II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive amending Directive 91/628/EEC concerning the protection of animals during transport

(93/C 250/07)

COM(93) 330 final

(Submitted by the Commission on 26 August 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 13 (1) of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC (1), as amended by Decision 92/438/EEC (2), requires the Commission to submit a report, possibly accompanied by proposals, on the question of fixing maximum journey times for certain types of animal, on feeding and watering intervals, on resting periods, on space allowances and on standards to be met by means of transport as regards the transport of certain types of animal;

Whereas the report from the Commission, based on an opinion from the Scientific Veterinary Committee, shows that standards can be established on the abovementioned matters in respect of certain types of animal, based on scientific knowledge and established experience;

Whereas Member States have rules on journey times, feeding and watering intervals, resting periods and space allowances; whereas these rules are, in some cases, extremely detailed and are used by some Member States to restrict intra-Community trade in live animals; whereas persons involved in the transport of animals need clearly defined criteria to enable them to operate on a Community-wide basis without coming into conflict with different national provisions;

Whereas in order to eliminate technical barriers to trade in live animals and to allow the market organizations in question to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned, it is necessary in the context of the internal market to modify the rules of Directive 91/628/EEC with a view to harmonizing travelling times and resting periods, feeding and watering intervals, and space allowances, for certain types of animal;

Whereas the report from the Commission indicates that current scientific knowledge is insufficient in respect of other types of animal to allow rules to be established for them at present;

Whereas it is necessary, therefore, to modify Directive 91/628/EEC with a view to providing a rapid and flexible procedure whereby rules in respect of other animals may be added to the technical annexes at a later date, when such scientific evidence becomes available,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/628/EEC is amended as follows:

1. in Article 2 (2) the following points (h) and (i) are added:

   '(h) "travelling time", the time after which the movement of animals by a means of transport is interrupted for resting, feeding or watering;

   (i) "resting period", a continuous period during which animals are not being moved by a means of transport.'

2. in Article 3 (1), the following point (aa) is inserted:

   '(aa) — space allowances for animals comply with the figures laid down in Chapter VI of the Annex, in respect of the animals referred to in that Chapter,

(1) OJ No L 340, 11. 12. 1991, p. 17.
(2) OJ No L 243, 25. 8. 1992, p. 27.

— without prejudice to the provisions of Council Regulation (EEC) No 3820/85 (1), maximum travelling times and minimum resting periods comply with those laid down in Chapter VII of the Annex, in respect of the animals referred to in that Chapter;

(1) OJ No L 370, 31. 12. 1985, p. 1.'

3. Article 5 point 1 (b) is deleted;

4. Article 5 (2) (b) is replaced by the following:

'(b) draws up, for journeys exceeding the travelling times laid down in Chapter VII of the Annex, a route-plan — including any staging and transfer points — whereby it can be ensured that the animals are rested within the travelling time and for at least the length of time laid down in Chapter VII, fed and watered and, if necessary, unloaded and given accommodation in accordance with the requirements of this Directive for the type of animal to be transported. For animals not included in Chapter VII, the route plan shall be drawn up for journeys exceeding 24 hours;'.

5. Article 5 point 2 (c) is replaced by the following:

'(c) is able, where the journey exceeds the length of time laid down in Chapter I A (2) (d) or Chapter II (31) of the Annex or, for animals not included in those provisions, 24 hours, to demonstrate that the steps have been taken to meet the animals' needs for food and water during the journey;';

6. Article 13 (1) is replaced by the following:

'1. In accordance with the procedure laid down in Article 17, and after consulting the Scientific Veterinary Committee, Animal Welfare Section, the Commission may lay down, for certain types of animal, additional rules on:

— maximum travelling times,

— feeding and watering intervals,

— minimum resting periods,

— space allowances,

— standards to be met by means of transport,

— Community criteria to be met by staging points.';

7. In Article 13, paragraph 2 is deleted;

8. Article 17 (2) is replaced by the following:

'2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.'

9. Article 17 (3) and (4) are deleted;

10. in Chapter I A (2) (b) of the Annex the following is added:

'It shall be ensured that solipeds and adult cattle have at least 20 cm of free space above their heads and calves, pigs and sheep at least 10 cm.';

11. in Chapter I A (2) (d) of the Annex the following is added:

'The maximum intervals (in hours) which shall apply for certain types of animal are:

Type of animal	Watering	Feeding
Calves (up to six months)	8	8
Lactating cows	8	24
Adult cattle	16	24
Horses	6	6
Pigs	8	24'

12. Point 31 of Chapter II of the Annex is replaced by the following:

'31. Suitable food and water shall be available in adequate quantities, save in the case of a journey lasting less than:

(i) six hours for broilers and pullets;

(ii) eight hours for hens, turkeys and ducks;

(iii) 12 hours for other poultry, domestic birds and rabbits;

(iv) 24 hours for chicks of all species, provided that it is completed within 60 hours after hatching.';

13. the following Chapter VI is added to the Annex:

'CHAPTER VI

SPACE ALLOWANCES

47. The following minimum space allowances apply to rail, air, road and sea transport.

Maximum liveweight (kg)

m²/animal	Cattle/Horses	Pigs	Sheep
0,15		25	
0,20			18
0,25			30
0,40	50 (1)	60	50
0,50		100	> 50
0,70	100	> 100	
1,30	300		
1,80	500		
2,20	> 500		

(1) Cattle only.'

14. the following Chapter VII is added to the Annex:

'CHAPTER VII

MAXIMUM TRAVELLING TIMES AND MINIMUM RESTING PERIODS

48. The requirements laid down in this Chapter apply to the movement of animals by road vehicles, except when the vehicle is on board a ship. Resting periods may be spent on or off the vehicle.

Minimum resting period (in hours) after each travelling time of

	eight hours	12 hours (1)	16 hours (1)	24 hours (1)
Cattle				
— < four weeks	1			16
— four weeks to six months	3		16	
— > six months			3	6
Pigs	1			10
Horses (2)				
— in groups		10		
— singly or in pairs				10

(1) Total of travelling times and other resting periods.
(2) Stop every six hours for watering and feeding.'.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1994. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

This Directive is addressed to the Member States.