

Welfare of Animals During Transport

Council Regulation (EC) 1/2005 on the protection of animals during transport and the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 (as amended)

Guidance Notes

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INTRODUCTION

This guidance relates to Council Regulation (EC) No 1/2005 on the protection of animals during transport (subsequently referred to as 'the EU Regulation'), and the relevant enforcement legislation. It is issued to aid consistency of understanding and enforcement of the EU Regulation and the national legislation.

The Legislation

The EU Regulation came into force on 5 January 2007. It replaced EU Directive 91/628 as amended by 95/29. While the EU Regulation is directly applicable, national legislation is needed to provide for enforcement and penalty provisions, derogations from the rules and potential charges for authorisations. This is done through separate enforcement legislation in each of Northern Ireland, England, Scotland and Wales. The legislation which implemented the previous Directives in Northern Ireland (the Welfare of Animals (Transport) Order (Northern Ireland) 1997 (WATO)) has been replaced by The Welfare of Animals (Transport) Regulations (Northern Ireland) 2006, as amended by the Welfare of Animals (Transport) (Amendment) Regulations (Northern Ireland) 2007.

The EU Regulation aims to improve animal welfare through raising transportation standards. In particular, it provides significant improvements in enforcement capability in respect of all species.

The Guidance

This guidance is intended to be used as a **reference document** to aid understanding and to ensure consistent enforcement. It should be read in conjunction with the legislation. Whilst it is intended to be as helpful as possible, **ultimately, the interpretation of the wording of the law is for the Courts to determine.**

The sections within this guidance document are not designed to be read in isolation, and anyone engaged in the transport of animals should ensure they are familiar with all the requirements to ensure that they comply with the law.

This is a living document that will develop in light of experience of implementing the EU Regulation. We welcome feedback on the content of the guidance to improve later versions. The latest version of the guidance will be placed on the DARD website www.dardni.gov.uk.

1. SCOPE, APPLICATION AND EXEMPTIONS

Scope

- 1.1 The EU Regulation covers the transport of **all** live vertebrate animals (but excluding man) within the EU Community that takes place *in connection with an economic activity*. The vertebrate family includes all creatures which are mammals, birds, reptiles, amphibians or fish.
- 1.2. Those involved in an economic activity will include farmers, livestock hauliers, those who move horses in connection with professional riding, livery, stabling, those involved in commercial pet breeding or racing (e.g. dog or pigeon racing), or those moving animals used in films, zoos and leisure parks.

Exclusions from scope

- 1.3 The Regulation does **not** apply to the transport of non-vertebrates such as insects, worms, crustaceans (e.g. crab, lobster), cephalopods (e.g. octopus, squid) and molluscs (e.g. shellfish, snails). However, general welfare in transport provisions protecting non-vertebrates from injury or unnecessary suffering are contained in the Welfare of Animals (Transport) Regulations (NI) 2006.
- 1.4 The EU Regulation does **not** apply to the transport of animals:
 - where the transport is not in connection with an economic activity; **or**
 - to or from veterinary practices or clinics under veterinary advice; **or**
 - when the animal is an individual animal, is accompanied by its owner or other responsible person and is fit for the intended journey; **or**
 - where the animals are pet animals accompanied by their owner on a journey.

N.B. only one of these conditions needs to be fulfilled for the transport to be excluded.

- 1.5 The EU Regulation does not define what constitutes an “economic activity”. However, the preamble to the EU Regulation gives an indication of what this may include. Paragraph (12) states: “*Transport for commercial purposes is not limited to transport where an immediate exchange of money, goods or services takes place. Transport for commercial purposes includes, in particular, transport which directly or indirectly involves or aims at a financial gain*”.
- 1.6 A body might be engaged in economic activities even though it did not operate with a view to profit. It follows that the fact that a transporter (e.g. a charity) is engaged in non-profit making activities is not in itself enough to deprive such activities of their economic character or to remove the transporter from the scope of the EU Regulation. The focus should be on the particular activity rather than the general purpose or grand plan behind the activity.

1.7 We take the view that transport in connection with an economic activity would consist of:

Any transport of animals undertaken as part of a business or commercial activity, which aims at achieving financial gain, whether direct or indirect, for any person or company involved with transport.

1.8 Such transport would most likely include journeys undertaken by:

- commercial hauliers;
- farmers;
- “professional” horse or dog racers;
- commercial pet breeders;
- owners of animals which appear in films for financial gain;
- people transporting animals for zoos and leisure parks;
- people transporting laboratory animals (but when the animals are taking part in an authorised research project, the fitness to travel provisions do not apply).

1.9 As a rough rule of thumb we would expect an owner or transporter carrying his or another person’s animals for profit, or as part of a business, to be covered by the EU Regulation. We would not expect the transport of pet animals by their owners to and from events such as shows, even when they win minor cash prizes, to be covered. The presence of gambling at an event would not in itself make the transport of animals to it an economic activity.

1.10 Many people who keep animals as a hobby exhibit animals and occasionally breed them. They may sell or exchange surplus animals, but the income source does not exceed the expenses of the hobby. Frequently, these animals may be transported in the family car or even on public transport. We have therefore concluded that these hobby breeders are excluded from scope where their income source does not exceed the expenses of the hobby. However, this exclusion does not apply to hobby farmers who deal with farm livestock and poultry.

1.11 The transport of circus animals is not within the scope of this EU Regulation when the animals can be described as travelling in their housing. However, the existing domestic legislation continues to apply.

1.12 “**Pet**” should include non-working animals, but not animals which are owned and moved as part of a trade or business. Thus a commercial breeder of dogs to be kept as pets who delivers the puppies to their new owners would come within the scope of the legislation.

1.13 If animals win prizes at shows or gymkhanas, this should not be regarded as making the transport of such animals commercial.

1.14 Pet animals (and this term includes not only companion animals but also horses and ponies for private riding or recreation purposes) which are accompanied by

their owners on private journeys are excluded from scope. However, when pets are carried separately from their owners and the owners do not have access to them (for example, during air flights or on ferry crossings) the pet exclusion would not apply during that part of the journey. This means that companies transporting those animals on behalf of the owner will have to comply with the requirements of the EU Regulation.

1.15 **“Individual animal”** should **not** be taken to mean that a single animal in a vehicle is all that would qualify for the individual animal exclusion. Our interpretation of the EU Regulation permits more than one “individual” animal to be transported in the same vehicle provided that each is accompanied by a single person who has responsibility for it during transport. It would also seem reasonable, and fully consistent with the spirit of the legislation, that a female animal with her dependent young should be considered as an individual animal for the purposes of the EU Regulation, e.g. a mare with her foal at foot should be treated as a single entity. Common sense must apply to situations such as when sheep dogs are travelling with their owner or horses travelling with a companion animal (e.g. horse travelling with a goat companion in the horsebox).

1.16 We consider the following kinds of journeys **are not connected to an economic activity under the terms of this EU Regulation**. Journeys undertaken –

- not in the course of business or trade;
- not for hire or reward;
- consisting of a single animal accompanied by a person who has responsibility for its welfare (or, for example, two animals accompanied by two people);
- where pet animals are accompanied by their owner on a private journey;
- where pet animals are taken to or from a specialist show or competition, where the primary purpose is for pleasure or competition, not as part of a business;
- where horses and ponies are transported by their owner for the purpose of riding or showing or competing for pleasure. However, a haulier movement of animals transported for pleasure etc, where the haulier was paid for undertaking the transport, would be within the scope of the EU Regulation;
- where individuals attending shows or competitions primarily for pleasure share the burden of transport, e.g. petrol costs, but where there is no profit made by the individual carrying out the transport;
- by the armed forces or public services during the course of their official duties.

NOTE: The above are examples and are not intended to be definitive, and if journeys include member states, either as a destination or in transit, transporters should contact the member state involved to ascertain what is required there.

1.17 **However, there are no exclusions or exemptions from the general obligation to transport any animals in ways which do not cause, or are unlikely to cause injury or unnecessary suffering.**

1.18 Furthermore, in addition to the requirements of this EU Regulation and the general obligation specified in 1.15 above, Part iii Article 13(b) of the Welfare of Animals Act (Northern Ireland) 1972 continues to make it an offence to “convey or carry any such animal in a manner as to cause that animal any unnecessary suffering”.

Application

1.19 The transport of farm livestock (cattle, sheep, pigs and goats) and horses accounts for a significant proportion of animal journeys and the EU Regulation applies specific requirements to these species. For the most part, only general requirements apply to the transport of other species (e.g. deer or ostriches).

1.20 There are some limited **exemptions**:

- Only Article 3 (General conditions for the transport of animals) and Article 27 (Inspections) apply to the transport by farmers of their own animals in their own vehicles for a distance of less than 50km from their holding, or for seasonal stock movements between pastures (transhumance Art. 2.1);
- Transporters undertaking journeys of less than 65km from place of departure to place of destination do not require an authorisation nor are they required to use drivers/attendants who have been trained and hold a certificate of competence (Art. 6.7);
- Registered horses transported for competition, races, cultural events or breeding, but not those transported to markets or slaughterhouses, are exempt from the following requirements of the EU Regulation: Art. 5.4 (compliance with Annex II – journey log provisions); Article 6.9 (use of a navigation system and the keeping of records obtained from it); and Annex 1 Chapter V (journey times, and water feed and rest intervals).

1.21 There are some further limited exemptions:

See section 5.21 on derogations within the chapter on **Transportation by Road**

1.22 The sections within this guidance document are not designed to be read in isolation, and anyone transporting animals should ensure they are familiar with all the requirements. However, some sections of the guidance will be more relevant to different transport activities than others. The following tables aim to guide the reader towards the most relevant sections of the guidance.

Table 1 - How the EU Regulation applies to different species

The following general provisions and requirements of the EU Regulation are applicable to the transport of **all vertebrate species**:

- Protection during transport;
- Means of transport and transport practices;
- Space allowances;
- Duties of transporters;
- Fitness to travel;
- Feed, water and rest periods (but see specific requirements below);
- Competent and/or trained handlers;
- Treatment of sick animals.

Additional requirements apply to:

Cattle, sheep, pigs, goats: transporter authorisations (*Art. 10 and 11*), vehicle approval (*Art. 18*), journey logs (*Annex II*), certificate of competence (*Art. 6*), navigation system (for exporters *Art. 6*), specific ramp angles (*Annex I, Chap. III, Art. 1.4*), specific handling requirements (*Annex 1, Chap. III, Art.1.11*), vehicle construction, feed and water supply, journey times, resting periods, vehicle requirements and space allowances (*Annex1, Chap.IV- VII*)

Horses: transporter authorisations (*Art. 10 and 11*), vehicle approval (*Art. 18*), journey logs* (*Annex II*) (does not apply to registered horses), certificates of competence (*Art. 6*), navigation system (for exporters *Art. 6*)*, specific ramp angles (*Annex 1, Chapter III, Art. 1.4*), specific handling requirements (*Annex 1, Chap. III. Art. 1.11 and 1.12*), space allowance (*Annex I, Chap. III, Art 2*), feed and water supply, journey times and resting periods, vehicle requirements and space allowances (*Annex 1, Chaps IV- VII*),

Poultry: transporter authorisations (*Art. 10 and 11*), vehicle approval (*Art. 18*) Certificates of competence (*Art. 6*), loading containers (*Annex I, Chap. III, Art. 1.7*), specific feed and water requirements (*Annex 1, Chap V*), space allowances (*Annex 1, Chap. VII*)

Cats and dogs: transporter authorisations (*Art. 10 and 11*), specific feed and watering requirements (*Annex1, Chap. V*)

Fur animals: transporter authorisations (*Art. 10 and 11*), loading containers (*Annex 1, Chap. III, Art. 1.7*)

Rabbits: transporter authorisations (*Art. 10 and 11*), loading containers (*Annex 1, Chap. III, Art. 1.7*), specific feed and water requirements (*Annex 1, Chap. V*)

Other mammals and birds: transporter authorisations (*Art. 10 and 11*), specific feed and liquid requirements(*Annex 1, Chap. III, Art.2.7*)

Table 2 - Using this Guidance by Transport Distance

Transporting animals up to 65km

- Anyone transporting animals up to 65km must comply with technical rules on fitness to travel, means of transport and transport practices. (Article 3 and Annex 1 of the EU Regulation). These requirements are outlined in the chapter of this guidance on the **General Conditions for the Transport of Animals**.
- The transport of animals must be accompanied by an Animal Transport Certificate (see chapter on **Travel Documentation**).
- Farmers transporting their own animals, in their own vehicles less than 50km, or as a result of seasonal transhumance need only comply with the general conditions for the transport of animals set out in Article 3 (See chapter on the **General Conditions for the Transport of Animals**).

Transporting Animals over 65km and under 8 hours

As above plus:

- Must hold a valid transporter authorisation (see chapter on **Transporter Authorisations**).
- From 5 January 2008 drivers or attendants responsible for the transport of farmed animals, horses or poultry must hold a valid certificate of competence (see chapter on **Training and Competence Certification of Drivers and Attendants of Livestock Vehicles and Staff Handling Animals at Assembly Centres**).
- The transport of animals must be accompanied by an Animal Transport Certificate (see chapter on **Travel Documentation**).

Transporting Animals over 8 hours

As above plus:

- Requirements apply for road vehicles (and containers) used for the transport of farmed animals, horses must be inspected and approved. (See chapter on **Transportation by Road**).
- The transport of animals over 8 hours to other EU member states or third countries must be accompanied by a journey log (See chapter on **Travel Documentation**).

Table 3 – Using this Guidance by Species/Sector/Business

Transporting Farmed Animals or Poultry

- Must comply with technical rules on fitness to travel, means of transport and transport practices. (See chapter on the **General Conditions for the Transport of Animals**).
- Anyone transporting farmed animals on journeys of over 65km must apply for and be granted a Transporter Authorisation. (See chapter on **Transporter Authorisations**).
- Vehicles transporting farmed animals on long (over 8 hours) journeys must be inspected and approved, and containers for transporting poultry must meet the criteria for approval. (See chapter on **Transportation by Road**).
- Anyone transporting farmed animals over 65km must be competent to do so. From 5 January 2008, drivers and attendants must hold a valid certificate of competence. (See chapter on **Training and Competence Certification of Drivers and Attendants of Livestock Vehicles and Staff Handling Animals at Assembly Centres**).
- Farmed animals being transported must be accompanied with either an Animal Transport Certificate or a Journey Log (unless the animals are being transported by their owner in his/her own vehicle for a distance of less than 50km). (See chapter on **Travel Documentation**).

Transporting Horses and Ponies

- Must comply with technical rules on fitness to travel, means of transport and transport practices. In addition specific rules apply for the transport of horses and ponies (See chapter on the **General Conditions for the Transport of Animals**).
- Anyone transporting horses or ponies on journeys of over 65km must apply for and be granted a Transporter Authorisation. (See chapter on **Transporter Authorisations**).
- Vehicles transporting horses or ponies on long (over 8 hours) journeys must be inspected and approved. (See chapter on **Transportation by Road**).
- Anyone transporting horses and ponies over 65km must be competent to do so. From 5 January 2008, drivers and attendants must hold a valid certificate of competence. (See chapter on **Training and Competence**

Certification of Drivers and Attendants of Livestock Vehicles and Staff Handling Animals at Assembly Centres).

- Horses being transported must be accompanied with either an Animal Transport Certificate or a Journey Log. (See chapter on **Travel Documentation**).

Transporting Other Species

- Must comply with technical rules on fitness to travel, means of transport and transport practices. (See chapter on the **General Conditions for the Transport of Animals**).
- Anyone transporting farmed animals on journeys of over 65km must apply for and be granted a Transporter Authorisation. (See chapter on **Transporter Authorisations**).

Operators of Assembly Centres and Markets/Keepers of animals

- All personnel handling livestock at Assembly Centres and Markets must receive training on the technical requirements of the EU Regulation. (See chapters on the **General Conditions for the Transport of Animals** and on **Training and Competence Certification of Drivers and Attendants of Livestock Vehicles and Staff Handling Animals at Assembly Centres**)
- Keepers of animals at the place of departure, transfer or destination should ensure the technical requirements of the EU Regulation are met, and for long journeys comply with the provisions of the journey log. (See chapter on the **General Conditions for the Transport of Animals** and on **Travel Documentation**).

Transporting by Sea

- There are specific requirements on anyone transporting animals by sea (See chapter on **Transportation by Sea**).

Transporting by Air

- There are specific requirements on anyone transporting animals by air (See chapter on **Transportation by Air**).

2. GENERAL CONDITIONS FOR THE TRANSPORT OF ANIMALS

Protection of animals

- 2.1 The EU Regulation imposes a statutory obligation that anyone engaged in the handling and transport of animals must do so in a way that does not, and is not likely to, cause injury or undue suffering to them. Transport, handling, loading and unloading may be stressful to some animals as a result of unaccustomed and unfamiliar surroundings. It is important, therefore, that everyone involved in these operations is aware of the correct action to take to minimise adverse effects in handling and transport, and of the effects on the animals if procedures are not followed correctly.
- 2.2 Specific requirements appropriate to the loading, unloading and handling of specific species are set out in Chapter II of the EU Regulation. Further technical guidance on standards for road vehicles used for the transport of farm livestock and horses is available from the main Welfare of Animals During Transport page on the DARD website.

Fitness to travel

- 2.3 The EU Regulation requires that an animal must be fit for the intended journey before the journey starts *and must remain sufficiently fit throughout the journey*. This means the animal should be healthy enough to tolerate the entire journey it is about to make (including loading, unloading and any journey breaks) with no or very little adverse effect on it. The journey should not cause the animal any suffering or injury. Detailed guidance on fitness to travel is available from the main Welfare of Animals During Transport page on the DARD website.

Means of transport

- 2.4 The EU Regulation requires that means of transport are designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of the animals (Chapters II, IV & VI). This includes, among other things, requirements for cleansing and disinfecting (e.g. no exposed raw wood), anti-slip flooring and lighting. These standards also extend to include minimum comfort criteria for the transportation of young animals of certain species. (See chapters 5-7 on **Transportation by Road, Sea and Air**).

Water and feeding intervals, journey times and resting periods

Farm animals (Cattle, Sheep, Pigs and Goats) and equidae (Horses, Ponies)

- 2.5 The requirements on journey times in the EU Regulation do not differ greatly from those previously applied under the Welfare of Animals (Transport) Order 1997, other than new restrictions on transporting young animals (see paragraph 2.31).

2.6 When planning the transport of animals it is important to remember that a journey starts from a place where the animals are first loaded and where they have been accommodated, watered and fed, for at least 48 hours, and that the maximum permitted journey time begins with the loading of the first animal. A journey ends when the last animal in the consignment is unloaded at the final destination. It may be broken at a control post where a 24 hour rest is taken.

2.7 Assembly centres approved in accordance with Community veterinary legislation may be considered as places of departure provided that:

- the distance travelled between the first place of loading and the assembly centre is less than 100 km;
- or**
- all necessary arrangements have been made in advance to minimise the length of the journey and meet animals' needs during the journey;
- the animals are fit for the journey;
- the means of transport are designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of the animals.

A journey must therefore be reckoned as including the period from the loading of the first animal to the unloading of the last animal, and journey times should be calculated accordingly.

2.8 The species, age and condition of the animals, and the length and purpose of the intended journey, will affect feeding and watering regimes before transport. In some cases it may be advisable to modify the diet, or to withdraw food for a short period before transport to reduce the possibility of discomfort, suffering or excessive soiling of the litter/bedding which can be detrimental to the welfare of the animals. The specific feeding, watering and rest requirements for farm livestock and unregistered horses are determined by the species and type of animals and are set out in the following table.

Table 4 – Journey Times and Rest Periods for Farm Animals and Unregistered Horses	
Horses (except registered horses), cattle, sheep, goats and pigs.	Must not be transported for more than 8 hours, unless additional requirements for vehicles carrying out long journeys are met (See chapter on Transportation by Road).
If long journey provisions are met then the following journey times apply.	
Unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets.	After a maximum of 9 hours of travel, must be given a rest period of at least 1 hour (sufficient in particular for them to be given liquid and if necessary fed). After this rest period, they may be transported for a maximum of a further 9 hours.
Pigs.	May be transported for a maximum period of 24 hours. During the journey, they must be offered water at appropriate intervals and afforded an adequate opportunity to drink.
Cattle, sheep, and goats.	After 14 hours of travel, must be given a rest period of at least 1 hour sufficient for them in particular to be given liquid and if necessary fed. After this rest period, they may be transported for a further 14 hours.
Horses (except registered horses).	May be transported for a maximum period of 24 hours. During the journey they must be given liquid and if necessary fed every 8 hours.
If after these journey times animals have not reached their destination, they must be unloaded, fed and watered and be rested for 24 hours at an EU approved Control Post.	
After a 24 hour rest, they may be transported again for the maximum journey time, after which a 48 hour rest must be taken, and the remainder of the journey treated as a new journey.	

- 2.9 These are **maximum** journey times for animals carried on vehicles which have been approved for all journeys over 8 hours. Thus adult cattle, for example, may travel for a period of not more than 14 hours after starting to load the animals. They must then be given a mid-journey rest of not less than one hour. After this they may travel for not more than another 14 hours, including the time taken to unload the animals. For pigs and horses, the 24 hour journey time includes all stops for rest, feeding and watering.
- 2.10 The mid-journey rest must be taken if the time limit for the first leg of the journey is reached before the animals arrive at their destination. Animals may be given their mid-journey rest on or off the vehicle. The mid-journey rest must be at least one hour long, and always long enough for animals to be given liquid and, if necessary, fed. Food and liquid should be in a form to which the animals are accustomed, and presented in a way with which they are familiar. A supply of appropriate feed should be carried.
- 2.11 Journey times do not take account of statutory restrictions on drivers' hours. Therefore delays or other stoppages (e.g. as a result of drivers' rest periods) other than the mid-journey rest must be regarded as counting against the total permitted journey time.
- 2.12 Where a journey is frustrated (for example when the animals have been loaded and transported to a cross channel ferry but the sailing has been cancelled and the animals have had to be returned to the loading point or a lairage near the port) it must be treated as any other journey when considering journey times. Therefore, if returning the animals to the loading point or lairage makes use of the second leg of the journey, the animals will then need to be unloaded and rested for 24 hours at an EU approved control post.
- 2.13 When the journey time exceeds the maximum permitted for the species concerned, farm animals must rest for 24 hours at an EU approved control post where food and liquid will be provided before their journey may continue.

Journey times - Transport by Sea

- 2.14 Where journeys include the transport of a **road vehicle on a ferry**, during which time the animals are not unloaded, the time spent on board the vessel counts towards the total journey time. If the maximum permitted journey time is reached during the sea journey the animals must be unloaded for 12 hours at or near the port of unloading, and rested, fed and watered as appropriate, before the journey may continue. This rest may only be taken on the lorry if facilities are available to feed and water the animals and the animals have sufficient space to lie down to rest simultaneously. Time spent at the port prior to loading counts towards journey time, unless it is taken as the mid-journey rest.
- 2.15 Time spent by animals in pens on board a **vessel** fitted for the transport of unloaded livestock does **not** count towards the total journey time.

Journey times - Transport by air

- 2.16 Transport by air may be considered “neutral time” if the animals have appropriate access to water and food if necessary whilst in transit. In this case the time from loading them onto the aircraft until unloading them from it can be discounted from the journey time. However, time spent at the airport prior to loading counts towards journey time, unless it is taken as mid-journey rest.

Dogs, cats and other species

- 2.17 Dogs and cats being transported must be fed at intervals of not more than 24 hours and given water at intervals of not more than 8 hours. There must be clear written instructions about feeding and watering. Other species must be transported in accordance with appropriate written instructions about feeding and watering and taking into account any special care required.

Poultry, domestic birds and domestic rabbits

- 2.18 Suitable food and water must be available in adequate quantities. This is not applicable in a journey of less than 12 hours disregarding loading and unloading time. For chicks of all species, this is not applicable in a journey of less than 24 hours provided that it is completed within 72 hours after hatching.

Registered horses

- 2.19 Transportation of registered horses for competition, races, cultural events or breeding (not transported to markets and slaughterhouses) is exempt from the need for Journey Logs and the EU Regulation’s requirements in relation to watering and feeding intervals, journey times and rest periods.
- 2.20 This is because they should be transported in conditions of a higher standard than the minimum conditions set by the EU, which are designed to protect horses being moved as food animals. All other provisions laid down in the EU Regulation apply (including the requirement to offer liquid and food before a journey begins). To be able to take advantage of this exemption the transporter should be able to produce written evidence of the registered status of the horses on demand by an inspector.
- 2.21 Registered horses are those which, for the purposes of EU zootechnics legislation, are registered with a recognised breed society, or with companies such as the Northern Ireland Horse Board Cooperative Society Limited or the British Horse Database at Wetherbys.
- 2.22 In addition (because the exemption is not restrictive), a horse which travels under a passport issued by the FEI (Fédération Equestre Internationale), the International Equestrian Federation, should be considered to be registered for the purposes of the EU Regulation, and horses transported for the purposes of

competition, such as show-jumpers, eventers, polo ponies, etc. will require proof of their 'registered' status (with the appropriate organising Society or Club, such as a Polo or Pony Club, the Show Jumping Association – Ulster Region) which should accompany the animals during transport, and be made available to an inspector on demand.

Control posts

What are Control Posts?

2.23 When the maximum permitted travelling time stipulated in Annex 1, Chapter V of Council Regulation (EC) No 1/2005 for cattle, sheep, goats, pigs and horses (other than registered horses) has expired the animals must be unloaded, fed and watered and rested for 24 hours. Where a journey log is required and the journey is incomplete, the rest must be taken at premises approved as control posts, meeting the specified requirements of Council Regulation (EC) No 1255/97 as amended by Article 36 of Council Regulation (EC) No 1/2005.

2.24 Control posts must:

- be located in areas not subject to prohibition or restrictions in accordance with relevant Community legislation;
- be under the control of an official veterinarian who shall ensure compliance with the provisions of the EU Regulation;
- operate in compliance with all the relevant Community rules regarding animal health, the movement of animals and the protection of animals at the time of slaughter;
- undergo regular inspection at least twice a year to ascertain that the requirements for approval continue to be fulfilled.

Detailed and self explanatory criteria on health and hygiene measures, construction and facilities, and operation are also set.

How is approval of premises as control posts obtained?

2.25 Potential control post operators should request approval of premises by their local Divisional Veterinary Office who will arrange inspection of the premises by a VO within 10 days of receipt of the application for consideration of approval, by means of the combined application/ report form.

2.26 The appointment of Approved Veterinary Inspectors (AVI) for the day to day requirements of the control post and the associated costs will be the responsibility of the control post operator. If the premises are considered to be satisfactory the control post operator should be notified in writing within 5 days of the inspection. The approval will be for one year only and include a unique number and will be notified to the European Commission who will make contact details available to all member states.

- 2.27 Annual visits for re-approval of premises as control posts will be made. If the criteria and other relevant provisions contained in the EU Regulation are not properly complied with then approval may be suspended or withdrawn.
- 2.28 Once approved, any changes to the structure of the premises or the operational regime, including the appointed AVI, must be notified to DARD.

Requirements of premises to be approved as control posts

- 2.29 The EU Regulation requires that control posts are used exclusively to receive, feed, water, rest, accommodate, care for and dispatch animals passing through.
- 2.30 Existing approved assembly centres may be approved as control posts providing:
- they satisfy the relevant requirements of Directive 64/432/EEC and the requirements of Council Regulations (EC) No 1/2005 and (EC) No 1255/97;
 - that use of such facilities is exclusively reserved as control posts; and
 - they are not used for the purchase or sale of animals covered by the Council Regulation.
- 2.31 The detailed criteria are contained in Annex 1 to Regulation 1255/97 as amended by Council Regulation (EC) No 1/2005. We cannot alter the requirements of the EU Regulation which is directly applicable in all Member States.

Additional requirements for specific categories of animals

Horses

- 2.32 The Regulation contains a number of additional requirements that are specific to the transportation of horses. These are:
- Horses older than 8 months must wear halters during transport – except for unbroken horses;
 - Horses must not be transported in multi-deck vehicles except if they are loaded on the lower deck without the upper deck being used. The minimum height of the compartment must be at least 75cm higher than the height of the withers of the highest animal;
 - Horses, except mares travelling with their foals, must be transported in individual stalls if the vehicle is loaded on to a RO-RO vessel;
 - Unbroken horses must not be transported in groups of more than four animals;
 - Registered horses are exempt from the bans –
 - on transporting pregnant females beyond 90% of their gestation period, if the journey is to improve the health and welfare conditions of birth; and
 - transporting newly-born foals where the navel has not completely healed with their registered mares,

if, in both cases, they are accompanied throughout the journey by a dedicated attendant;

- Adult breeding stallions should be transported separately except if raised in compatible groups and are accustomed to each other, or where separation will cause distress.

The following requirements apply if horses are being transported on long journeys:

- Except if accompanied by their mother, long journeys are only permitted for unregistered horses over 4 months old.
- Unbroken horses must not be transported on long journeys (over 8 hours).

Young animals

2.33 The EU Regulation contains a number of additional requirements that are specific to the transportation of young animals. The fitness to travel requirements prevents the transportation of some categories of young animals, but if they are permitted to travel the following specific requirements apply:

- piglets of less than three weeks, lambs of less than one week and calves of less than ten days of age can only be transported up to a maximum distance of 100 km;
- young dogs and cats can only undertake journeys of over 8 hours if they are accompanied by their mother;
- foals must be older than 4 months (except registered horses);
- unbroken horses must not be transported on long journeys;
- calves must be older than 14 days;
- pigs must be heavier than 10kgs.

Laboratory Animals

2.34 The conditions outlined in the generic guidance requiring all animals to be fit for travel apply to the transport of all laboratory animals, including those undergoing regulated procedures under the authority of the Animals (Scientific Procedures) Act (A(SP)A). Exceptions may be authorised under A(SP)A where there is a compelling scientific need to move animals which are ill or injured. No additional suffering should be imposed by the transport of such animals, and particular attention should be paid to the additional care which may be required. A competent person should confirm that such animals are fit for the intended journey.

3. TRANSPORTER AUTHORISATIONS

- 3.1 From 5 January 2007, anyone transporting animals on journeys of over 65 kilometres (approximately 40 miles) as part of an economic activity must hold a valid transporter authorisation.
- 3.2 Transporters based in Northern Ireland should apply to the Department of Agriculture and Rural Development, those based in GB should apply to Animal Health. Transporters based in other EU Member States are expected to be authorised in their respective Member State, so those based in RoI should apply in that jurisdiction. Transporters from outside the EU may apply for an authorisation if they are represented in the UK.
- 3.3 You may hold only one authorisation (an authorisation is valid throughout the European Union so you may only hold an authorisation from one Member State).
- 3.4 You should note that –
- Transporters must either carry their authorisation certificate or a copy of it whenever transporting animals.
 - The authorisation will last for 5 years unless revoked or suspended. It may have conditions imposed upon it at any time within this period if there are infringements of any requirement of the EU Regulation or the relevant welfare of animals at transport legislation.
 - Anyone requiring an authorisation will need to submit an application. The following guidance notes explain who requires an authorisation, what conditions they have to meet, and how to apply. Anyone completing the application form should read the notes on the form. They explain what information is required in each section.

Short journey or long journey Authorisation?

- 3.5 There are two types of authorisation;
- a **short journey** authorisation for journeys over 65 km and up to and including 8 hours duration;
 - a **long journey** authorisation which covers all journeys, including those over 8 hours duration.

NOTE: A journey is defined as the time from when the **first** animal is put onto a means of transport at the premises of departure until the **last** animal is unloaded at the final destination (except for poultry for which journey times disregard loading and unloading times). The distance of 65 km is defined as the travelled distance, not as the crow flies.

Conditions applicable to all authorisations

3.6 In order to be eligible for an authorisation you must meet the following criteria:

- you can demonstrate that you or your staff (if you employ others) have the appropriate equipment and operational procedures in place to transport animals in compliance with the EU Regulation;
- if you are acting as the transporter, you must be trained and competent to transport animals. If you are employing staff to move animals, they must be trained and competent to do so;
- you, or anyone likely to be involved in transporting animals under the authorisation, have no record of serious animal welfare offences in the 3 years preceding the date of your application (see guidance notes on completing the application form for further details – these are part of the application forms).

Additional conditions for long journey Authorisations

Vehicle Approval

- 3.7 All vehicles used for transporting farm livestock or horses by road on journeys over 8 hours **must** be inspected and approved by the competent authority of a Member State or a body designated by a Member State.
- 3.8 In the United Kingdom, inspections are only required for vehicles transporting horses and livestock (cattle, sheep, goats and pigs). However, if you are transporting other animals within the EU, the importing country or countries which are being transited may require the vehicle to be inspected. You should contact the competent authorities in these countries to check their requirements.
- 3.9 While on a long journey, a transporter authorisation is valid only if accompanied by an appropriate vehicle approval certificate during transport.

Arrangements for Vehicle Inspections

- 3.10 In Northern Ireland, vehicle inspections are done by the Department's Veterinary Service at Larne Port. To make an appointment, telephone 028 28260021.
- 3.11 If you are intending to make only journeys of 8 – 12 hours within the United Kingdom, lesser standards apply, and you should state this when making the inspection appointment.

Tracking vehicles during journeys

- 3.12 Holders of long journey authorisations must have procedures in place which enable them to trace and record the movement of their vehicles when on long journeys, and be able to contact their drivers. As a minimum, it is expected that the driver can be contacted at any time by mobile phone and, where transport

regulations require it, that there is a properly functioning tachograph in the vehicle. **Details of those procedures do not need to be submitted with an application.**

3.13 Transporters are required to demonstrate that vehicles used to transport livestock and unregistered horses travelling longer than 12 hours or outside the UK and Ireland, are equipped with a navigation and tracking system that records:

- details of journeys as set out in the Journey Logs;
- information concerning the opening and closing of the loading flap.

This has been a requirement for all new vehicles from 1 January 2007, and will be for all existing vehicles from 1 January 2009. Applicants are required to confirm that they meet the minimum requirements in the declaration section of the application form. (See chapter on **Transportation by Road**).

Contingency Plans

3.14 Holders of long journey authorisations must also have in place contingency plans to deal with emergencies that can arise during a journey such as animals falling ill or injured, unforeseen delays, breakdowns or accidents. The EU Regulation requires transporters to document their contingency plans in case of emergencies.

3.15 Further details on what is required as a minimum are provided in the guidance notes on completing the application form. Applicants are required to confirm that they meet the minimum requirements in the declaration section of the form.

Certificates of Competence

3.16 From 5 January 2008 applicants transporting horses, livestock or poultry by road (only) over 65km must hold valid certificates of competence for drivers and attendants of road vehicles. Authorisation certificates issued before January 2008 will continue to be valid provided drivers or attendants holding relevant certificates of competence carry them. (See chapter on **Training and Competence Certification of Drivers and Attendants of Livestock Vehicles and Staff Handling Animals at Assembly Centres**).

3.17 Transporters of species other than horses, livestock and poultry do not have to hold certificates of competence.

Ships

3.18 All ship operators carrying vertebrate animals should apply for a long journey authorisation (Article 6 (1)) as they may carry animals on journeys where the total duration (including the sea leg) may exceed 8 hours. Operators of livestock vessels (where animals are kept in pens with bedding, food and liquid) must have

their vessels inspected and approved by DARD. There is no requirement for Roll-on Roll-off vessels to be inspected and approved. (See chapter on **Transportation by Sea**).

Aircraft

- 3.19 Aircraft operators should apply for a long journey authorisation as they carry animals on journeys where the total duration (including the air leg) may exceed 8 hours. There is no requirement for aircraft to be inspected and approved.

Scope of authorisations

- 3.20 Authorisations will permit transporters to carry all species. Transporters should ensure that they are competent to transport the species of animals being carried. Authorisations may be made species specific if deemed necessary.
- 3.21 As transporters tend to operate only one mode of transport, applicants will be asked to specify which mode of transport they wish to be authorised for (e.g. road, sea or air). Transporters may apply to be authorised for more than one mode of transport if they wish. It is not necessary for road transporters exporting on a vessel to apply for a separate “sea” authorisation. That is the responsibility of the vessel operator.

Previous authorisations

- 3.22 All previous authorisations granted under the Welfare of Animals (Transport) Order (Northern Ireland) 1997 ceased to be valid on 5 January 2007.

How to apply

- 3.23 Application forms for both long journey and short journey authorisations are available online from www.dardni.gov.uk.

Long journey application forms are also available from:

Animal Identification, Legislation and Welfare Policy Branch
Department of Agriculture and Rural Development
Room 728
Dundonald House
Upper Newtownards Road
Belfast BT4 3SB

Telephone: 028 9052 4950
Email: Animal.welfare@dardni.gov.uk

and should be sent there for processing.

Short journey application forms are also available from local Divisional Veterinary Offices (DVO) and should be returned to the DVO for processing.

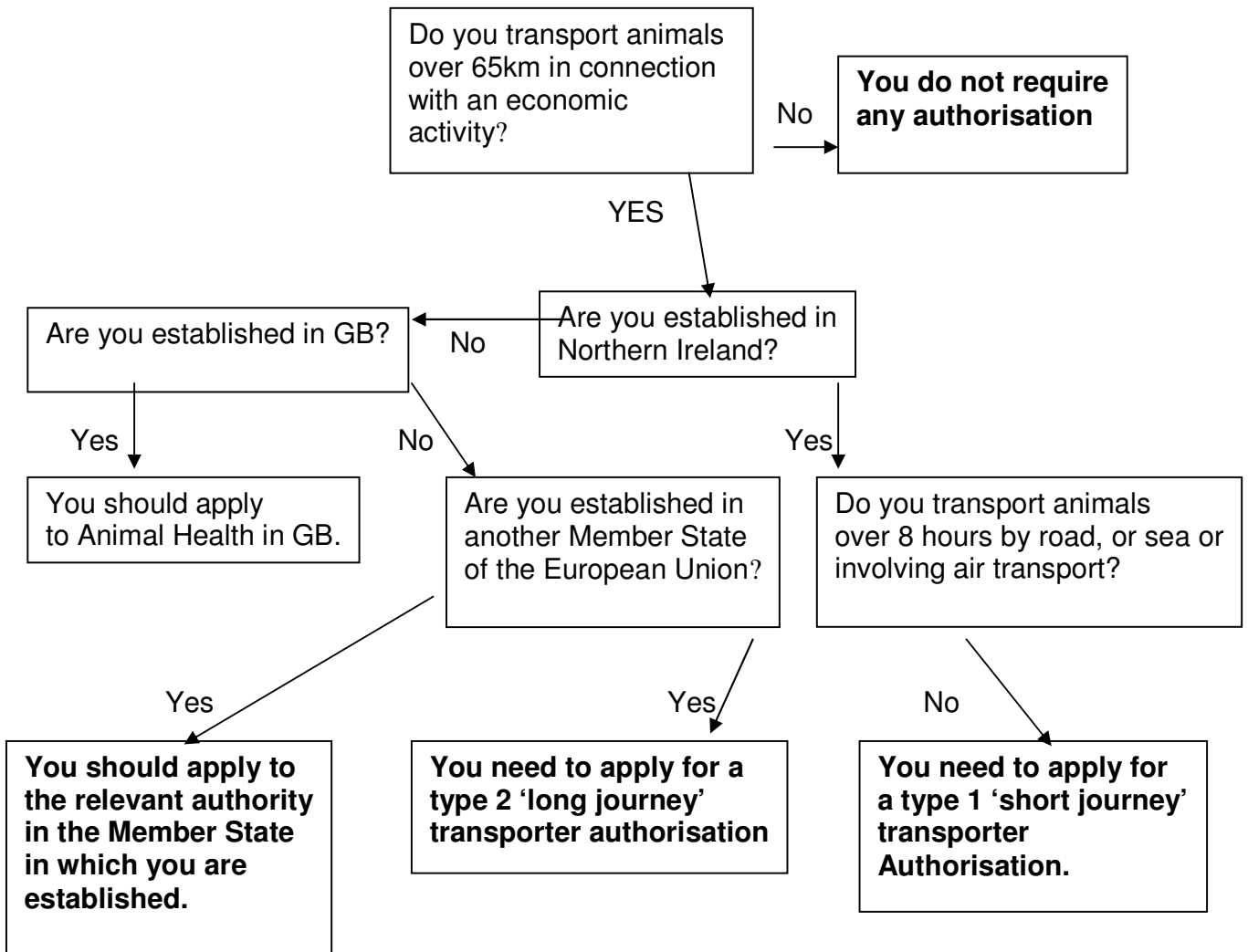
What do I do if my circumstances change?

3.24 If the information you provided in your application becomes outdated, for example, if you change your premises, you are required to write to the Animal Identification, Legislation and Welfare Branch within 15 working days of the date of change.

Is there a charge for an authorisation?

3.25 There is no charge for processing and issuing transporter authorisations at the current time.

Do I Need A Transporter Authorisation?



4. TRAINING AND COMPETENCE CERTIFICATION OF DRIVERS AND ATTENDANTS OF LIVESTOCK VEHICLES AND STAFF HANDLING ANIMALS AT ASSEMBLY CENTRES

Introduction

- 4.1 The Regulation requires that from 5 January 2007 transporters of vertebrate animals in connection with an economic activity, and market and assembly centre staff handling animals, are trained in the relevant parts of the technical rules set out in Annexes I and II of the Regulation. For transporters this covers: fitness for travel; means of transport; use of its facilities; loading, unloading and handling; watering and feeding intervals, journey times and rest periods; space allowances; and documentation. For market and assembly centre staff: fitness for travel, handling and separation.
- 4.2 The Regulation additionally requires that from 5 January 2008 those transporting cattle, sheep, goats, pigs, equidae or poultry by road on journeys over 65km in connection with an economic activity must have been independently assessed in their competence and be in possession of a competence certificate.

Training

- 4.3 The precise format and who may provide training is not specified in the Regulation. Thus, we consider that training may be by means of on-the-job training combined with practical experience or by formal methods such as those leading to standards equivalent to qualifications accredited into the National Qualifications Framework. The frameworks of competence is available on the main Welfare of Animals During Transport page on the DARD website and should be used when considering the suitability of training received, whether this is by formal qualification or on-the-job training.

Competence Certification

- 4.4 As mentioned above, from 5 January 2008, those transporting cattle, sheep, goats, pigs, horses and poultry by road on journeys over 65km in connection with an economic activity have been required to be independently assessed for competence. The assessment will be specific to the role the transporter or attendant is charged with, the length of journeys to be undertaken and the species to be transported. A certificate will be awarded to those who successfully complete the assessment, and must be made available to enforcement officers when requested while transporting animals.
- 4.5 Assembly centre staff are not required to be independently assessed, and will therefore not be awarded certificates.

Competences to be assessed

- 4.6 Elements of competence required are set out in the EU Regulation. To clarify these, draft frameworks of competence are available on the main Welfare of Animals During Transport page on the DARD website.

Transporters or attendants already holding transport qualifications or independent certification

- 4.7 Although there are no 'grandfather rights' permitted under the EU Regulation, as an alternative to holding a certificate of competence, those holding, for example, the National Proficiency Test Council Part of the City and Guilds Group (NPTC)) may be issued with certificates of competence by the original awarding body, if all aspects of the frameworks of competence have been covered.

How to obtain a certificate of competence

- 4.8 There are a number of options for attaining the competency requirements under the legislation as set out below.

National Proficiency Training Council (NPTC)

- 4.9 Assessment under the legislation can be by a short on-line theory test and, for those involved in long journeys, an additional short practical assessment to cover both driving and animal handling skills. The theory test will normally be taken at the NPTC assessment centre at CAFRE, Greenmount Campus, Co Antrim, and can be arranged by contacting Steve Whyberd of NPTC on 01228 791242. The test can also be arranged in NPTC Centres in GB (see below). At least seven working days notice is required in order to ensure that your registration is completed in time for the examination. If a transporter is not familiar with the use of a computer, assistance may be requested when the examination date is arranged. Practical assessments will then be arranged for a mutually suitable time and location.
- 4.10 Further details on the content of the on-line assessment are also available via the NPTC website at <http://www.nptc.org.uk/latest-news/detail.asp?dsid=255>, or by contacting NPTC, part of the City & Guilds Group, at

NPTC

Stoneleigh Park
Warwickshire
CV8 2LG
Tel: 024 7685 7300
Fax: 024 7669 6128
E-mail: information@nptc.org.uk
Web: www.nptc.org.uk.

Competence Assessment in GB

- 4.11 Note that tests can also be taken at NPTC Centres in GB. Information on this, along with details of other independent bodies approved in GB to undertake assessments for competence and award competence certificates, can be found at <http://www.defra.gov.uk/animalh/welfare/farmed/transport/training.htm>.

Training and Assessment at An Teagasc

- 4.12 As an alternative to assessment of competency by NPTC, transporters can also choose to undertake training and assessment in the South, where An Teagasc, the Agriculture and Food Development Authority, is delivering training and assessment at its network of colleges, such as at Ballyhaise in Co Cavan. Courses last one day, and assessment is carried out at the end of the course. Anyone who wishes to attend, or to get further details of what this entails, should contact An Teagasc directly on 00353 51 644400 or 00353 49 4338108.
- 4.13 Details are also available on the An Teagasc website at http://www.agriculture.gov.ie/index.jsp?file=animal_health/transport_rules.xml.

Nomination of awarding bodies for certificates of competence

- 4.14 DARD, along with Defra, NAW and SGRD, can nominate awarding bodies for certification subject to their meeting specific standards in terms of scope, competencies to be assessed, independence, accountability and audit requirements. Awarding bodies are required to maintain adequate records of certificates issued and to respond to requests for information from enforcement authorities within one working day.
- 4.15 Determining whether applicant bodies can meet the required standards is carried out by recognised organisations expert in this field such as the United Kingdom Accreditation Service (UKAS).
- 4.16 Potential awarding bodies should submit their proposals and evidence of meeting the required standards to either UKAS or the relevant QCA body and to the DARD at Room 728, Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.
- 4.17 If proposals are judged to be robust and meeting the required standard, the relevant competent authority will nominate as awarding bodies. Competent authority designations allow the relevant bodies to operate throughout the UK.

Staff handling animals at assembly centres and markets

- 4.18 Operators of all assembly centres and markets must ensure that animals are treated in accordance with the technical rules set in Chapters I and III, section 1, of the Regulation's Annex I.

Training

- 4.19 The required level of knowledge and training at assembly centres and markets depends on whether or not the premises are approved under Community veterinary health legislation and so can be used to group together animals to form consignments.
- 4.20 Staff handling livestock at assembly centres and markets must have knowledge of the relevant aspects of the Regulation (Article 9 and Chapters I and III, section I, of Annex I).

EU approved premises

- 4.21 Staff handling animals at assembly centres and markets that are approved in accordance with Community veterinary legislation (EU approved) must have received training on the relevant aspects of the EU Regulation.
- 4.21 Although a certificate of competence is not required under the EU Regulation, staff that have undergone training in order to obtain a level 2 NVQ in livestock droving will be seen to be complying with the EU Regulation with no additional training required.
- 4.22 For operators of EU approved assembly centres and markets at which staff handling animals do not hold such qualifications, the format of training required is not specified in the EU Regulation. The training may be provided in-house by the assembly centre/ market operator or a third party training provider. The training must cover the relevant technical rules set out in Annex I. It is therefore recommended that operators of the premises arrange at least some in-house training on the requirements or encourage staff to take other training.

5. TRANSPORTATION BY ROAD

- 5.1 This Chapter gives guidance on transporting animals by road, focussing on vehicle standards. It cannot be read in isolation and the other chapters in this guidance must also be referred to, for example, that on transporter authorisations.
- 5.2 The EU Regulation lays down specific standards and rules for transporting animals by all means of transport which is defined as road or rail vehicles, vessels and aircraft. A vehicle is a means of transport fitted with wheels which is propelled or towed. It therefore includes trailers. There are also rules applying to containers¹ used to carry animals in a means of transport.
- 5.3 The general requirement for means of transport and loading and unloading facilities is that they are 'designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of animals', and that sufficient floor area and height is provided for the animals (*Article 3*).. (See chapter on the **General Conditions for the Transport of Animals**).
- 5.4 *Article 6.3* requires transporters to transport animals in accordance with technical rules set out in Annex I of the EU Regulation. Chapter I of Annex I deals with fitness for transport; and Chapter II contains a list of requirements that need to be met both for all means of transport and some additional provisions for road transport. Other chapters detail transport practices, watering, feeding, journey times, rest periods, space allowances and additional provisions for long journeys. Many of these conditions are self-explanatory and reflect rules that applied under previous legislation.

Ramps

- 5.5 In describing practices relating to loading and unloading animals (Annex I, Chapter III), the EU Regulation says that ramps shall not be steeper than –
- for pigs, calves and horses - an angle of 20 degrees, that is 36.4% to the horizontal (equivalent to a vertical rise of 4 over a distance of 11).
 - for sheep and cattle other than calves - an angle of 26 degrees 34 minutes, that is 50% to the horizontal (equivalent to a vertical rise of 4 over a distance of 8).

Where the slope is steeper than 10 degrees, that is 17.6% to the horizontal, ramps shall be fitted with a system, such as foot battens, which ensure that the animals climb or go down without risks or difficulties.

¹ 'Container' is defined in the Regulation as 'any crate, box, receptacle or other rigid structure used for the transport of animals which is not a means of transport'.

- 5.6 Formerly, we had advised that vehicles built before and in use before 5 January 2007 could be exempt from the ramp angle requirements up to a deadline of 4 January 2012. This decision has now been legally challenged by the EU Commission. Therefore, from 1 January 2011, any vehicle found on inspection for enforcement purposes to be non-compliant with the Regulation's ramp angle specifications could be subject to enforcement action. In addition, any vehicles found to be non-compliant on inspection for approval purposes (as described at paragraphs 5.7 to 5.17) after 1 September 2010 will not be awarded a certificate of approval until compliance has been achieved.

When considering what action to take in relation to non-compliance, DARD will consider the circumstances of any breach and take a pragmatic and proportionate approach to enforcement. Anyone transporting an animal in a vehicle which causes, or is likely to cause injury or unnecessary suffering, commits an offence and may be subject to enforcement action.

Long Journeys by Road – Road Vehicle (and Container) Approval

Summary of requirements

- 5.7 From 5 January 2007, road vehicles used for transporting vertebrate animals on long journeys (those in excess of 8 hours) must be inspected and approved by the competent authority of a Member State or a body designated by a Member State (*Article 18*).
- 5.8 Compulsory vehicle inspection and approval for animal welfare is a new requirement from previous rules. This Section of the guidance describes how it should be carried out.
- 5.9 Approvals are dependent on those vehicles (and containers)² meeting specific requirements (*Annex I, Chapters II & VI*) covering:
- Basic construction requirements (for all species)
 - Equipment for loading and unloading
 - Additional requirements for long journeys with farmed animals or horses – roof, partitions, water/feed equipment, ventilation and navigation systems.
- 5.10 Inspection only relates to the vehicle as seen on that day. It is important to note therefore that a certificate issued for a vehicle after inspection will not be taken as a guarantee that the vehicle will remain at the standard required for the 5 years for which it is valid. It is the transporter's responsibility to ensure that such vehicles continue to meet the required standards. If subsequent checks find that

² A vehicle is 'a means of transport fitted with wheels which is propelled or towed', and a container as 'any crate, box, receptacle or other rigid structure used for the transport of animals which is not a means of transport'.

a vehicle no longer meets the required standards then certificates may be suspended or revoked or other enforcement action taken.

- 5.11 Approvals will be recorded on an electronic database for ease of exchanging information between enforcement agencies. Approvals granted by other Member States will also be acceptable.

What will require inspection and approval?

- 5.12 The EU Regulation relates to any road vehicle to be used for transporting vertebrate animals (and containers used for the transport of domestic Equidae or farmed cattle, sheep, goats or pigs³) on long journeys within the EU (including consignments entering or leaving the EU). A long journey is one over 8 hours (but see derogations below).
- 5.13 Applicants transporting farm livestock or horses by road on journeys over 8 hours **must** hold valid vehicle approval certificates. Applicants transporting other species over 8 hours outside of the UK will need to hold a vehicle approval certificate if any of the EU member states involved in the journey (transiting or destination) require one. Applicants transporting other species, where their journeys are less than 8 hours, do **not** require vehicle approval certificates.
- 5.14 For most non-farm animals, transport will be in a container often carried in a non-specialist vehicle such as a car or van. The EU Regulation is clear that inspection and approval of containers carrying these non-farm animals is not required. However, the provision relating to the inspection and approval of road vehicles used to transport animals on long journeys is unclear in its application to the transport of animals in containers. While the EU Regulation could be read as requiring approval of the road vehicle carrying the container, the criteria for approval have little relevance to the vehicle and generally relate to an animal's immediate environment. Checking such vehicles for compliance would add little or no benefit to welfare of the animals in the container. We therefore conclude it is reasonable to interpret the EU Regulation as not requiring the inspection and approval of vehicles that carry containers. Not requiring the prior inspection and approval of these vehicles does not release transporters from ensuring the vehicles used to transport a container meet the criteria for approval laid down in the EU Regulation. Nor does it exempt them from general obligations relating to the transport of animals. It does however remove a regulatory burden that inspecting and approving such vehicles would impose.
- 5.15 In line with this, vehicles that only carry farmed species (other than horses, cattle, etc) in containers, for example, poultry and farmed fish, are also not required to have vehicles inspected and certified.

³ Subsequent references in this Section to vehicles should be taken to include containers used to transport domestic Equidae or domestic animals of bovine, ovine, caprine and porcine species.

- 5.16 Certificates issued on behalf of other competent authorities in the UK or other Member States will be valid in the UK and such vehicles do not require further inspection and approval. Indeed, Article 18 does not allow a competent authority or designated body to grant approval for vehicles that are subject to an application submitted to or an approval by another such authority. So, for example, if a vehicle has been inspected and approved by the authorities in France, that vehicle neither needs nor can be re-approved here in the UK.
- 5.17 The EU Regulation includes a provision for Member States to grant derogations for journeys within the Member State not exceeding 12 hours in order to reach the final place of destination. Those that are being applied in the UK are described below.

UK derogations

- 5.18 For vehicles used on journeys up to 12 hours within the UK (that is, not including journeys going outside the UK), certain derogations apply.
- **any road vehicle transporting animals other than domestic horses and ponies or farmed cattle, sheep, goats and pigs does not require a vehicle inspection and certification;**
 - **pigs do not require continuous access to water (*Annex I, Chapter V, 1.1.4(b) (in part)*);** however they must be offered water at appropriate intervals and afforded an adequate opportunity to drink. (Veterinary advice is that having water constantly available is bad for welfare because pigs do not drink in a moving vehicle but play with the drinkers resulting in water flooding the vehicles. It is however essential that water can be made available to pigs when necessary);
 - **insulated roofs** are not required for **existing vehicles (*Annex I, Chapter VI, (in part)*)** (there is no technical specification for the insulation, therefore enforcement will be difficult; also this is not considered a major welfare benefit for the cost of installation);
 - **temperature on a means of transport by road may fall below 0°C (*Annex I, Chapter VI, 3.1 (in part)*)** during a journey up to the time when the vehicle is first moved at the place of departure, and during any unloading and loading occurring at intermediate points in the journey;
 - **ventilation, temperature monitoring, and warning systems are not required (*Annex I, Chapter VI, 3 (the remainder of this section)*)** (such systems can be expensive and the current specification lacks practical precision. As they are of limited welfare benefit **in the UK climate**, we do not consider requiring their installation justified until the future specification is refined);
 - **satellite navigation systems are not required (*Annex I, Chapter VI, 4*)** (again, expensive, the rules are unclear, and the EU are considering a more detailed future specification anyway).

However, young animals unaccompanied by their mother must be provided with adequate quantities of a bedding material appropriate to the species to ensure their thermal comfort and adequately absorb urine and faeces. The EU Regulation (Annex 1, Chapter II, para 1.5) requires that piglets of less than 10kg, lambs of less than 20kg, calves of less than 6 months and foals (including registered foals) less than 4 months be provided with bedding material on all journeys these classes of stock are permitted to take. This affects particularly journeys where livestock not housed indoors are accustomed to sub zero temperatures. It is unjustifiable to require vehicles to be pre-heated in cold weather, when the body heat of the animals will quickly raise the temperature above 0 degrees.

Who will carry out the inspection and approval?

- 5.19 The UK's competent authorities (that is, Defra, and the devolved administrations in Scotland, Wales and Northern Ireland) have established a scheme setting out the rules and procedures under which vehicle inspection and approval will be carried out. The scheme can be found on the Defra website (see paragraph 5.25) or copies can be made available on request. The Scheme says that the bodies designated by UK competent authorities to fulfil the approval process are:
- any body that can demonstrate to the United Kingdom Accreditation Service (UKAS) that it has the capability and competence to deliver the scheme;
 - Animal Health in England, Wales and Scotland; and
 - the Department of Agriculture and Rural Development Veterinary Service in Northern Ireland.
- 5.20 In GB it is anticipated that non-public bodies assessed by UKAS will be the primary providers of the inspection and approval service. Animal Health and the DARD Veterinary Service in Northern Ireland are being empowered to carry out this function only where necessary, for example, where a UKAS recommended body is not available or perhaps not able to assess a vehicle engaged in non routine transport such as carrying wild animals. **In the first instance however, DARD will carry out this role in order to facilitate export journeys.**
- 5.21 A list of those bodies designated will be maintained on the DEFRA website:
<http://www.defra.gov.uk/foodfarm/farmanimal/welfare/transport/euguidance/approval.htm>

Details of the Scheme and Technical Requirements

- 5.22 Further information on vehicle inspection and approval, including the Defra Scheme setting out the rules and procedures under which vehicle inspection and approval will be carried out, and details of the technical requirements for vehicles such as satellite navigation systems, ventilation and monitoring equipment, can be found on the Defra website at:
<http://www.defra.gov.uk/foodfarm/farmanimal/welfare/transport/euguidance/documentation.htm> and

<http://www.defra.gov.uk/foodfarm/farmanimal/welfare/transport/euguidance/approval.htm>

Alternatively if you wish to receive an electronic or hard copy of this information, please contact the Animal Identification, Legislation and Welfare Branch.

6. TRANSPORTATION BY SEA

- 6.1 This Chapter gives guidance on transporting animals by sea. It cannot be read in isolation and the other chapters in this guidance must also be referred to, for example, that on transporter authorisations.
- 6.2 The EU Regulation lays down specific standards and rules for transporting animals by all means of transport including vessels. The EU Regulation differentiates between livestock vessels and roll-on-roll-off ferries in its provisions.
- 6.3 Livestock vessels are defined as “a vessel which is used or intended to be used for the carriage of domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species – other than a roll-on-roll-off vessel, and other than a vessel carrying animals in moveable containers.” (*Article 2 (l)*).
- 6.4 A roll-on-roll-off vessel is defined as ‘a sea-going vessel with facilities to enable road or rail vehicles to roll on and roll off the vessel’ (*Article 2(v)*).
- 6.5 The general requirement for means of transport and loading and unloading facilities is that they are ‘designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of animals’, and that sufficient floor area and height is provided for the animals (*Article 3*).
- 6.6 *Article 6.3* requires transporters to transport animals in accordance with technical rules set out in Annex 1 of the EU Regulation. Chapter I deals with fitness for transport. Chapter II contains a list of requirements that need to be met for all means of transport including livestock vessels. That Chapter also has additional provisions for transport on Roll-on Roll-off vessels. Livestock vessels will have to meet the additional provisions in Annex I Chapter IV. Those livestock vessels for use on long journeys (voyages) will have to comply with the additional provisions in Annex I Chapter VI. There are also chapters detailing transport practices, watering, feeding, journey times, resting periods, space allowances and additional provisions for long journeys. Many of these conditions are self-explanatory and reflect rules that applied under previous legislation.
- 6.7 Livestock vessels will require prior inspection and approval (valid for up to 5 years) by the Competent Authority (*Article 19*) for any voyage from a Community port which exceeds 10 nautical miles and where domestic Equidae and/or domestic animals of bovine, ovine, caprine or porcine species are to be carried (*Article 7.2*). The relevant authorities of Member States will grant a certificate of approval on application if the vessel is, in summary, operated from that Member State; is not subject to an application to another Member State; and the vessel has been inspected and meets Section 1 of Chapter IV of Annex 1 of the EU Regulation.
- 6.8 Livestock vessels that have been successfully inspected and approved will receive a certificate with a unique number in each Member State. Certificates

issued in the UK will be in English and be valid for 5 years. They become invalid if the vessel is modified or refitted in any way that affects the welfare of the animals.

- 6.9 In Northern Ireland, inspection and approval will be carried out by the DARD Veterinary Service.
- 6.10 Livestock vessels will also be inspected by the Competent Authority before any loading of animals to verify the provisions laid down in *Article 20.1* of the EU Regulation.
- 6.11 Detailed guidance has been prepared on sea transport standards for the construction and use of livestock vessels and for other types of vessels and sea containers used to transport animals in order to assist with uniform and practical application of the EU Regulation.

7. TRANSPORTATION BY AIR

- 7.1 This Chapter gives guidance on transporting animals by air. It cannot be read in isolation and the other chapters in this guidance must also be referred to, for example, that on transporter authorisations.
- 7.2 The EU Regulation lays down few specific rules for transporting animals by air but those that relate to all means of transport (which includes aircraft) apply.
- 7.3 The general requirement for means of transport and loading and unloading facilities is that they are 'designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of animals', and that sufficient floor area and height is provided for the animals (*Article 3*).
- 7.4 *Article 6.3* requires transporters to transport animals in accordance with technical rules set out in Annex 1 of the EU Regulation. Chapter I deals with fitness for transport. Chapter II contains a list of requirements that need to be met for all means of transport and has some specific additional provisions for transport by air at section 4. There are also chapters detailing transport practices, watering, feeding, journey times, resting periods, space allowances and additional provisions for long journeys. Many of these conditions are self-explanatory and reflect rules that applied under previous legislation.
- 7.5 Aircraft are not required to be inspected and approved for transporting animals on long journeys (unlike road vehicles and livestock vessels). However the EU Regulation requires compliance with the rules and standards laid down by the International Air Transport Association (IATA) live animals Regulations. Failure to comply with the relevant IATA rules is therefore an offence under EU law.
- 7.6 Detailed guidance has been prepared on air transport standards in order to assist with uniform and practical application of the EU Regulation. This is available on the Defra website.

8. TRAVEL DOCUMENTATION

8.1 When animals are being transported they must be accompanied by the appropriate travel documentation. This is:

For Cattle, Sheep, Goats, Pigs and Unregistered Horses

- on journeys over 8 hours between EU Member States or between EU Member States and Third Countries a **Journey Log**;
- on all other journeys an **Animal Transport Certificate** (except farmers transporting their own animals in their own means of transport on journeys up to 50km from their holding, or as part of seasonal transhumance).

For all other species (including Registered Horses)

- on any journeys of any length an **Animal Transport Certificate**.

Animal Transport Certificates (ATCs)

8.2 The main purposes of ATCs are to help transporters and Inspectors to ensure that journeys are within the maximum journey times for the animals.

8.3 The information required on an ATC is:

- Origin and ownership of the animals;
- Place of departure and destination;
- Date and time of departure;
- Expected duration of the journey.

8.4 There is no prescribed format in which information required on an ATC is to be kept. A specific form is being considered for this purpose, but any other document containing the required information, such as self-written movement documents or Movement Licences (MC2Ls), may be used if preferred.

8.5 The information required should be completed at each stage of the journey and must be made available to an Inspector if requested.

8.6 ATCs must be kept for 6 months after each journey by the transporter.

Journey Logs

8.7 The purpose of Journey Logs is to ensure journeys over 8 hours to other EU Member States or third countries are properly planned in advance to ensure maximum journey times (see chapter on General Conditions for the Transport of Animals) are not exceeded and that any necessary rest stops are taken to care for the animals during their journey.

8.8 The Journey Log is in five parts:

- Section 1: Planning: To be completed by the transporter before the journey starts;
- Section 2: Place of Departure: Parts 1-7 to be completed by the keeper of the animals (e.g. farmer or assembly centre operator) and Parts 8-11 by an Inspector where supervised loadings are carried out. Both must complete their respective parts before the vehicle leaves the premises of departure;
- Section 3: Place of Destination: To be completed by the Keeper at the final destination or by the Official Veterinarian if s/he carries out the checks instead;
- Section 4: Declaration by Transporter: To be completed during the journey to record the actual journey made rather than the journey planned. The individual parts of this Section must be completed at each stage of the journey so that any Inspector checking the Journey Log at any stage of the journey can verify, or otherwise, that the journey is being conducted within the rules;
- Anomaly Report: Anyone finding any non-compliance at any stage during the journey is required to fill this out and send it to the competent authority with a copy of the planning section. This includes Inspectors, Transporters and Keepers at places of departure (including Assembly Centres) and destination.

Journey Log - Before the Journey Starts

8.9 Before starting the journey the transporter must carry out the following steps:

- plan the journeys and complete Section 1 of the Journey Log;
- give each Journey Log a unique number and stamp that reference on every page;
- send the original Journey Log, with the corresponding application for health certification, to the Divisional Veterinary Office (DVO) for the area where the journey is starting, to arrive a recommended 10 days before the intended journey.

8.10 The DVO will then:

- check the transporter authorisation, vehicle approval and competence certificates;
- provided that everything is in accordance with the EU Regulation, sign, date and stamp the Journey Log, and send it to the Approved Veterinary Inspector for the pre-export checks to be made.

NOTE: Journey Logs are valid for 10 days from the date the Log was stamped and signed in the DVO. If the journey is delayed beyond this, a new Journey Log should be submitted;

- Journey Logs will be processed if submitted later than 10 days before the proposed journey, but may not be issued in time if the necessary checks cannot be made in time or if the planned journey does not meet the requirements of the EU Regulation and needs to be amended and resubmitted.

Journey Log - Action During Journeys

- 8.11 Transporters must complete each part of Section 4 at the relevant stage of each journey so that any Inspector checking the Journey Log at any point in the journey can verify, or otherwise, that the journey is being conducted within the rules at that time.
- 8.12 Any differences between the planned and actual journey must be explained and the number and reason for any animal deaths during the journey must be declared.

Journey Log - Action After Journeys Have Been Completed

- 8.13 Section 4 must be signed by the driver and transporter and the complete Journey Log (all five sections, including the anomaly report) **must be returned to the DVO that issued it within 1 month of the end of the journey.**
- 8.14 Copies must also be retained by the Transporter and the Keeper at the place of destination for 3 years.

Data Use

- 8.15 Information from the journey logs enable VS to carry out random or targeted compliance checks to aid any investigations or prosecutions. Information will also be used to produce non attributable statistics. Any non-compliance will be recorded against the transporter's unique authorisation and may also be made available to enforcement agencies or others to aid any investigations or prosecutions.

9. ENFORCEMENT

Who will carry out enforcement?

- 9.1 Primary responsibility rests with DARD Veterinary Service in NI and with Local Authorities in GB. They carry out welfare checks on animals and means of transport from farm to fork (e.g. farms, hauliers' premises, at markets, on roadside checks, at abattoirs) and take appropriate enforcement activity up to and including prosecution. These inspections also include documentary checks and are often carried out alongside compliance checks carried out for other animal health and welfare legislation.
- 9.2 DARD also carries out enforcement work at a variety of places such as markets, ports, roadside checks and supervised loadings of export consignments. DARD enforces compliance with export journey times of livestock and unregistered horses through checking Journey Logs before and after journeys and taking appropriate follow-up action.

What powers do DARD Inspectors have?

- 9.3 DARD Inspectors have several options available to them. They may advise or warn transporters verbally, if this is the best way to treat a minor infringement. An Inspector may also issue notices under Regulation 24 of the Welfare of Animals (Transport) Regulations (NI) 2006 (WATR). Notices may require a transporter:
- not to transport a particular group of animals;
 - to fulfil special conditions for transport;
 - to complete a journey or return animals to their place of departure by the most direct route;
 - to hold animals in a particular location pending the resolution of a problem;
 - to have an animal humanely slaughtered;
 - to repair or replace a means of transport or a container.
- 9.4 This list is not exhaustive. Notices are designed to address the immediate welfare needs of the animals, whatever those needs may be. Inspectors may also decide that a single incident is so serious that proceedings to prosecute need to be initiated straight away.
- 9.5 In the event of repeated infringements against the EU Regulation or against WATR, or any other infringement which involves serious suffering to animals, a transporter authorisation may be revoked, suspended or have conditions attached to it.
- 9.6 In the case of certificates issued for road vehicles transporting animals over 8 hours, infringements could result in the certificate being revoked, suspended or other enforcement action being taken.

- 9.7 In the case of transporters established outside the UK, serious or repeated infringements of the EU Regulation would be notified to the appropriate competent authority in the respective Member State. The transporter may be temporarily barred from transporting animals in the UK.

What is the approach to enforcement?

- 9.8 The EU Regulation has common objectives with the legislation that it has replaced that have not changed – animals must not be caused any unnecessary suffering, animals must be fit for their intended journey and vehicles must be suitable, whilst the same space allowances apply for example. Given this, the types of compliance checking will be much the same.
- 9.9 Risk assessment will be used to target enforcement. This may be to target areas subject to new rules, or on specific areas of non-compliance. The intention is that enforcement is sensible, consistent and proportionate, particularly during the initial period of adjustment, focusing on education and advice where appropriate. In addition the focus of enforcement action should be targeted on situations where animal welfare has been, or is likely to be, compromised, rather than technical breaches of the EU Regulation.

Monitoring compliance checks and enforcement activity and use of data

- 9.10 Compliance checks, non-compliances found and enforcement action taken will continue to be recorded on a database as under previous legislation. The information will be used to target monitor areas of non-compliance, make reports to Parliament and the European Commission as well as being used in considering whether to grant, revoke, suspend or put conditions on Authorisations. Information may be made available to enforcement authorities to assist investigations or prosecutions.

Offences and Penalties

- 9.11 Offences under WATR and its equivalent legislation in GB are broadly the same as under the previous WATO 1997. However, they have been updated to reflect new requirements under the EU Regulation. Penalties are the same as in the previous legislation, i.e. Level 5 (i.e. a fine of up to £5,000 and/or 6 months imprisonment on summary conviction).