

Council Regulation (EC) 1 of 2005 on the protection of animals
during transport and related operations

1.1 Introduction

Council Regulation (EC) 1 of 2005 on the protection of animals during transport and related operations lays down the requirements and conditions for the transport of animals and the related operations of handling, loading and unloading. It comes into force on 5 January 2007 and will apply to the transport of live vertebrate animals including cattle, sheep, goats, pigs, poultry and horses.

The Regulation applies to the transport of live animals in connection with an economic activity. The transport of animals direct to or from veterinary practices or clinics under the advice of a veterinarian is exempt. It is also proposed to exempt from the provisions of the Regulation the transport of animals to and/or from agricultural shows or gymkhanas.

The main elements of the Regulation are as follows:

- General conditions concerning animal welfare, mode of transport and loading and unloading facilities must be met by all transporters of animals (including farmers transporting their own animals) irrespective of the distance travelled.
- In addition to the above, persons who transport live animals over a distance in excess of 65km for commercial purposes (including farmers transporting their own animals) must be officially authorised and undergo training.
- In addition to the above, persons who transport animals on long journeys (defined as over eight hours) must have their vehicles inspected and approved and are obliged to keep detailed records of the transport operations. Such vehicles must have satellite based navigation systems installed within deadlines laid down in the Regulation.
- Operators of assembly centres must ensure that animals are treated in accordance with the technical rules of the Regulation and that their personnel have received training courses on these rules.

The following paragraphs set out in greater detail the main requirements of the Regulation.

1.2 General Conditions for the transport of animals

The following general conditions are applicable to all transport of live animals regardless of distance:

- (i) All necessary steps have been taken in advance to minimise the length of the journey and to ensure the animals needs are met during transport;
- (ii) The animals are fit for the journey;
- (iii) The transport is designed, constructed, maintained and operated so as to avoid injury and suffering to the animals;

- (iv) Loading and unloading facilities are adequately designed, constructed, maintained and operated so as to avoid injury and suffering to the animals;
- (v) Personnel handling the animals are trained or competent to carry out their tasks without using violence or any method likely to cause unnecessary fear, injury or suffering;
- (vi) Transport is carried out without delay to the place of destination and the welfare conditions of the animals are regularly checked and appropriately maintained;
- (vii) The animals have sufficient floor area and height appropriate to their size and the intended journey;
- (viii) Water, feed and rest are offered to the animals at suitable intervals, appropriate to their species and size.

In addition, all means of transports referred to under the heading **General Conditions for the transport of animals**, will be subject to non-discriminatory inspections of animals and the means of transport.

2.1 Who will not be required to be authorised as a transporter of live animals

(a) Journeys up to 65 km from place of departure to place of destination

Persons who transport live animals up to a maximum of 65km from place of departure to place of destination will be obliged to transport live animals in accordance with the General Conditions for the transport of animals at (1) above, and:

- (i) will not be required to be authorised by the Department;
- (ii) will not need to have received training;
- (iii) will not require Certificate of Competency.

(b) Farmers transporting animals up to 50km in their own means of transport

The General conditions for the transport of live animals at (1) above apply to farmers transporting animals up to 50km in their own means of transport. Authorisation is not required.

2.2 Who will be required to be authorised as a transporter of live animals

Any person who transports live animals for commercial purposes over a distance of 65km must be authorised by the Department. Authorisation of transporters of live animals will apply to:

- (a) Persons who transport live animals over a distance of 65km but for a period less than 8 hours; this includes farmers transporting their own animals in their own vehicles;
- (b) Persons who transport live animals on long journeys (over 8 hours).

3.1 Requirements for persons who transport live animals over a distance of 65km but for a period less than 8 hours

Persons who transport live animals over a distance of 65km but for a period less than 8 hours may only transport live animals if they are authorised by the Department; and they must:

- (i) be established, or in the case of applicants established in a third country, be represented in the Member State where they apply for authorisation;
- (ii) be able to demonstrate that they have sufficient and appropriate staff, equipment and operational procedures at their disposal to enable them to comply with the regulation;
- (iii) have no serious infringements of Community legislation or national legislation in previous 3 years.

3.2 Requirements for persons who transport live animals on journeys over 8 hours (long journeys)

Persons who transport live animals on journeys over 8 hours (long journeys) will be subject to the requirements in (a) above and must also have:

- (i) valid certificates of competence for drivers and attendants for all drivers and attendants carrying out long journeys (not applicable until 5 January 2008);
- (ii) valid certificates of approval for all livestock trucks that are to be used for long journeys;
- (iii) submitted details of the procedures enabling transporters to trace and record the movements of livestock trucks under their responsibility and to contact the drivers concerned at any time during long journeys;
- (iv) submitted contingency plans in the event of emergencies;
- (v) from 1 January 2007 livestock vehicles being used for the first time in service must be fitted with a satellite navigation system. This requirement will be extended to all vehicles from 1 January 2009;

3.3 Livestock vehicles must be inspected and approved prior to being used on journeys over 8 hours (long journeys) in duration.

3.4 Transporters will also be required to identify a natural person who will be responsible for the transport and be able to ensure that information on the planning, execution and completion of the part of the journey under their control can be obtained at any time.

3.5 Organisers of journeys must ensure that:

- (a) the welfare of animals is not compromised by insufficient coordination of the different parts of the journey and weather conditions are taken into account;
- (b) a natural person is responsible for providing information on the planning, execution and completion of the journey to the Department of Agriculture and Food or the appropriate competent authority in the Member State where the journey begins.

4. Requirements for Assembly Centres

The Regulation will also apply to operators of Assembly Centres approved in accordance with the European Communities (Assembly Centre) Regulations 2000 (S.I. No. 257 of 2000). Under the Regulation operators of Assembly Centres will be obliged to ensure that animals are treated in accordance with the technical rules set out in Chapters I and III, section 1, of Annex I of the Regulation.

In addition, operators of Assembly Centres shall:

- (a) entrust the handling of animals only to personnel who have followed training courses on the relevant rules (refer to Training Section);
- (b) regularly inform people admitted to the assembly centre of their duties and obligations under the Regulation and the penalties for any infringements;
- (c) make permanently available to people admitted to the assembly centre the details to whom any possible infringements of the requirements of the Regulation are to be notified;
- (d) in the case of non-compliance with the Regulation by any person present at the assembly centre, and without prejudice to any action taken by the Department of Agriculture and Food, take the necessary measures to remedy the non-compliance observed and to prevent its recurrence;
- (e) adopt, monitor and enforce the necessary internal rules in order to ensure compliance with points (a) to (d)

5. Keepers

A Keeper is defined in the Regulation as being any natural or legal person, except a transporter, in charge of or handling animals whether on a permanent or temporary basis.

Keepers of animals at the place of departure, transfer or destination must ensure that the following technical rules are met (1) Fitness to Transport and (2) Transport Practices;

Keepers must also check all animals arriving at a place of transit or a place of destination and determine if the animals are or have been subject to a long journey between Member States and with third countries. Keepers at the place of departure and, when the place of destination is located within the territory of the Community, keepers at the place of destination, shall complete and sign the relevant sections of the journey log. They shall inform the competent authority of any reservations concerning compliance with the provisions of the Regulation.

When the place of destination is located within the territory of the Community, keepers at the place of destination shall keep the journey log, except Section 4, for at least three years from the date of arrival at the place of destination. The journey log must be made available to the Department upon request.

6. Training

The Regulation requires that:

- Operators of Assembly Centres, including Mart personnel can only entrust the handling of animals to personnel who have received training on the technical rules.
- Transporters can only entrust the handling of animals to drivers or attendants who have received training on the technical and administrative aspects of Community legislation concerning the protection of animals during transport and in particular (a) to (f) below:
 - (a) Articles 3 and 4 and Annexes I and II of the Regulation;
 - (b) Animal physiology and in particular drinking and feeding needs, animals behaviour and the concept of stress;
 - (c) Practical aspects of the handling of animals;
 - (d) Impact of driving behaviour on the welfare of the transported animals and on the quality of meat;
 - (e) Emergency care for animals;
 - (f) Safety consideration for personnel handling animals.

Personnel entrusted with the handling of animals by transporters and operators of Assembly Centres must complete the training referred to above. Drivers and attendants must pass an examination on completion of the training course and will receive a Certificate of Competence. The requirement for issuing the Certificate of Competence will not come into force until 5 January 2008.

The Department intends to invite submissions later in the year in order to establish designated training course providers to provide training courses by mid 2006.

7. Key dates

- 1 January 2007 – satellite navigation system to be installed in all means of transport by road for long journeys (over 8 hours) that are in service for the first time;
- 5 January 2007 – implementation date of Regulation;
- 5 January 2008 – Drivers and attendants on road vehicles must hold a certificate of Competence having passed an examination following the completion of a training course;
- 1 January 2009 – satellite navigation system to be installed in all means of transport for long journeys (over 8 hours).

Department of Agriculture and Food
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