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European Commission proposal on the protection of animals during transport

IRU Position on the European Commission proposal on the protection of animals during transport, COM(2023) 770.

I. IRU POSITION

IRU recognises the European Commission's efforts to improve the protection of animals during transport but is concerned by the additional and stricter rules which will not remedy the challenges related to animal welfare. IRU calls on legislators to focus on a better and more applicable legal framework, ensuring legal certainty, increasing harmonisation across the EU, and improving compatibility between EU rules on the protection of animals during transport and the road transport acquis. This will improve animal welfare and protection levels as well as the operating conditions of road transport operators.

Animals can be better protected during transport by further improving the proposal and:

- **Introducing a clear delimitation of the liability to determine the fitness of an animal for carriage**, considering the role of the keeper, transport operator, driver, attendant and veterinarian.
- **Allowing more flexibility to organise vehicles** in terms of space allowance per animal by avoiding that more space leads to more trucks on the road and by providing incentives, such as weight tolerance to compensate for additional equipment attached to the vehicle. The maintenance of adequate temperatures for the animals in the animal compartment should concentrate on action within the vehicle and should not be determined by external weather conditions.
- **Enhancing the compatibility between the journey times for the animals and the road transport-related social rules** by facilitating the organisation of journeys with multiple transport legs, fine-tuning the maximum journey times of the animals by making them more compatible with the maximum daily driving times for drivers, allowing the postponement of driver breaks to reach the destination of the animals and to broaden the use of derogations to the maximum journey time depending on the availability of an appropriate slaughterhouse.
- **Increasing training and knowledge levels across the EU** by establishing an obligation for Member States to organise an initial training of at least 16 hours for drivers and attendants to obtain a certificate of professional competence and include live animal training in the 35-hour continuous training requirements for drivers. Focus must be on on-the-job practical training. Similar training requirements for journey organisers and animal keepers.

II. ANALYSIS

The EU rules on the protection of animals during transport were last amended in 2005. Guidelines have been issued to clarify the existing rules and improve their application across the EU and compliance by the different stakeholders active in the live animal logistics chain. The issues in the existing rules for road transport operators are related to the clarity, lack of harmonisation and incompatibility with other relevant EU legal acts, especially in the field of road transport.

IRU recognises the European Commission's efforts to address the identified issues. Unfortunately, the proposal (COM (2023) 770 and annex), addresses few in a satisfactory manner. Additional rules have been added which will in many cases lead to serious additional challenges for road transport operators to find the right balance between the protection of live animals during transport and compliance with the road transport acquis.

IRU does not support additional and more complex rules.

IRU calls for:

- Legislators to focus on a better and more applicable legal framework ensuring legal certainty, more harmonisation across the EU and improving compatibility between the EU rules on the protection of animals during transport and the road transport acquis. This will improve animal welfare and protection levels as well as the operating conditions for the road transport operators.

IRU identified several parts of the proposal which could be further improved.

1. The liability of the transport operator to determine fitness for carriage.

The liability of road goods transport operators, including live animal transporters, for compliance with transport-related rules and regulations are either governed by national rules, in the case of purely domestic transports or by the CMR Convention for cross-border transports¹. The road goods transport operators' liability for the goods carried generally starts once the goods have been accepted by the transport operator and driver during the loading process. The liability of the transport operator and driver ends when the goods have been accepted by the consignee on delivery.

IRU is concerned that the liability of the road transport live animal carrier and driver go beyond what is stipulated by the CMR Convention. Transport operators and drivers have to decide with limited information and in sometimes very difficult circumstances whether an animal is sufficiently fit to be loaded and carried. The new proposal introduces new provisions which try to better delimit the liability of the driver and transport operator. The keeper of the animals at the place of loading should now ensure that presented animals are fit for carriage. In addition, the loading of the animals will be overseen by a veterinarian, but the role and responsibility of the veterinarian has not been determined. Unfortunately, the definitions of the "journey" of the animals, "place of departure" and "place of destination" still place the liability for the entire journey of the animals on the road transport operator and driver. The liability of the transport operators must be limited to the transport leg(s) carried out by them, whereby the transport could be equal to the journey of the animal but not necessarily.

A clear allocation of liability during the transport and logistics process is essential to guarantee higher welfare levels for the animals, guarantee legal certainty and improve levels of compliance. It is essential to make the selection during the loading process as thorough as possible, because once loaded, it is close to impossible, even dangerous, to separate suffering animals from the others.

IRU calls for:

- A fine-tuning of the definitions of "journey", "place of departure", "place of destination" as well as of the conditions for organisers, keepers, transport

¹ Convention on the Contract for the International Carriage of Goods by Road

operators, drivers, attendants and supervising veterinarians to reflect the liability delimitations in Table 1.

Table 1: Liability determinations

Stage	Activity	Responsible party
1. Prior to transport	<ul style="list-style-type: none"> - Selection of animals and assessment of their fitness for transport - Decision to present an animal 	Keeper and supervising veterinarian
2. Loading	<ul style="list-style-type: none"> - Space requirements - Monitoring of animals during loading - Loading - Elevation of decks 	Driver, road transport operator and supervising veterinarian (monitoring of the animals during loading)
3. Driving	<ul style="list-style-type: none"> - Quality of driving - Mandatory breaks - Watering and feeding - Driving and rest times - Temperature control - Mandatory documents - Vehicle condition - Certificates 	Driver and road transport operator
4. Unloading	<ul style="list-style-type: none"> - Establishment of secure access - Lifting of decks - Unloading 	Driver and road transport operator
5. Arrival control	<ul style="list-style-type: none"> - Checking animals' conditions 	Authorised or supervising veterinarian at the place of arrival

- A provision should also be added which would allow a transport operator to invoke "shared liability" in case a visibly fit animal with a hidden deficiency was carried and its condition, such as a hernia, worsened during the transport leg without it being attributable to any wrongdoing by the driver or transport operator. The transport operator and driver would have to provide the necessary proof if they want to invoke such a "shared liability" clause.
- A fine-tuning of the definition of "organiser" to avoid that a transport operator who merely works with a subcontractor is perceived as being an "organiser".
- The inclusion of a definition of the veterinarian supervising loading and unloading and the specification that the person should be "authorised".

2. The vehicle

Several aspects to be considered include the space for the animals, loading and unloading equipment, temperature control, installation of additional fixed equipment with impact on weight and hygiene. The overall aim should be to allow more operational flexibility to organise the vehicle to optimise animal welfare in any condition.

a) The space for the animals

It is essential that animals get adequate surface space for lying down in the vehicle and sufficient height to avoid back and head injuries and to allow adequate ventilation to improve comfort.

- Surface space

Based on scientific evidence, the proposal increases the surface space for the animals inside the vehicle. IRU is concerned that the scientific evidence is too removed from the realities on the ground. There is no consensus about comfort advantages by providing more surface space for the animals; more injuries can also not be excluded. Increasing

the minimum surface space per animal is only valuable where it benefits comfort and depends on the species. An animal will find its best position to stand safely, instead of fighting for better space.

Providing more surface space inside the vehicle for the animals will lead to more trucks on the road to carry the same number of animals. It should be noted that if a road goods transport operator uses ten vehicle combinations to transport a certain number of animals today, it will require fifteen vehicles to meet the conditions of the new proposal. That's a 50% increase. This is not compatible with EU Transport Policy. More trucks on the road will also lead to more energy being consumed and potentially to more emissions. In case the use of zero-emission vehicles is to be considered, additional incentives would be needed to compensate for the higher weight of the current zero-emission technologies and the limited range of such vehicles to avoid decreasing the carrying capacity of a standard vehicle combination.

Today, many slaughterhouses delay the unloading of animals, sometimes by up to four hours, because they have insufficient infrastructure to receive the animals. Slaughterhouses will also have to further adapt their infrastructure to receive a larger number of trucks, which could pose some challenges.

Tables 2, 3 and 4 below show examples of the impact on the vehicle's carrying capacity for some species.

Table 2: Surface space for cattle and pigs

	Regulation 1/2005		EC proposal		No vehicles 1/2005	No vehicles EC proposal
	Av weight (kg)	Surface space m ²	Av weight (kg)	Surface space m ²		
Adult cattle	550	1.50	550	2.28	4	5
Pigs	125	0.50	125	0.68	2	3

Source: Nordic Logistics Association, NLA

Table 3: Surface space for poultry

Average weight (kg)	Regulation 1/2005		EC proposal		Reduction in No of animals (per m ²)	Utility loss (per m ²)
	Unit per cm ²	No of animals per m ²	Unit per cm ²	No of animals per m ²		
1	180	56	290	34	22	-21.07
2.5	400	25	534	19	6	-15.7
4	460	22	731	14	8	-32.22

Source: CETM Animales Vivos

– Height

The proposal also increases the height for certain animal species, such as adult cattle, in the vehicle which will make it very difficult to continue carrying such animals with a double deck in the loading compartment. This would reduce the carrying capacity of vehicles by at least 50%. It should also be noted that it is impossible to determine the floor height in advance. Flexibility is needed to accommodate the tallest animals to be loaded.

Table 4: Height for cattle

Average weight (kg)	Regulation 1/2005		EC proposal			Reduction in No of animals per vehicle
	Space per animal (m ²)	No of animals on 2 decks	Space per animal (m ²)	No of animals on 2 decks	No of animals on 1 deck	
325	0.95	69	1.61	41	21	69%
550	1.3	51	2.28	29	15	70%
650	1.51	44	2.55	26	13	70%

Source: CETM *Animales Vivos*

- Lack of harmonisation

The proposal still allows Member States to apply higher space allowances than the minima in the EU rules. International transport operators will continue to encounter challenges to meet country-specific requirements due to a lack of harmonisation.

IRU calls for:

- Keeping the surface space requirements stipulated in Regulation (EC) No 1/2005, which are sufficient. Removal of the possibility for Member States to impose higher surface space allowances than those laid down in the EU rules.
- Maintaining the height requirements stipulated in Regulation (EC) No 1/2005, which are sufficient. The possibility for Member States to impose increased height than those laid down in the EU rules should be removed.
- Considering vehicle height increases for the carriage of certain species such as cattle. In this case, a movable roof could be used.

b) Loading, unloading and separation

- Loading and unloading

The proposal includes requirements for the loading and unloading equipment of the vehicle. IRU notes that loading and unloading can only be optimised if the infrastructure at commonly used loading and unloading places is also properly adapted to receive these vehicles. The development of standards for loading and unloading places could be established.

Loading and unloading should be further enabled in an animal-friendly way with a minimal use of stimulating instruments.

IRU calls for:

- Standards to be established for new loading and unloading infrastructure by delegated or implementing act, including a transition period for compliance of the existing loading and unloading infrastructure.
- Separation

The proposal makes separate transports for certain types of animals, such as sexually mature animals, mandatory but foresees that an exception can be made in certain circumstances. IRU welcomes the possibility to make exceptions for animals of different species, sizes and age, certain breeding animals and animals with or without horns, provided that they are accustomed to each other, have been raised in compatible groups or would become subject of distress. Separation should be carefully considered in advance because once loaded, separation becomes practically impossible.

IRU calls for:

- A broadening of the exemptions from separation to include sexually mature animals providing the listed conditions are met.

c) Temperature control

Weather conditions will play a more significant role in obtaining approval for transports. IRU is concerned that the outdoor weather conditions will be considered to approve transports, whereas the main objective should really be to ensure that the temperature conditions inside the vehicle are optimal for the animals under any condition. The proposal fails to consider ways and technologies to monitor the temperature inside the vehicle and does not look beyond to use of air conditioning to adjust the conditions in the animal compartments. Practical experience shows that even with completely closed trailers, the type and right positioning of temperature sensors, air conditioning, or other relevant systems is essential to create optimal conditions for the animals in the vehicle. The positioning of the systems could be adjustable and additional systems could be added in extreme circumstances. Challenges with watering equipment and watering during cold weather conditions could be addressed by using heating systems in the watering system or allowed/prescribed anti-freeze added to the water when operating in temperatures below the freezing point. It should be possible to use national derogations to have water in the watering system during wintertime (when temperature is below freezing point).

The proposal also does not provide any solutions for changes in the weather forecast which may have an impact on the decision to transport. The fact that 25°C is considered an extreme temperature could render live animal transports in most parts of the EU close to impossible during the summer.

Temperature monitoring in vehicles demonstrates that the highest temperatures are reached while the vehicle is not moving. The moving vehicle can provide an optimal temperature range.

Figure 1: In-vehicle temperature monitoring



Source: CETM Animales Vivos

It is essential that the proposal also looks at the vehicle and considers technologies other than air conditioning, including mist, nebulisation and cooled air blowing, and the

development of new technologies and the consideration of approaches such as nighttime transports with the presence of a veterinarian. The proposal should also encourage more harmonised implementation of temperature requirements by Member States.

IRU calls for:

- Temperature control to be focused on the conditions in the vehicle rather than on the outside temperatures. To create optimal temperature conditions in the vehicle to protect the animals during transport, the following conditions are essential:
 - Sensors on vehicles: Type and positioning sensors in vehicles which better determine the actual temperature in the vehicle during transport (empty or loaded).
 - Flexibility: Establish a higher degree of flexibility which allows road transport operations that have already started to be completed.
 - Species-specific temperatures: Different temperature obligations should be established, depending on the animal species, their age and whether the animal is pregnant.
- Enabling of nighttime transport if the conditions require it.
- Keeping the current 30°C threshold for “extreme temperatures” with a 5°C tolerance. Above 30°C, the surface area per animal should be increased by 15 to 20% and vehicles should not be allowed to stop when they are loaded. They should carry out the scheduled journey without any pauses.

d) Additional equipment

The proposal obliges vehicles to be equipped with a costly fixed system to provide food and water. This is not only costly, but it can also have a negative impact on the weight of the vehicle without always the most practical solution. Retrofitting often comes with challenges.

The installation of additional equipment on the vehicle should be incentivised. For instance, in case of equipment with implications on its empty weight, a weight tolerance should be considered to keep the carrying capacity stable. In the case of cattle transport, such equipment includes a water container, reinforced partitions, etc. A solution for standard combinations could be to increase the maximum authorised weight to 42 tonnes when a 4x2 tractor is used and to 44 tonnes when a 6x2 tractor is used. The use of high-capacity vehicles (European Modular System) could also be considered; they offer about 33% more space compared to a standard combination. Considering the limits of the currently available technology, it is not recommended to use zero-emission powertrains for long-distance animal transports.

IRU calls for:

- Maintenance of the current possibility to use a mobile system for feeding and watering of the animals.
- The inclusion of incentives for additional equipment in the vehicle such as maximum authorised weight tolerances for standard vehicle combinations to 42 tonnes when a 4x2 tractor is used and to 44 tonnes when a 6x2 tractor is used.

e) Hygiene

The proposal only looks at the vehicle. Commonly used loading and unloading places are not obliged to be equipped with a truck wash, even though the vehicle must be cleaned and disinfected immediately after each animal carriage.

IRU calls for:

- The inclusion of a provision stipulating that an adequate lorry wash in good working order should be available at commonly used unloading places, where feasible and appropriate, to allow the necessary cleaning of the vehicle. A washing area must have a surface suitable for trucks and a water supply network

as well as a sewage disposal system. This washing operation must take place under minimum conditions of hygiene and cleanliness.

3. The journey of the animals

Operational experience in road transport demonstrates that stopping too frequently during a transport leg stresses the animals. The animals should reach their destination as soon as possible.

The road transport operators and drivers must comply simultaneously with four sets of time-related rules during a live animal carriage: journey or transport time, feeding and water intervals for the animals and driver, and rest time and working time rules for the driver. Today, the key IRU concern is the incompatibility of “journey” and “transport” and the rules for watering and feeding intervals for the different animal species, as defined in Regulation (EC) No 1/2005, are not compatible with the driving and rest time rules and the working time rules of a professional driver.

The “journey” definition does not consider multiple transport legs. Drivers are expected to attend the animals during their break and rest periods. This is especially an issue during long transports and where feeding and watering of the animals is concerned. It should also be noted that in case of multi-manning, a driver can only take a break in a moving vehicle, not a longer rest period. It should also not be excluded that a driver may have to take a rest period during transports of up to 4.5 hours or longer. The proposal insufficiently recognises that a stop during the transport is a disturbance for the animals.

Furthermore, with the requirement of taking a one-week-long rest period prior to departure, it will become enormously challenging to organise an animal journey comprising of multiple transport legs.

The new proposed journey times introduce additional challenges for live animal transports to and from EU peripheral Member States as certain journeys are limited to eight and nine hours, especially for young animals. Appropriate slaughterhouses are not always available within an eight- or nine-hour range of a place of departure. Imposing a cap of nine hours on the journey time to slaughterhouses would mean that farmers and traders in some Member States would immediately lose access to many slaughterhouses. This is of great concern, as there is already a process of concentration of slaughterhouses taking place in the EU. It could also introduce barriers to intra-EU live animal trade.

It should be noted that in Finland, where the animals are bred in the north of the country and the slaughterhouses are situated in the south, there are special provisions to allow transport from the breeding places to an appropriate slaughterhouse.

Improving complementarity between the “journey” of the animals and the transport social rules for drivers and mobile staff to reduce the duration of the transports and the stress on the animals is important.

IRU calls for:

- Introducing a clear distinction between the “journey” of the animal and a “transport leg” during such a journey. Every transport leg starts when the last animal has been loaded and ends when the first animal is unloaded at destination.
- Keeping the 48-hour rest for animals in the current rules before they can continue their journey after a transport leg.
- Fine-tuning of the journey times for animals: the total driving time could exceed a journey time for the animals at the level of the permitted daily driving time for one driver; nine hours normal driving time and ten hours twice per week. In a situation where two drivers are involved, the total driving time could exceed ten hours.
- Enabling the possibility to postpone a break or rest of the driver until arrival at the place of destination on the basis of Articles 12, 13 or 14 of Regulation (EC) No 561/2006, providing it does not jeopardise the safety of the driver, vehicle or animals. Extreme cold or hot temperatures may also justify a postponement. Alternatively, other solutions could be considered to limit the time to destination.

- Encouraging drivers, where possible, to take breaks and rests in places where other keepers or attendants can care for the animals.
- Adding a wider possibility to derogate from the maximum journey times by considering the presence of an appropriate slaughterhouse within range.

4. Training and competence

There is a serious shortage of live animal transport drivers. IRU recognises that adequate initial as well as adaptive on-the-job training should be mandatory for live animal transport drivers and a higher professional competence level should be achieved across the EU. Member States differ in their approach to the training required by Regulation (EC) No 1/2005, and there are currently no rules relating to the mutual recognition of training certificates. Drivers certified in one Member State should retake tests if they wish to work for a transport company established in another Member State.

The proposal should create more alignment between the rules of Member States, distinguish between initial training to obtain the Certificate of Professional Competence (CPC) for live animal transport and continuous on-the-job training. Possibilities should be created not only to do classroom training but also virtually and in a flexible manner. The combination of theory with practical on-the-job experience should be encouraged. In some Member States, theory training takes too long and prevails over on-the-job training. Training is not adapted to the level of knowledge and experience of drivers or attendants.

The proposal should not only consider training for drivers and attendants. Organisers and keepers should be certified but are not required to prove their competence with a CPC or through adequate levels of experience.

IRU calls for:

- An interaction between the Driver Training Directive (EU) 2022/2561 and the driver training requirements in the rules on the protection of animals during transport.
- Two types of training to be distinguished: initial training for people with a C or C+E driving licence and continuous training on the job.
- Candidates who have a C or C+E driving licence to take a 16-hour additional initial live animal specific training package and a test before they can obtain a live animal driver CPC. This training may contain at least four hours of classroom training at a recognised training centre and 12 hours at a live animal transport company or 16 hours at a live animal transport company. At least ten hours should consist of driving accompanied by an experienced specialised driver. Theoretical training can be organised by a transport company in classroom format or virtually, including e-learning. The subjects to be covered should be the live animal specific aspects of the subjects listed in Annex I of Directive (EU) 2022/2561 while also considering the subjects listed in the current proposal.
- A live animal transport CPC to be valid for a period of five years, renewable and mutually recognised across the EU.
- Drivers who complete a continuous driver training course of 35 hours as identified by Directive (EU) 2022/2561 to have at least 26 hours of this time dedicated to relevant live animal continuous training which should be, where possible, adapted according to the level of experience of the driver as part of these 35 hours. At least 20 hours should be on-the-job training.
- Tests for an initial live animal transport CPC or its renewal should take place at a recognised test centre.
- Member States to make the certification of organisers and keepers subject, among other, to the presentation of an appropriate CPC or upon proof of an adequate level of relevant professional experience.

5. Transports to and from third countries

The application of the EU rules for transport to and from third countries has been the subject of extensive discussion and has caused controversy. It is difficult to convince competent authorities from third countries to transpose the EU rules in their national legislation and apply them to transports on their territory to and from the EU. It is also difficult to impose the use of the EU Trade Control and Expert System (TRACES) on third countries. For example, the UK does not use it.

IRU suggests that as a complement to the EU rules, EU trade agreements with third countries should contain, to the largest possible extent, key provisions ensuring the protection of animals and their welfare during transport. This can give a larger guarantee of compliance with relevant EU rules.

IRU calls for:

The use of TRACES by third countries not to be made obligatory. A connection and interoperability between TRACES and comparable third-country systems should be a condition to allow live animal transports to and from those third countries.

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