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## **IRU position on the TRANSPORT OF LIVE ANIMALS IN THE EUROPEAN UNION**

*unanimously adopted by the IRU Goods Transport Liaison  
Committee (CLTM) in Brussels on 29 September 2010*

### **IRU Position on the transport of live animals in the European Union.**

#### **I. ANALYSIS**

On 5 January 2007, Council Regulation 1/2005 on the protection of animals during transport and related operations entered into force strengthening existing legislation on animal welfare during transport by identifying the parties involved, including the transport operator, and their respective responsibilities. It put in place authorisation and inspection measures and laid down stricter transport rules.

Article 32 of this Regulation stipulates that no later than 4 years after entry into force, the European Commission (EC) should prepare a report on the impact of this Regulation which could be accompanied with legislative proposals to modify the current text.

Since the entry into force of Regulation 1/2005, the IRU has identified a number of issues for which the current rules could be improved. These issues include the need for harmonisation between the rules relating to animal welfare and those relating to road transport operations, the responsibility of drivers and transport operators and vehicle issues, such as the harmonisation of rules relating to space for the animals, the use of positioning logs and temperature regulation.

#### **1. Harmonisation of animal travel times and rest periods with the rules governing driving times and rest periods for drivers:**

When planning a journey, the transport operator is responsible for estimating the animal travel time and sending this information to the relevant authority for approval. The current definitions in Article 2 of Regulation 1/2005 fail to distinguish the "total transport time" from "driving and rest times", and this should be clearly specified. Practical experience has shown that it is difficult for the transport operator to determine to which extent the animal has already been carried by a vehicle before he has to load it, and adequate information is not necessarily always available. The definitions should specify that "journey" and "transport" should only include the movement of animals in the vehicle of a transport operator and should start with the loading of the animals into that vehicle as the transport operator is responsible for keeping the travel time and is the determining factor in its planning. Any transfer of the animals prior to the loading into the transport operator's vehicle has to be considered as not being part of the total "transport" or journey.

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Annex I of Regulation 1/2005 stipulates the rules for watering and feeding intervals, journey times and rest periods for the different animal species. These rules lack compatibility with Regulation 561/2006 on driving and rest times for drivers. The stress which animals suffer during road transport journeys needs to be minimised as much as possible and therefore the IRU considers that it is important to allow animals to reach the destination more rapidly which can be obtained by a harmonisation of the travel times and rest periods for the animals and the driving and rest time rules laid down in Regulation 561/2006.

## **2. Responsibility**

According to Regulation 1/2005, transport operators are responsible for the animal's welfare. However, in practice, it is very difficult for them to fulfil their obligations, which differ in the various Member States.

Firstly, it is extremely difficult for a transport operator or driver to make a correct decision on whether an animal is fit for transport. Animal keepers and veterinarians are in a position to know the health history of the animals better, and are therefore best placed to determine whether the animals are fit for the journey. The transport operator or driver can only quickly glance at the animals during loading, and is not sufficiently qualified to visually determine whether an animal is unfit for transport or whether there is a risk of reopening a wound.

Therefore, the transport operator and/or driver should only be held responsible when animals that are visibly not fit for transport are carried. In this context, it should be stated that he is only able to assess the animal by looking at it, and that the assessment is a "snapshot" of the animal's condition and cannot be held responsible for hidden conditions of the animals.

Secondly, the rules stipulate that the transport operator must plan the journey in such a way that sufficient space is provided for the animals. The right vehicle size is thus very important for the animals' welfare. It is therefore essential that the transport operator receives the correct information in advance to properly prepare the journey. Transport operators and drivers should only be held responsible for the space requirements if it is clear to the driver or transport operator during the loading process that the information received is inaccurate. Consequently, the animal keepers and/or shippers should be accountable for the information they provide to the transport operator while planning the journey. The animal keepers and/or shippers should assume responsibility if this information proves to be inadequate.

Thirdly, the rules relating to the transport of sexually mature animals create a safety problem for the transport operator and driver, because it can be very dangerous to separate animals that naturally live in groups. These rules also raise the issue of determining the sexual maturity of animals. It is not reasonable for the transport operator to assume this responsibility. Responsibility should therefore lie with the animal keepers as they are better equipped to carry out this task. In addition, the animals should be separated 3 to 4 days before the transport takes place.

The rules relating to the separate transport of animals which pose a danger to others are difficult to comply with, in practice, as the transport operator or driver is not familiar with the behaviour of the animals. The IRU considers that the transport operator or driver cannot make such an assessment while loading the animals and that the assessment requires extensive knowledge of the animal. The keeper should be responsible for ordering a separate section for hostile animals.

For these reasons, a more clearly demarcated responsibility for the driver and transport operator is needed. Court rulings demonstrate that transport operators and drivers have been held responsible for conditions which they have no possibility to act on. The consequence is that animals have been transported which should not have been.

If a veterinarian is present at the loading of the animals, he should be responsible for determining whether an animal is fit for transport. In case a veterinarian is present at the

unloading, the opinion of the veterinarian present at the loading should be accepted. The transport operator and driver should not risk being held responsible when they have followed the advice of the veterinarian. Ideally, a veterinarian should be present at every loading of animals for journeys of 8 hours or longer.

At the place of loading, the shipper should be responsible for ensuring that only animals fit for transport are loaded. The transport operator or driver should, in no case, accept to load and carry animals which are obviously not fit for transport. The transport operator should be furthermore responsible for providing the right means of transport, subject to the correct information received from the shipper, and for ensuring animal welfare during transport from departure to arrival location.

### **3. Positioning log**

Regulation 1/2005 requires that all new vehicles entering into service after 1 January 2009 should be equipped with a navigation system able to record and provide information equivalent to what is requested by the journey log. Practice has shown that different Member States impose different navigation systems because of a lack of minimum technical requirements laid down at EU level which means that transport operators who are active in different countries should invest in different navigation systems. There is a complete lack of interoperability and mutual recognition. The Regulation also does not specify any rules relating to data protection and to the inspection of the data recorded by the navigation systems. The IRU proposes to define specific minimum functional requirements of the navigation systems as well as information to be recorded and its use by third parties during and after the transports.

The registration and control of the data by the authorities should be limited to those listed in Annex 1, Chapter 6, 4.1. In addition, the authorities' competence to check the data of positioning logs must be explicitly authorised, but the current Regulation 1/2005 does not contain a legal base for this. Parallel to enforcement of Regulation 561/2006 and the ADR rules, control of company data should take place at the company premises and not remotely.

Considering the deployment of ITS solutions in road transport, to which extent it would be possible to introduce an electronic version of the journey log in the future should also be examined.

### **4. Space allowances**

Regulation 1/2005 lays down the minimum surface areas per animal required for transports, but allows Member States to apply higher minima. This causes problems for transport operators active in different countries who are obliged to make investments in order to meet country-specific requirements. Surface areas for animals should be harmonised at EU level which could be obtained by removing the possibility for Member States to derogate from the space allowances laid down in Chapter VII of Annex 1 of Regulation 1/2005.

### **5. Access to water**

Experts state that livestock only drink during rest periods when the vehicle is stopped. Regulation 1/2005 should reflect these findings, especially for pigs which should only have access to water during rest periods.

### **6. Temperature monitoring systems**

Regulation 2005/1 only requires the installation of temperature sensors in the vehicle which can cope with the most extreme climate conditions. Practical experience with such transports

shows that even with completely closed trailers, different results are obtained depending on the positioning of the sensors and air conditioning systems. As a result, there is no harmonised application of this requirement in the different Member States. The IRU considers that it is necessary to take into account:

- The **prevailing temperatures** within the different European regions;
- The condition in which the animals leave the **farm**;
- The **capacity of adaptation** of the different kinds of animals.

Consequently, the range of temperatures able to be maintained inside a vehicle could be set from 0°C to 35°C for all animals with a tolerance of approximately 5°C depending on the outside temperature.

## 7. Training

EU Member States differ in their approach to the training required by Regulation 1/2005, and there are no rules relating to the mutual recognition of training certificates. There is room for further harmonisation in this respect.

The list of subjects in Annex IV should also reflect the need for training in the use of ITS applications required for the transport of live animals.

The certificates of competence could also be produced in a “pocket” format to allow drivers to keep them with their driving licence and driver card for the digital tachograph.

## 8. Enforcement

Practice has shown that the enforcement of Regulation 1/2005 is problematic not least because of the lack of clarity of its provisions. Looking at international transports, enforcement practices differ in the Member States, the infractions are not categorised in the same way and the penalties differ. In order to create more transparency and legal certainty for the transport operators, the European Commission should facilitate initiatives in order to obtain more harmonisation of enforcement practices and an exchange of best practices and other information between enforcement authorities.

## II. IRU POSITION

The road transport industry is in favour of a broad revision of the current Council Regulation 1/2005 relating to the transport of live animals with the aim of improving and clarifying the current rules and obtaining more harmonisation and interoperability.

The IRU calls for the following items to be included in the next revision of Council Regulation 1/2005:

- A harmonisation of the travel times and rest periods for the animals and the driving and rest time rules laid down in Regulation 561/2006;
- A clearly demarcated responsibility for the driver and transport operator who should not accept, in any case, to load and carry animals which are obviously not fit for transport. The transport operator should be furthermore responsible for providing the right means of transport, subject to the correct information received from the shipper, and for ensuring animal welfare during transport from departure to arrival location;
- A definition of specific minimum functional requirements of the navigation systems, as well as, on information to be recorded and its use by third parties, including control authorities, during and after the transports;
- A harmonisation of surface areas for animals;

- A standardisation of systems to measure temperature in vehicles;
  - Harmonisation of the rules relating to training and an updating of the training subjects to take into account the use of the latest vehicle technologies, including ITS;
  - Harmonisation of enforcement practices, such as the categorisation of infractions and the harmonisation of penalties.
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