls. Considering the fast development of sat-navigation systems mandatory use of such systems should also be considered for short transport in future.

Harmonized rules for roll-on-roll-off transport

The EFSA Scientific Opinion (EFSA Journal 2011; 9(1) (p. 71) recommends that (for animal welfare reasons) the time spent on a lorry loaded onto a vessel should not be considered as a resting period but as journey time (horses). Such a stipulation could be beneficial for the welfare of all farmed animals. Under all circumstances a harmonized interpretation and use of the rules is needed.

Proposals to changes due to practical experience

Uniform education of animal transport drivers

Rules should be established in order to set up minimum standards for the educational background for achieving a transport authorization. Especially, now where animal transport enterprises have become more "globalized" within the EU - and drivers with an authorization in one MS are engaged in a company in another MS.

The validity of the transport authorization also differs among MS - in some it is life-long in other it is time restricted. This should be harmonized.

In order to facilitate and simplify the animal welfare controls carried out by the competent authorities, the transport authorization certificates and especially the certificates of competence should contain a photo of the respective certificate holder and should be issued multilingual and in standard format defined in legislation.

Furthermore, experience so far shows, that not only drivers and attendants of road vehicles transporting animals and personnel in assembly centres, who are entrusted to handle animals should have received training on the relevant provisions of the EU Regulation No. 1/2005. But also the transporters, the transport organizers as well as personnel who are handling animals in connection with loading (and unloading) the vehicle or transport crates should undergo training on the relevant provisions of the EU animal welfare transport legislation.

Presumed errors in the existing text of the regulation

Article 2 (r) definition of "place of departure" for assembly points: the conditions (i) and (ii) should be 'and', not 'or'

However, assembly centres approved in accordance with Community veterinary legislation may be considered as place of departure provided that:

(i) the distance travelled between the first place of loading and the assembly centre is less than 100 km;

and

(ii) the animals have been accommodated with sufficient bedding, untied, if possible, and watered for at least six hours prior to the time of departure from the assembly centre;

Justification:

In order to prevent the animals from getting tired already before the counting of 'travel time' has already started, the distance travelled between the farm(s) of initial loading until the assembly centre should be less than 100 km and the period of rest & care at the assembly centre should be at least six hours, if the assembly centre should be considered as 'place of departure'. Neither is there justification for a resting period of only 6 hours in a second assembly centre after all the assembly operations and often a maximum travel distance of 2x9 or 2x14 hours.

Chapter III, point 1.13 derogation from 1.12: point 1.12 (d) should be amended.

1.12. Animals shall be handled and transported separately in the following cases:

- a) animals of different species;
- b) animals of significantly different sizes or ages;
- c) adult breeding boars or stallions;
- d) ***sexually mature males from females;***
- e) animals with horns from animals without horns;
- f) animals hostile to each other;
- g) tied animals from untied animals.

1.13. Points (a), (b), (c), **(d)** and (e) of paragraph 1.12. shall not apply where the animals have been raised in compatible groups, are accustomed to each other, where separation will cause distress or where females are accompanied by dependent young.

Justification: In case of free ranging beef cattle the bull can be extremely violent if separated from his "harem".

Control Posts

According to Article 3 of Regulation 1255/97 the European Commission publishes the approved control posts, which the Member States have been submitted to the European Commission. So far this list does not include the information whether a control post is equipped with a milking parlour for lactating animals. Therefore it is rather difficult for the competent authority to check the transport plans in regard to Article 14 of the Transport Regulation whether lactating animals can actually be milked after 12 hours journey time. In order to make these checks easier for the competent authorities, the list of approved control posts should contain the information, whether the control post has got a milking parlour. To achieve this the Regulation 1255/97 needs to be amended.
