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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Council conclusions on animal welfare during maritime long distances transport to third countries

Delegations will find in the Annex the Council conclusions on animal welfare during maritime long distances transport to third countries, approved by the Council ("Agriculture and Fisheries") at its meeting held on 28-29 June 2021.

**COUNCIL CONCLUSIONS ON ANIMAL WELFARE
DURING MARITIME LONG DISTANCES TRANSPORT TO THIRD COUNTRIES**

WHEREAS

1. The welfare of animals is an issue of high importance to European citizens and is recognised under European Union law, in particular in Article 13 of the Treaty on the Functioning of the European Union (EU).
2. Animal welfare during transport is a priority at EU level and also needs to be ensured during international transport to third countries.
3. The EU Council Conclusions on Animal Welfare, adopted in 2019¹, recognised both the need to include animal welfare in free trade agreements, in order to promote animal welfare globally, and the competition that EU farmers are facing in global trade.
4. National contact points on animal transport were established in accordance with Article 24 of the Regulation (EC) No 1/2005. Their aim is to promote mutual assistance, share best practices, promote the exchange of information between Member States and discuss the implementation and enforcement of legislation on animal welfare during transport. Guidance documents were developed reflecting the experience and best practices of the Member States on official controls of animal welfare during export by livestock vessels.
5. The EU Platform on Animal Welfare, established in 2017 by the European Commission, has been successful in promoting dialogue on animal welfare among competent authorities, industry, civil society and scientists. This, in turn, has facilitated the sharing of best practices and other experiences. Animal welfare during transport is one of the priorities of this platform. In 2018, a specific subgroup of that platform was established in order to deliver relevant technical information, recommendations and best practices within the scope of Regulation (EC) No 1/2005.

¹ <https://www.consilium.europa.eu/media/41863/st14975-en19.pdf>

6. The Commission overview report on the welfare of animals exported by sea², highlighted the main strengths and weaknesses of the Member States' systems to protect the welfare of farm animals during transport from the European Union to third countries. The report identified further points of improvement such as the need to increase appropriate resources and support for official controls at exit points. It also identified the need for qualified and experienced officials to access on-board technical systems, the planning and approval of journeys, contingency planning for operations, the role and obligations of organisers and sea transporters as well as the need for feedback from third countries, transporters or ships' masters on the condition of animals during a sea journey and on arrival.
7. The development of tools to support Member States' inspections of livestock vessels requires multi-sectoral cooperation between the competent authorities and the relevant EU agencies, in particular the European Maritime Safety Agency³. The aim is to improve and harmonise inspection procedures, increase the transparency of the outcome of inspections and improve vessels' standards and communication with third countries so as to obtain systematic feedback for livestock consignments sent from the Union.
8. Despite the progress made in relation to the enforcement of Council Regulation (EC) No 1/2005, there are still areas where more efforts are needed to implement and enforce the current provisions of the Regulation and to improve the Regulation.
9. In its conclusions on the Farm to Fork Strategy⁴, the Council called on the Commission to review and update Regulation (EC) No 1/2005, in the light of the latest scientific knowledge, so that legislation can be made more comprehensive and easier to implement which should ultimately ensure a higher level of animal welfare. The Council also called on the Commission to carry out this review as promptly as possible in order to revise the legislation, particularly on transport, as soon as possible. A fitness check process was launched in 2020.

² DG (Sante) 2019-6835

³ <http://www.emsa.europa.eu/>

⁴ 12099/20

10. Regulation (EC) No 1/2005 already establishes a legal framework for long journey transport by livestock vessels. However, the regulation does not foresee certain critical requirements in the light of the most updated scientific knowledge and experience gained in areas such as: the training and competence of the personnel handling live animals during long distance transport; journey planning; organiser and transporter's role and responsibilities; transporter authorisation and vessel certification; journey documentation; contingency planning; vessel technical requirements; and specific official controls.
11. Member States' official control systems are crucial so as to ensure compliance with animal welfare standards and the humane treatment of animals, and to guarantee that adequate measures are taken to avoid unnecessary pain and suffering of animals. It is thus necessary to ensure that competent authorities have appropriate resources, including technological tools and expertise to perform official controls and to assess specific conditions during the relevant activities in all stages linked to livestock transport vessels.

THE COUNCIL OF THE EUROPEAN UNION:

12. **RECOGNISES** that Regulation (EC) No 1/2005 established additional requirements on animal welfare during transport by sea, resulting in an improvement of the conditions in which animals are to be transported.
13. **RECOGNISES** that progress has been made in relation to the enforcement of Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and **SUPPORTS** further actions to be taken on short term at Member States level in this regard.
14. **STRESSES** the need to prioritise short term actions of the Member States on the following subjects: journey planning, maritime safety and conformity with technical requirements of the vessels, pre-loading checks of the vessels and animals, as well as communication of non-conformities between Member States.

15. **CONSIDERS** that despite the progress made in relation to the enforcement of Council Regulation (EC) No 1/2005, there is a need to further improve this legislation, and a need to guarantee appropriate welfare conditions during long distance transport of live animals.
16. **RECALLS** that any amendments to existing or new legislation should be based on the latest technical and scientific knowledge, which would include provision for animal based indicators as they are developed and validated, the experience acquired by the Member States, the results of the ongoing fitness check process and the corresponding socio-economic impact assessment, the availability of technological tools to support official controls, as well as the diversity of geographic situations and production systems in the Union.
17. **INVITES** the Commission to submit a proposal for a revised regulation on animal welfare during transport, if possible, sooner than indicated in the Farm to Fork Strategy (“Q4 2023”).
18. **EMPHASISES** that animal welfare during transport is a priority at EU level and should be ensured at all levels and stages of the journey during the international long-distance transport of live animals including to third countries, while favoring, and supporting, as far as possible, the transport of genetic material and meat.
19. **STRESSES THE NEED** to establish an authorisation process for organisers and to require the existence of a single organiser per livestock-vessel journey who communicates with all the Competent Authorities involved.
20. **INVITES** the Commission to emphasise the important role of the sea transporter, notably the obligation to communicate information before the journey, and the actions adopted whenever there are events during the journey that may compromise animal health and welfare.

21. **EMPHASISES** the need to improve and standardise the sea transporter authorisation and the vessel certification process, namely: the documentation requested; the technical requirements of the vessel; the qualifications and experience needed by the competent authorities necessary for a vessel approval process; the definition of the state flags and classification societies accepted; the specific criteria for the suspension/withdrawal of authorisation; the duration of the certification's validity; the definition of the role and responsibilities of the EU representative of a transporter from a third country.
22. **STRESSES THE NEED** to improve the training and competence of the personnel that handle live animals during loading, unloading and sea transport, through the establishment of EU-recognised training courses on sea transport welfare and the definition and sufficient evidence of a minimum training and experience period for personnel with respect to animal handling and transport.
23. **RECOMMENDS** the presence, during the journey of the livestock vessels, of a veterinarian in order to verify the implementation of the relevant animal health and welfare standards.
24. **EMPHASISES** the importance of the journey plan, in cooperation with the OIE focal points in the third countries of destination, and the need to establish harmonised procedures for its validation; the further improvement of communication and collaboration between Member States and the organisers prior to the validation of journey plans and to the start of operations; the harmonisation of the journey plan adapted to the sea journey until unloading in third country.
25. **ENCOURAGES** the OIE to strengthen its role facilitating communication and collaboration between the country of destination and the country of origin in case of any issues causing risks to animal health and welfare during the transport of live animals.

26. **URGES** the Commission to consider the need to improve the legal requirements on specific technical conditions relating to vessels such as ventilation, temperature control, pen construction, maintenance and drainage requirements.
 27. **STRESSES THE NEED** to make use of the available empowerments in Regulation (EU) 2017/625 and Regulation (EC) No 1/2005, pending its future revision, to take into account relevant scientific and technical guidance (e.g. the outcomes of audits by the European Commission), as well as the outcomes of the Member States discussions on the livestock vessels contact point network document, as well as the possibility of introducing new technologies that would improve and promote official controls of the livestock vessels.
 28. **EMPHASISES** the importance of harmonising the information that competent authorities should receive regarding the different parts of the journey, establishing the minimum requirements for exit points to care for the animals and their needs, preparing a report template to be filled out by the competent authority at destination.
 29. **INVITES** the Commission to explore whether these conclusions concerning sea transport could be applied to other modes of transportation.
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