Protection of Animals During Transport, COM(2023)770
Modified for the 2026 Mid-Atlantic EU Simulation: Agriculture and Fisheries Council

How to use this version

Amend only the unlabeled articles. Every article marked with a box reading "Only to be debated if time is remaining." is kept in place for reference and cross-references, and you should take it up only if time remains. The legal text is the Commission's own and has not been changed. The recitals and the explanatory memorandum are in the original PDF. The annexes that several articles cross-reference (Annexes I and II) are not in that PDF either, so use the Commission's published proposal if a debate turns on them.

The unlabeled (amendable) articles included in this document are:

- Articles 1-4
- Article 11
- Article 14
- Articles 17-23
- Articles 26-45
- Article 52
- Article 55
- Article 59

HAVE ADOPTED THIS REGULATION:

CHAPTER I
SUBJECT MATTER, SCOPE, DEFINITIONS AND GENERAL PROVISIONS

Article 1
Subject matter

This Regulation lays down rules for the protection of animals during transport in connection with an economic activity.

Article 2
Scope

1. This Regulation shall apply to the transport of animals:
   – within the Union;
   – from a place of departure in a third country to a place of destination in the Union;
   – from a place of departure in the Union to a place of destination in a third country; and
   – from a Border Control Post of entry into the Union until an exit point from the Union, when the transport of animals transits through the Union territory.
2. Transport for the following purposes shall only be subject to Article 4:
   (a) transport by farmers of their own animals using their own means of transport for the purpose of seasonal transhumance;
   (b) transport by farmers of their own animals using their own means of transport for purposes other than transhumance, for a distance of no more than 50 km from the holding in which they are kept.

(c) transport of animals for the purposes of participating in training, exhibitions, competitions, cultural events, circuses, and equestrian sport and leisure activities;

3. This Regulation shall not apply to the following types of transport:

(a) the transport of animals which does not take place in connection with an economic activity;

(b) the transport of animals directly to or from veterinary practices or clinics;

(c) the transport of protected species, under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)[57];

(d) the transport of animals between zoos as defined in Article 2 of Council Directive 1999/22/EC[58].

(e) the transport of ornamental fish;

(f) direct deliveries of aquatic animals to food businesses supplying the final consumer.

4. Articles 4(2)(b), 20, 26, Chapters I and V of Annex I and point 4 of Annex II shall not apply to transport of animals for the purposes of an authorised project under Directive 2010/63/EU[59].

[57] Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), OJ L 75, 19.3.2015, p. 1–3.

[58] Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos, OJ L 94, 9.4.1999, p. 24–26.

[59] Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes, OJ L 276, 20.10.2010, p. 33–79.

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

1. ‘animals’ means live vertebrate animals, cephalopods and decapods;

2. ‘place of departure’ means:

(a) the place where an animal has been accommodated for at least a week prior to departure and where it is first loaded onto a means of transport; or

(b) an assembly centre if the animal has been collected within a distance of no more than 100 km;

3. ‘place of destination’ means a slaughterhouse or any other place where an animal is unloaded from a means of transport and accommodated for at least a week prior to the time of any subsequent departure;

4. ‘journey’ means the movement of animals effected by one or more means of transport starting with the loading of the first animal onto the first means of transport at the place of departure and ending with the unloading of the last animal at the place of destination, and the related operations including rest periods and transfer from one means of transport to another;

5. ‘means of transport’ means road or rail vehicles, vessels and aircraft used for the transport of animals;

6. ‘aquatic animals’ means fish, cephalopods and decapods;

7. ‘organiser’ means:

(a) a transporter who transports or has subcontracted the transport of animals for the whole journey or a part of the journey to at least one other transporter; or

(b) a natural or legal person who has contracted the transport of animals to a transporter; or

(c) a person who has signed Section 1 of the journey log in TRACES as set out in Annex III.

8. ‘long journey’ means a journey that exceeds 9 hours;

9. ‘competent authority’ means a competent authority as defined in Article 3(3) of Regulation (EU) 2017/625;

10. ‘TRACES’ means the computerised system for the purposes of exchanging data, information and documents referred to in Articles 133(4) of Regulation (EU) 2017/625;

11. ‘transporter’ means an operator whose economic activity consists of transporting animals on its own behalf, or on behalf of a third party;

12. ‘short journey’ means a journey that does not exceed 9 hours;

13. ‘attendant’ means a person directly in charge of the welfare of the transported animals who accompanies them during a journey on road or rail transport;

14. ‘vehicle’ means a means of transport fitted with wheels which is propelled or towed;

15. ‘Animal welfare officer’ means a person directly in charge of the welfare of transported animals by livestock vessel for the duration of the journey at sea;

16. ‘livestock vessel’ means a sea-going vessel which has been built or adapted to be used for the transport of terrestrial animals, other than domestic birds or rabbits;

17. ‘container’ means any crate, box, receptacle or other rigid structure used for the transport of animals which is not a means of transport;

18. ‘container vessel’ means a vessel carrying terrestrial animals, other than domestic birds or rabbits in moveable containers;

19. ‘terrestrial animals’ means kept equidae, and animals of the bovine, porcine, ovine, caprine species, cervids, rabbits and domestic birds, including poultry;

20. ‘roll-on-roll-off vessel’ means a vessel with facilities to enable road or rail vehicles to roll on and roll off the vessel;

21. ‘container for large animals’ means a container used for transport of terrestrial animals other than domestic birds and rabbits on means of transport by road, rail or container vessels;

22. ‘official veterinarian’ means an official veterinarian as defined in Article 3(32) of Regulation (EU) 2017/625;

23. ‘assembly centre’ means an establishment for assembly operations registered in accordance with Article 97(1) of Regulation (EU) 2016/429 where animals of the bovine, ovine, caprine, equine or porcine species originating from more than one holding are grouped together temporarily to form a consignment;

24. ‘control posts’ means control posts as defined in Article 1 of Regulation (EC) No 1255/97;

25. ‘journey time’ means the time period during which animals are moved by means of transport, including the time for loading and unloading the animals;

26. ‘keeper’ means any natural or legal person, except a transporter, in charge of or handling animals whether on a permanent or temporary basis;

27. ‘exit point’ means an exit point as defined in Article 3(39) of Regulation (EU) 2017/625;

28. ‘border control post’ means a border control post as defined in Article 3(38) of Regulation (EU) 2017/625.

29. ‘positioning systems’ means systems of infrastructures providing global, continuous, accurate and guaranteed timing and positioning services needed for the purpose of this Regulation;

30. ‘rest period’ means a continuous period in the course of a journey during which animals are not being moved by a means of transport;

31. ‘biosecure transport’ means the transport of animals for the purposes of Directive 2010/63/EU that provides a physical barrier protecting the animals from the transfer of microbial contaminants and ensures their welfare by the provision of feed, water and environmental conditions appropriate to the species and their stage of development, including sufficient space to rest and stretch;

32. ‘certification body’ means a legal entity accredited in accordance with Regulation (EC) No 765/2008 and operating in accordance with ISO/IEC/17065 for Conformity assessment — Requirements for bodies certifying products, processes and services;

33. ‘unbroken equine animal’ means an equine animal that cannot be tied or led by a halter without causing avoidable excitement, pain or suffering.

Article 4

General provisions on the transport of animals

1. No person shall transport animals or cause animals to be transported in a way that causes or is likely to cause undue suffering to it.

2. Any person transporting animals or causing animals to be transported shall ensure compliance with the following requirements:

(a) all necessary arrangements have been made in advance to minimise the duration of the journey so that the most common animal welfare hazards, including suffering from hunger, thirst, fatigue, injuries or thermal discomfort are minimised;

(b) the animals are fit for the entire journey;

(c) the means of transport are designed, constructed, maintained and operated in a way to prevent injury or unnecessary suffering and to ensure the safety of the animals;

(d) the loading and unloading facilities are designed, constructed, maintained and operated in a way to avoid injury and unnecessary suffering and to ensure the safety of the animals;

(e) any natural person responsible for the animals at any stage of their transport, is competent for this purpose and for handling the animals transported, and carries out his or her tasks without using violence or any method likely to cause injury or unnecessary suffering to the animals;

(f) the transport is carried out without undue delay;

(g) the welfare condition of the animals is regularly checked and appropriately maintained;

(h) the floor area and height of the means of transport and the unloading and loading facilities are adapted to the species, size, category of the animals concerned and to the planned journey;

(i) water, feed and rest are offered to animals at regular intervals during the journey and are appropriate in quality and quantity to the animal’s species and their physiological needs;

(j) aquatic animals are provided with water in sufficient volume and quality.

CHAPTER II
ORGANISER AND TRANSPORTER AUTHORISATIONS

Only to be debated if time is remaining.

Article 5

Application for organiser authorisation for long journeys

1. Organisers may only make arrangements for the transport of animals for long journeys if they hold an authorisation granted in accordance with Article 6.

2. The organiser shall submit an application for an authorisation to transport animals for long journeys to the competent authority in TRACES using the form in Section 1 of Annex V. The application shall specify whether the organiser intends to organise the transport of animals to third countries or not.

3. Organisers shall apply for an authorisation to no more than one competent authority, in no more than one Member State.

4. The application referred to in paragraph 2 shall contain evidence that the following conditions are met:

(a) the organiser is established, or, in the case of an organiser established in a third country, is represented, in the Member State of the respective competent authority;

(b) the organiser has the capacity to comply with Article 14.

Only to be debated if time is remaining.

Article 6

Grant, renewal, suspension and withdrawal of organiser authorisations

1. The competent authority shall grant the authorisation referred to in Article 5 in TRACES using the form in Section 1 of Annex V, provided that the conditions set out in Article 5(4) are met.

2. The authorisation provided for in paragraph 1 shall specify the species and categories of animals and the type(s) of transport covered and whether it covers the transport of animals to third countries or not.

The authorisation shall be valid for a period of not more than 5 years from the date of issue.

3. One month before the expiry of the authorisation, the organiser may apply for a renewal in TRACES. An application for renewal shall include evidence that the conditions set out in Article 5(4) are met, the certificate provided for in Article 33 when relevant, and documented analysis of monitoring of indicators for the period of validity of the previous approval and where appropriate, documented evidence of measures put in place if values quantifying the indicators exceed the thresholds provided for in Article 26(3). The competent authority shall grant or reject the application for a renewal and record the renewal or rejection in TRACES and, in case of rejection, the reasons for it.

4. If the organiser no longer meets the conditions provided for in Article 5(4) or in Article 33(6), the competent authority shall order the suspension of the authorisation in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES without delay. Where relevant, the competent authority shall suspend the part of the authorisation covering transport to a third country.

The competent authority shall provide the organiser with a written statement indicating the reasons for the suspension and recommendations to address the deficiencies found.

The competent authority shall lift the suspension if the organiser provides evidence that they have corrected the deficiencies on which the suspension of their application is based.

For transport within the Union, if the organiser has not corrected the deficiencies within one month of the suspension, the competent authority shall withdraw the authorisation.

For transport to a third country, if the organiser has not corrected the deficiencies within three months of the suspension, the competent authority shall withdraw the authorisation.

Only to be debated if time is remaining.

Article 7

Application for transporter authorisation for short journeys

1. Transporters may only transport animals for short journeys if they hold:

(a) an authorisation for short journeys granted in accordance with Article 9(1) for the species and categories concerned; or

(b) an authorisation for long journeys granted in accordance with Article 9(1) for the species and categories concerned.

2. The transporter shall submit an application for an authorisation to transport animals on short journeys to the competent authority in TRACES using the form in Section 2 of Annex V. The application shall contain evidence that the following conditions are met:

(a) the transporter is established, or, in the case of a transporter established in a third country, is represented, in the Member State of the respective competent authority;

(b) the transporter has sufficient and appropriate staff and equipment and has written instructions for staff as regards watering, feeding and care of animals and operational procedures in place to enable its staff to comply with this Regulation;

(c) the drivers and attendants employed by or providing services to the transporter have followed the relevant training courses and have certificates of competence as provided for in Article 38;

(d) neither the transporter nor their representatives in the Member State where the application is submitted have committed a serious infringement as provided for in Article 44 in the 5 years preceding the date of the application.

For the purposes of point (d), if the transporter or their representatives committed a serious infringement during that period, they shall demonstrate to the satisfaction of the competent authority that they have taken all necessary measures to avoid further infringements.

Only to be debated if time is remaining.

Article 8

Application for transporter authorisation for long journeys

1. Transporters may only transport animals for long journeys if they hold an authorisation granted in accordance with Article 9(1). Such authorisations shall also be valid for short journeys.

2. The transporter shall submit an application for an authorisation to transport animals for long journeys to the competent authority in TRACES using the form in Section 3 of Annex V. Transporters shall apply for an authorisation to no more than one competent authority, in no more than one Member State.

3. The application provided for in paragraph 2 shall contain evidence that the following conditions are met:

(a) the transporter complies with the conditions set out in Article 7(2); and

(b) the transporter holds the following documents:

i. valid certificates of approval as provided for in Articles 12 or 13 for the means of transport to be used by the transporter for the long journey concerned;

ii. a document setting out in detail the procedures enabling the transporter to trace and record the movements of vehicles and vessels under their responsibility, and the procedures to contact the drivers concerned at any time during long journeys;

iii. a contingency plan in the event of emergencies during the intended transport.

4. In order to ensure the uniform presentation of contingency plans in the event of emergencies during long journeys provided for in paragraph (b), point (iii), the Commission is empowered to adopt implementing acts in accordance with Article 49 to lay down minimum requirements for the content of the contingency plan, for different types of journeys, and establish and update as necessary standard model forms for the submission of those contingency plans.

Only to be debated if time is remaining.

Article 9

Grant renewal, suspension and withdrawal of transporter authorisations

1. The competent authority shall grant an authorisation to a transporter for short or long journeys as required under Article 7(1) and Article 8(1) in TRACES using the forms in Sections 2 and 3 of Annex V respectively, provided the conditions set out in Article 7(2) and Article 8(2) respectively are met.

2. The authorisation provided for in paragraph 1 shall specify the species and categories of animals and the type of transport covered and whether it covers long or short journeys.

The authorisation shall be valid for a period of not more than 5 years from the date of issue.

3. One month before the expiry of the authorisation for short or long journeys, the transporter may apply for the renewal of the authorisation in TRACES. An application for renewal shall contain the documents required under Article 7(2) or Article 8(2) and documented analysis of monitoring of indicators for the period of validity of the previous approval and where appropriate, documented evidence of measures put in place if values quantifying the indicators exceed the thresholds provided for in Article 26(3).

4. The competent authority shall grant or reject the application for a renewal and record the renewal or rejection in TRACES and, in case of rejection, the reasons for the rejection.

5. The transporter shall notify the relevant competent authority of any change in the documents referred to in Articles 7(2) and 8(2) no later than 5 working days from the date the change took place.

6. If the transporter no longer meets the conditions provided for in Article 7(2) or Article 8(2), the competent authority shall order the suspension of the authorisation in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and shall record the suspension in TRACES without delay.

The competent authority shall provide the transporter with a written statement indicating the reasons for the suspension and recommendations to address the deficiencies found.

The competent authority shall lift the suspension when the transporter provides evidence that they have corrected the deficiencies on which the suspension of their application is based.

If the transporter has not corrected the deficiencies within one month of the suspension, the competent authority shall withdraw the authorisation.

Only to be debated if time is remaining.

Article 10

Training of drivers, attendants and animal welfare officers

The transporter shall arrange for drivers, attendants, and the animal welfare officers referred to in Article 21, to follow one of the approved animal welfare training courses referred to in Article 37(1)(b). Such training shall be relevant to their tasks, the species, the categories of animals they handle, and the means of transport used.

CHAPTER III
MEANS OF TRANSPORT

Article 11

General rules on means of transport

1. No person shall transport animals by road or by rail for a long journey unless the means of transport has been inspected and approved in accordance with Article 12.

2. No person shall transport animals by livestock vessel for more than 10 nautical miles from a Union port unless the livestock vessel has been inspected and approved in accordance with Article 13.

3. Paragraphs 1 and 2 shall apply to containers used in transport by road, rail or by container vessel of terrestrial animals other than domestic birds and rabbits.

4. Animals may only be transported by aircrafts belonging to carriers that are members of the International Air Transport Association.

5. Animals may only be transported by roll-on-roll-off vessel if the requirements set out in point 3 of Chapter II of Annex 1 are met.

Only to be debated if time is remaining.

Article 12

Certificate of approval of means of transport by road or rail and of containers for large animals

1. The transporter shall submit an application for a certificate of approval of a means of transport of animals by road or rail for long journeys or of containers for large animals, to the competent authority in TRACES using the form set out in Section 5 of Annex V.

2. The competent authority shall grant a certificate of approval of the means of transport to the transporter in TRACES using the form set out in Section 5 of Annex V, provided it complies with the following conditions:

(a) the means of transport is not the subject of an application submitted to, or a certificate of approval granted by, or the rejection of an application decided by another competent authority in the same or another Member State;

(b) the means of transport has been inspected by the competent authority and found to comply with the requirements of Chapters II and VI of Annex I applicable to the design, the construction and the maintenance of means of transport by road used for long journeys.

3. The competent authority shall record any rejection of an application for a certificate of approval in TRACES and the reasons for its decision.

The certificate of approval shall be valid for a period of not more than 5 years from the date of issue.

4. One month before the expiry of the certificate of approval provided for in paragraph 2, the transporter may apply for a renewal in TRACES in accordance with the requirements in paragraphs 1 and 2.

5. The transporter shall notify the competent authority of any modification, refit or impairment of the means of transport that may affect the welfare of the transported animals within 5 days of such modification, refit or impairment.

6. If a means of transport no longer meets the conditions provided for in paragraph 2, the competent authority shall order the suspension of the certificate in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and record the suspension in TRACES.

The competent authority shall provide the transporter with a written statement indicating the reasons for the suspension and recommendations to address the deficiencies found.

The competent authority shall lift the suspension if the transporter provides evidence that they have corrected the deficiencies on which the suspension of their certificate is based.

If the transporter has not corrected the deficiencies within 1 month of the suspension, the competent authority shall withdraw the certificate.

Only to be debated if time is remaining.

Article 13

Certificate of approval of livestock vessels

1. The transporter shall submit an application for a certificate of approval of a livestock vessel for the transport of animals to the competent authority in TRACES using the form set out in Section 6 of Annex V. The application shall include the following documents:

(a) a document containing the applicant and livestock vessel details, including conversion date when applicable, plan of vessel with layout of pens, lighting, water drainage, firefighting and ventilation systems;

(b) a document describing how the systems listed in point (a) operate and how the power sources are capable of providing enough energy to support those systems.

2. The competent authority shall grant a certificate of approval of the livestock vessel in TRACES using the form set out in Section 6 of Annex V, provided that it complies with the following conditions:

(a) the vessel will operate its first journey from the Member State where the application is submitted;

(b) the vessel is not the subject of an application submitted to, or a certificate of approval granted by or the rejection of an application decided by, another competent authority in the same Member State or in another Member State;

(c) the vessel has been inspected by the competent authority and found to comply with the requirements of Chapter II and Chapter IV of Annex I applicable to the construction and equipment for livestock vessels;

(d) the vessel flies a flag with a flag performance rating of white or grey according to the Paris Memorandum of Understanding on port State control.

The approval of the livestock vessel shall be suspended unless an official veterinarian has carried out official controls on board of the livestock vessel during the entire first voyage of the vessel following approval and prior to the renewal of such approval, and those controls demonstrated that the construction and equipment of the livestock vessel are not detrimental to the welfare of the animals on board, or effective corrective measures have been taken.

3. The competent authority shall record any rejection of an application for approval in TRACES and the reasons for its decision.

The certificate of approval shall be valid for a period of not more than 5 years from the date of issue.

4. One month before the expiry of the certificate of approval of the livestock vessel provided for in paragraph 2, the transporter may apply for a renewal of the certificate in TRACES in accordance with the requirements in paragraphs 1 and 2.

5. The transporter shall notify the relevant competent authority of any modification, refit or impairment of the vessel that may affect the welfare of the transported animals within 5 days of such modification, refit or impairment or if the requirement in paragraph 2, point (d) is no longer met.

6. If the vessel no longer meets the conditions provided for in paragraph 2, the competent authority shall order the suspension of the certificate in accordance with Article 138(2), point (j), of Regulation (EU) 2017/625 and record the suspension in TRACES.

The competent authority shall provide the transporter with a written statement indicating the reasons for the suspension and recommendations to address the deficiencies found.

The competent authority shall lift the suspension if the transporter provides evidence that they have corrected the deficiencies on which the suspension of their certificate is based.

If the transporter has not corrected the deficiencies within one month of the suspension, the competent authority shall withdraw the certificate.

7. The Commission is empowered to adopt implementing acts in accordance with Article 49 regarding:

(a) the establishment of an electronic database for the recording of inspections on livestock vessels for the purposes of this Article and the official controls performed under Regulation (EU) 2017/625;

(b) the composition of the teams of inspectors to perform the inspections referred to in paragraph 1;

(c) detailed rules concerning the presence of an official veterinarian on board for the purpose of approving a livestock vessel.

CHAPTER IV
OBLIGATIONS PRIOR TO DEPARTURE

Article 14

Obligations for organisers

1. Organisers shall be responsible for ensuring that the entire journey from the place of departure to the place of destination in the Union or in a third country complies with this Regulation.

2. Organisers shall be responsible for the planning of the journey from the place of departure until the place of destination. The organiser shall comply with the provisions relating to the journey log referred to in Article 15 and shall sign section 1 of the journey log in TRACES as set out in points 1 and 2 of Annex III.

3. The organisers shall ensure that for each journey:

a) the animals to be transported are accommodated at the place of departure for at least 1 week prior to departure;

b) the different legs of the journey are coordinated, especially when performed by different operators, in a way that the welfare of the animals is not compromised by insufficient coordination between different parts of the journey or different operators;

c) the organisation of the journey takes into account the temperature forecast when relevant for the species and categories of animals concerned in accordance with Article 31 and Chapter V of Annex I;

d) an individual is designated to provide information on the planning, execution, and completion of the journey to the competent authorities at the place of departure, assembly centres, control posts and establishments of destination at any time.

Only to be debated if time is remaining.

Article 15

Journey log for all long journeys and short journeys to third countries

1. For long journeys and short journeys to third countries, organisers shall complete in TRACES section 1 of the journey log prior to the journey, as set out in point 1 of Annex III.

2. Where the journey log concerns a long journey or a short journey to a third country, the organiser shall submit in TRACES the journey log for approval by the competent authority at the place of departure at least 2 days, but not earlier than 5 days, before the planned departure date. The journey cannot start before the competent authority has approved the journey log in accordance with paragraph 4.

3. The journey log shall include confirmation of a reservation at a control post when, according to journey planning, the journey time is likely to exceed 21 hours.

4. The competent authority shall approve the journey log in TRACES provided the following conditions are met:

(a) the journey log is realistic and indicates compliance with this Regulation;

(b) the transporters indicated in the journey log have the corresponding valid transporter authorisations, the valid certificates of approval for means of transport and valid certificates of competence for drivers and attendants.

5. If the conditions provided for in paragraph 4 are not met, the competent authority shall require the organiser to change the arrangements for the intended journey so that it complies with this Regulation.

6. Competent authorities shall ensure that journey logs for long journeys and short journeys to third countries are retained in TRACES for a maximum period of 6 years for subsequent official controls in accordance with Article 21 of Regulation (EU) 2017/625.

Only to be debated if time is remaining.

Article 16

Journey log for short journeys within the Union

1. For short journeys within the Union, organisers shall complete in TRACES the journey log as set out in point 2 of Annex III.

2. Journey logs for short journeys within the Union shall be retained in TRACES for a period 6 years for subsequent official controls in accordance with Article 21 of Regulation (EU) 2017/625.

Article 17

Obligations for keepers prior to the journey

1. Keepers at the place of departure shall be responsible for ensuring that the animals to be loaded on the means of transport are fit for transport.

For pregnant animals, the keeper at the place of departure shall indicate in the journey log the date of insemination or the presumptive date of natural service.

2. Loading of animals on means of transport shall be supervised by a veterinarian.

CHAPTER V
OBLIGATIONS DURING TRANSPORT AND AT THE PLACE OF DESTINATION

Article 18

General obligations for transporters

1. The transporter shall transport animals in accordance with this Regulation, in particular the relevant rules for the transported species set out in Annex I for terrestrial animals and in Annex II for aquatic animals, until arrival at the place of destination in the Union or in a third country.

2. The transporter shall be responsible for the fitness for transport of the animals from loading of the animals at the place of departure to the unloading of the animals at the place of destination.

3. For transport by road or rail, the transporter shall entrust the handling of animals to drivers and attendants who have the certificate of competence referred to in Article 38.

4. For transport by road or rail, the transporter shall ensure that an attendant accompanies all consignments of animals except in the following cases:

(a) where animals are transported in containers which are secured, adequately ventilated and, where necessary contain enough food and water, in dispensers which cannot be tipped over, for a journey of twice the anticipated journey time;

(b) where the driver performs the functions of attendant.

5. For transport by road or rail for which a leg of the journey includes transport by a roll-on-roll-off vessel, the transporter and the person responsible for loading the vehicles onto the vessel shall ensure that the vessel complies with the requirements set out in point 3 of Chapter II of Annex 1.

Article 19

Obligations for organisers, transporters, drivers and attendants during transport by road or rail

1. The driver or attendant shall check on the animals at least every 4,5 hours to assess their welfare and fitness for transport.

2. The driver and attendant shall immediately notify the transporter and organiser in accordance with the procedures defined in the contingency plan referred to in Article 8 of any serious event that may negatively affect the welfare of the animals. The organiser shall transmit the information to the relevant competent authority.

3. The transporter shall be responsible for any animal that becomes unfit for transport during the journey due to the inappropriate performance by the attendant or driver of his or her tasks.

4. During transfers from one means of transport to another, the driver or attendant shall ensure compliance with the technical rules set out in Chapters I and III of Annex I in respect of the animals being transported.

Article 20

Obligations for keepers at assembly centres, control posts and places of destination

1. Keepers of animals kept at assembly centres, control posts and places of destination shall ensure compliance with the technical rules set out in Points 1 to 3 of Chapter I of Annex I and in Point 4 of Annex II where applicable.

2. Keepers at assembly centres or at control posts shall record the condition in which the animals have arrived and shall complete and sign in TRACES section 3 of the journey log as set out in point 1 of Annex III.

Article 21

Animal welfare officer on livestock vessels

1. For a journey by livestock vessel, the transporter shall designate an animal welfare officer who is trained and holds a certificate of competence in accordance with Article 38.

2. The animal welfare officer shall report to and operate under the direct authority of the transporter and shall report directly to them and the organiser on matters relating to animal welfare.

3. The animal welfare officer shall be responsible for:

(a) caring for the animals and checking them at least twice a day to assess their welfare and fitness for transport, and taking appropriate measure to maintain their welfare;

(b) notifying the competent authority at place of departure and the organiser in accordance with the procedures defined in the contingency plan referred to in Article 8 point (3)(b)(iii) of any serious event that may negatively affect the welfare of the animals;

(c) ensuring compliance with Regulation No 1099/2009, when animals are killed during the journey at sea to put an end to their suffering.

4. The organiser shall inform the captain of the livestock vessel of the responsibilities of the animal welfare transport officer laid down in paragraph 3.

Article 22

Assembly centres

1. Operators of assembly centres shall provide their staff with training courses on the technical rules set out in Point 1 of Chapters I and III of Annex I.

2. Operators of assembly centres shall:

(a) entrust the handling of animals only to personnel who have completed training courses on the relevant technical rules set out in Annex I;

(b) regularly inform staff and other persons admitted to the assembly centre of their duties and obligations under this Regulation and of the penalties for any infringement of this Regulation;

(c) make permanently available to staff and other persons admitted to the assembly centre the contact details of the competent authority to which any infringement of this Regulation is to be notified;

(d) in case of infringement of this Regulation by any person present at an assembly centre, take the necessary measures to remedy the infringement and prevent its recurrence, without prejudice to any action taken by the competent authority;

(e) adopt, monitor and enforce the internal rules necessary to ensure compliance with points (a) to (d).

3. An assembly centre shall not be indicated as the place of destination in the journey log referred to in Articles 15 and 16.

Article 23

Delay during transport

1. Organisers and, when relevant, the competent authority shall take the necessary measures to prevent or reduce to a minimum any delay during transport.

2. Competent authorities shall ensure that special arrangements are made at places of departure, assembly centres, control posts, establishments of destination, exit points and border control posts to give priority to the transport of animals, including the provision of fast lanes so that animals are inspected when required, without undue delays.

Only to be debated if time is remaining.

Article 24

Means of transport positioning systems

1. Means of transport by road shall be equipped with a positioning system communicating with the information system referred to in paragraph 3 based on the technical requirements referred to in paragraph 8.

2. The positioning system referred to in paragraph 1 shall record the position of road vehicles on short intervals and be operational during the journey from the place of departure until arrival at the place of destination.

3. The records obtained from the positioning systems of the means of transport shall be kept in an information system accessible to TRACES, established by the Commission in accordance with paragraph 7.

4. When completing section 1 of the journey log as set out in point 1 of Annex III, organisers shall set the locations of the following points of the journey:

(a) place of departure;

(b) control posts;

(c) exit point from the Union and border crossings between Member States; and

(d) place of destination.

5. After the completion of the journey, TRACES shall retrieve data from the information system referred to in paragraph 3 on the time when means of transport reached the locations as set out in paragraph 4. This information will be stored in TRACES for the purpose of official controls, including the analysis of completed journeys.

6. The Commission may use the information referred to in paragraph 5 for the purpose of preparing the annual reports referred to in Article 114 of Regulation (EU) 2017/625, after anonymisation of the personal data, and for the purpose of organising audits in the Member States.

7. By [3 years from the date of entry into force of this Regulation], the Commission shall develop the information system referred to in paragraph 3.

8. By [3 years from the date of entry into force of this Regulation], the Commission shall, by means of implementing acts, establish the necessary technical protocols to enable the positioning systems referred to in paragraph 1 to communicate the position of the vehicle with a defined precision of its geographical location to the information system referred to in paragraph 3, for the use of the information system and the protocols for retrieving required information from the information system by TRACES.

Only to be debated if time is remaining.

Article 25

Obligations at the place of destination

1. The driver or attendant, and the keeper at the place of destination shall record in TRACES the date and time of arrival of the animals and their condition, by completing and signing section 3 of the journey log as set out in point 1 of Annex III.

In case of disagreement on the condition in which the animals have arrived at the place of destination between the driver or attendant and the keeper at the place of destination, or where the journey log indicates that the animals have arrived in bad condition, the keeper and the driver or the attendant shall record the anomalies encountered in section 5 of the journey log as set out in point 1 of Annex III.

2. By way of derogation from paragraph 1, the driver or attendant transporting animals for the purposes of an authorised project under Directive 2010/63/EU shall only record in TRACES the date and time of arrival.

3. Unloading shall be supervised by a veterinarian.

Article 26
Monitoring of indicators

1. For the purposes of Article 25(1), the driver or attendant and the keeper at the place of destination shall assess the condition of terrestrial animals on arrival using the following indicators:

(a) total number of animals;
(b) number of animals dead on arrival in each consignment;
(c) number of animals injured during transport in each consignment;
(d) health and physical problems other than injuries, including when relevant, heat or cold stress, prolonged thirst, and hunger in a consignment, observed in the animals.

2. The keeper shall record the findings regarding the indicators provided for in paragraph 1 in section 3 of the journey log in TRACES.

3. The organiser and the transporter shall monitor the indicators referred to in paragraph 1 and analyse the information collected upon completion of their transports. When the results of the analysis indicates that the requirements of Article 4 have not been met or when values quantifying the indicators exceed the thresholds established by the Commission in accordance with paragraph 5, they shall take corrective actions.

4. The Commission shall adopt implementing acts in accordance with Article 49 establishing the health and physical issues to be monitored in accordance with of paragraph 1, point (d), as well as the methods to be used when quantifying the indicators referred to in paragraph 1.

5. The Commission may, based on the advice from the European Food Safety Authority ('EFSA'), adopt delegated acts in accordance with Article 48 establishing the thresholds requiring corrective actions to be taken.

CHAPTER VI
CONDITIONS FOR TRANSPORT OF TERRESTRIAL ANIMALS

Article 27
Journey times, rest periods, feeding and watering intervals during transport of adult terrestrial animals by road and rail for long journeys

1. Without prejudice to stricter rules on journey times laid down in this Chapter and in Chapter V of Annex I, long journeys for the transport by road or rail of terrestrial animals other than domestic birds and rabbits, for a purpose other than slaughter, shall fulfil the following conditions:

(a) the journey consists of a maximum of two parts, each of them not exceeding 21 hours, after which time the animals shall reach the place of destination;
(b) after the first 21 hours from the start of the journey, and if the animals have not yet reached the place of destination, they are unloaded for a rest period of at least 24 hours at a control post before the transport may continue;
(c) both parts of the journey referred to in point (a) include rest periods of at least 1 hour after a maximum of 10 hours; during the rest period, the animals shall remain on the stationary means of transport;

2. For long journeys, the requirements set out in Chapter VI of Annex I shall apply.

3. The transport by road of domestic birds and rabbits for a purpose other than slaughter shall follow the specific rules laid down in point 2 of Chapter V of Annex I.

4. Terrestrial animals, other than domestic birds and rabbits, shall be offered water and feed in regular intervals, as laid down in Chapter V of Annex I.

5. For transport by rail, paragraph (1), point (c) shall not apply.

6. Paragraphs (1) to (5) shall not apply to animals transported in bio-secure transports for the purposes of an authorised project or breeding under Directive 2010/63/EU.

Article 28

Journey times and rest periods for transport of terrestrial animals to slaughter by road or rail

1. Transport of terrestrial animals other than domestic birds and rabbits, to slaughter shall only be carried out in short journeys.

2. When, within the Union, no slaughterhouses adapted for slaughter of the species and categories of animals referred to in paragraph 1 can be reached within a short journey for a specific place of departure, the competent authorities at the place of departure may grant an authorisation for a long journey to the nearest slaughterhouse adapted to the species transported.

3. The transport of rabbits and poultry to slaughter shall follow the specific rules for these species laid down in point 2 of Chapter V of Annex I.

Article 29

Journey times, rest periods, feeding and watering of unweaned calves, lambs, kids, piglets and foals

1. The journey time for the transport by road of unweaned calves, lambs, kids, piglets and foals shall not exceed 8 hours.

2. By way of derogation from paragraph 1, provided the means of transport is equipped with a feeding system approved in accordance with paragraph 5, unweaned calves, lambs, kids, piglets and foals may be transported for a maximum of 9 hours, after which a rest period of at least an hour without unloading shall take place before resuming the journey for a maximum of another 9 hours.

3. Where parts of a journey for transport of unweaned calves, lambs, kids, piglets and foals takes place at sea, that part of the journey shall not be counted as part of the journey time.

4. Unweaned calves, lambs, kids, piglets and foals shall be provided with water ad libitum and be fed species-specific milk or appropriate milk replacement at 9-hour intervals counted from the start of the journey and regardless of the means of transport in which they are being transported.

5. A manufacturer of a feeding system referred to in paragraph 2, established in the Union or, if established in a third country, represented in the Union, may submit an application to the Commission for the approval of the feeding system.

6. The Commission shall, by means of implementing acts in accordance with Article 49, approve the feeding system referred to in paragraph 2, provided that there is scientific and technical evidence that the feeding system allows all unweaned calves, lambs, kids, piglets and foals on board to be fed, during the journey, milk or milk replacers at body temperature and appropriate hygiene level.

Article 30

Journeys by road to and from livestock vessels and roll-on roll-off vessels for transport of terrestrial animals other than domestic birds and rabbits

1. Journey times for transport of terrestrial animals other than domestic birds and rabbits which include a part of the journey at sea where consignments from different places of origin are transported, shall be counted from the loading of the animals at the place of departure the farthest away in driving time from the port of loading. The counting of the journey time shall be suspended from the moment the last animal is loaded on the vessel until the moment the first animal is unloaded at the port of arrival.

2. Feeding times on board shall follow the specific rules laid down in point 1 of Chapter V of Annex I.

Article 31

Journey times and conditions for transport of terrestrial animals other than domestic birds and rabbits by road and rail in extreme temperatures

1. The organiser, when submitting the journey log in TRACES, and the competent authority when approving the journey log, shall take into consideration the temperature forecast at the place of departure, the place of destination and, when relevant, the place of the control post, at the time animals are expected to be at those places. For consignments transported to third countries, the organiser shall also take into consideration the temperature forecast at the exit point or the border control post of the third country.

2. For transport of terrestrial animals by road, except for dogs and cats:

(a) when the temperature forecast indicates temperatures below 0°C, road vehicles shall be covered and air circulation in the animal compartment controlled to protect animals from exposure to windchill during the journey;

(b) when the temperature forecast indicates temperatures below -5°C, in addition to the measures in point (a), the journey time shall not exceed 9 hours;

(c) when the temperature forecast indicates temperatures between 25°C and 30°C, the journey time during the period between 10h00 and 21h00 shall not exceed 9 hours;

(d) when the temperature forecast indicates temperatures above 30°C, only journeys taking place fully between 21h00 and 10h00 shall be allowed.

(e) when the temperature forecast indicates temperatures above 30°C between 21h00 and 10h00, the space allowance for the animals shall be increased by 20%.

3. Dogs and cats shall be transported in a compartment with an ambient temperature ranging between 20 and 25 °C and with a humidity between 30 and 70%.

4. Paragraphs (1) to (3) shall not apply to animals transported in bio-secure transports for the purposes of an authorised project or breeding under Directive 2010/63/EU.

5. For the purposes of paragraph 1, Member States shall, by the date of application of this Regulation, include the link to their designated temperature forecast body in TRACES to share the temperature forecast to all competent authorities and operators.

For transport of animals to a third country, the expected temperatures at locations in third countries shall be determined using the designated temperature forecast body of the place of departure.

CHAPTER VII
TRANSPORT TO AND FROM THIRD COUNTRIES

Article 32

Obligations concerning the transport of animals to third countries

1. Organisers may only make arrangements for the transport of animals to third countries if they hold an authorisation granted in accordance with Article 5.

2. Organisers shall complete section 1 of the journey log as set out in point 1 of Annex III in accordance with Article 15 for both short and long journeys and ensure that transporters and keepers at the place of destination complete the sections of the journey log that concern them.

3. For journeys which include transport by livestock vessel, the organiser shall ensure that the competent authority at the third country of destination has completed, signed and stamped the attestation set out in Annex IV and transmitted it to the competent authority at the place of departure. The competent authority shall not approve the journey log if this attestation is not provided.

4. Consignments of animals shall only leave the customs territory of the Union through designated exit points as referred to in Article 39.

Article 33

Certificate for transport of animals to third countries

1. The organiser shall arrange for a certification body to evaluate the first journey to a place of destination in a third country arranged by the organiser.

2. The certification body shall evaluate whether the following conditions were met during the first journey referred to in paragraph 1:

(a) the vehicles and vessels comply with the relevant rules of Annex I;

(b) the maximum journey times, special conditions for transport in extreme temperatures, and rest periods laid down by this Regulation take place as declared in the journey log;

(c) the space allowances comply with Chapter VII of Annex I;

(d) the animals stay in the declared place of destination at least 7 days or are slaughtered;

(e) the purpose of the journey is in accordance with the one declared in the journey log;

(f) for journeys with a leg by livestock vessel, the animals arrive in good condition at the port of arrival;

(g) the animals are handled in accordance with this Regulation;

(h) if relevant, the control posts used are listed as referred to in Article 34(3);

(i) for transport of aquatic animals, vehicles and transport operations comply with the rules set out in Annex II.

3. If the conditions set out in paragraph 2 are met, the certification body shall issue a certificate for transport of animals to third countries to the organiser. The certificate shall be valid for 5 years.

4. The organiser shall transmit the certificate to the competent authority that granted the authorisation referred to in Article 5.

5. Competent authorities shall register certified organisers in TRACES.

6. If the conditions set out in paragraph 2 are not met, the certification body shall inform the organiser and the competent authority, who shall suspend the organiser’s authorisation for transport to third countries in accordance with Article 6(4).

7. Certification bodies shall perform at least two unannounced evaluations of journeys carried out by the organiser within the 5 years of validity of the certificate, in order to verify compliance with the conditions listed in paragraph 2.

8. The certification body shall send the reports of the unannounced evaluations to the organiser and the competent authority and notify them of serious non-compliances after unannounced inspections. In such cases, the competent authority shall suspend the organiser's authorisation for transport to third countries in accordance with Article 6(4). These unannounced evaluations shall be without prejudice to official controls carried out under Regulation (EU) 2017/625.

9. The Commission is empowered to adopt implementing acts in accordance with Article 49 to further establish the elements to be verified by the evaluations and the frequency of evaluations.

Article 34

Control posts in third countries

1. Rest periods for animals in third countries shall only take place in control posts meeting requirements at least equivalent to those laid down in Regulation (EC) No 1255/97 and that are included in the list referred to in paragraph 3.

2. Control posts in third countries shall only be included in the list provided for in paragraph 3 if they are certified by a certification body as having the means to comply with requirements equivalent to those laid down in Regulation (EC) No 1255/97. The certificate shall be valid for 5 years. The operator of the control post or the organiser may request the Commission to include the control post in the list referred to in paragraph 3.

3. The Commission shall approve, by means of implementing acts in accordance with Article 49, a list of control posts meeting standards that are equivalent to those laid down in Regulation (EC) No 1255/97. This list shall be made available in TRACES.

4. The Commission shall remove a control post from the list referred to in paragraph 3 when, upon evaluation by the certification body or an audit from the Commission, there is evidence that the control post no longer meets standards equivalent to those laid down in Regulation (EC) No 1255/97. The procedure referred to in Article 49 shall apply.

Article 35

Animals entering into the Union

1. Transporters who transport animals to the Union shall:

(a) ensure that the animals are transported in compliance with this Regulation, or under conditions recognised by the Union to be equivalent to those set out in this Regulation, from the place of departure in the third country until the place of destination in the Union;

(b) complete the journey log in TRACES, as set out in point 1 of Annex III, specifying in particular the place, date and time of departure in the third country.

2. The official health certificate accompanying animals entering into the Union from third countries and territories shall contain an attestation from the competent authority at the place of departure certifying that the planning of the journey complies with requirements at least equivalent to those of this Regulation.

3. For long journeys, the competent authority at the place of departure in the third country shall review and approve the journey log prior to departure, in TRACES.

Article 36

Animals transiting through the Union territory

When animals are transported from a place of origin in a third country to a place of destination in the same or another third country and transit through the Union territory, operators shall ensure that the rules of this Regulation are complied with during the part of the journey taking place on the Union territory, except for the provisions on maximum journey times set out in Article 27 paragraphs (1), (2) and (3), Article 28, Article 29 paragraphs (1) and (2), and point 2.2 of Chapter V of Annex I.

CHAPTER VIII
OBLIGATIONS OF COMPETENT AUTHORITIES

Article 37

Trainings

1. For the purposes of Article 10, Member States shall designate the competent authority responsible for:

(a) ensuring that training courses are available for drivers, attendants and animal welfare officers involved in the transport of animals relevant to species and the categories of animals concerned;

(b) keeping a list of approved training courses available to drivers, attendants and animal welfare officers responsible for animal welfare during transport;

(c) organising an independent final examination to test the drivers', attendants' and animal welfare officers' knowledge, the content of which shall be relevant for the categories of animal concerned and shall correspond to the stage of transport concerned;

(d) delivering certificates of competence attesting the passing of the independent final examination;

(e) determining the content of the training courses referred to in point (a) and the modalities of the examination referred in point (b).

2. The training courses referred to in paragraph 1 shall cover at least the following competences, knowledge and skills:

(a) the animal welfare obligations, in particular those set out in Annexes I and II;

(b) the species-specific behaviour of animals and their physiological and ethological needs during a journey;

(c) ways to minimise animal welfare risks during a journey;

(d) recognition of expressions of animals' positive and negative emotions, including any sign of suffering during a journey;

(e) use and maintenance of equipment used for animals accommodated in the means of transport;

(f) methods for monitoring indicators in accordance with Article 26; and

(g) contingency plans in Article 8.

Article 38

Certificate of competence

1. The competent authority shall grant a certificate of competence in TRACES provided that the following conditions are fulfilled:

(a) the applicant has successfully passed the final examination referred to in Article 37(1), point (c);

(b) the applicant has provided a written declaration stating that he/she has not committed a serious infringement as provided for in Article 44 in the 3 years preceding the date of the application for that certificate.

2. The competent authority shall not grant the certificate of competence if another competent authority has prohibited the applicant from handling animals.

3. The certificate of competence shall include the information set out in Section 4 of Annex V. It shall be valid for a period of not more than 5 years from the date of issue.

4. Member States shall recognise valid certificates of competence granted in another Member State.

5. Member States may recognise qualifications obtained for other purposes as equivalent to certificates of competence for the purposes of this Regulation, provided they have been obtained under conditions equivalent to those laid down in this Article. The competent authorities shall make publicly available and keep up to date, via the Internet, a list of qualifications recognised as equivalent to the certificate of competence.

6. Competent authorities shall withdraw in TRACES a certificate of competence granted under this Regulation where the person holding that certificate no longer shows sufficient competence, knowledge or awareness of his/her tasks.

Article 39

Designation of exit points

Member States shall:

(a) designate the exit points through which transport of animals to third countries may take place;

(b) record the designated exit points on their territory in TRACES and regularly update this information.

This information shall be publicly available in TRACES.

Article 40

Livestock vessel inspection on loading and unloading

1. Before animals are loaded onto a livestock vessel, the competent authority shall inspect the vessel in order to verify in particular that:

(a) the livestock vessel is built and equipped for the number and the type of animals to be transported;

(b) compartments where animals are to be accommodated remain in a good state of repair;

(c) the equipment referred to in Chapter IV of Annex I remains in good working order;

(d) the livestock vessel’s ship risk profile rating is standard risk or low risk according to the Paris Memorandum of Understanding on port State control.

2. Before animals are loaded onto or unloaded from a livestock vessel, the competent authority shall inspect the vessel to verify that:

(a) the animals are fit to continue their journey;

(b) loading/unloading operations are being carried out in compliance with point 2 of Chapter III of Annex I;

(c) feed and water arrangements are in accordance with point 2 of Chapter IV of Annex I.

Article 41

Liaison Bodies on protection of animals during transport

1. Liaison bodies on protection of animals during transport, designated in accordance with Article 103(1) of Regulation (EU) 2017/625, shall, in addition to the tasks and responsibilities provided for in Regulation (EU) 2017/625, have the following tasks:

(a) the provision of mutual assistance to facilitate a smooth application of this Regulation, including delays in the transport or rejections of consignments by third countries of animals transported by road, rail or vessel;

(b) the exchange of advice and best practices regarding compliance with this Regulation.

2. The Commission shall organise regular meetings of the network of liaison bodies referred to in paragraph 1, for the purpose of facilitating a uniform enforcement of this Regulation within the Union.

CHAPTER IX
SANCTIONS

Article 42

Measures and sanctions to ensure compliance

Without prejudice to the application of Regulation (EU) 2017/625, Member States shall lay down the rules on measures and sanctions against the natural person having committed, or the legal person held liable for, an infringement of this Regulation. In particular, Member States shall systematically:

(a) investigate suspected infringements in order to confirm or eliminate the suspicion;

(b) take appropriate measures, when an infringement is detected, including to bring the infringement to an end; and

(c) apply sanctions in accordance with this Chapter and with Regulation (EU) 2017/625 against the natural person having committed or legal person held liable for the infringement of this Regulation.

Article 43

Sanctions for infringements of this Regulation

1. Without prejudice to the application of Regulation (EU) 2017/625, Member States shall ensure that a natural person having committed or a legal person held liable for an infringement of this Regulation is subject to administrative sanctions in accordance with this Regulation, and national law. Alternatively, Member States may apply criminal sanctions.

2. Member States shall ensure that sanctions applied in accordance with this Regulation and the relevant provisions of national law are proportionate to the seriousness of infringements and adequate in severity to effectively punish and deter further infringements.

3. When determining sanctions, including when fixing the amount of financial penalties in accordance with paragraph 5, Member States shall take into account the nature, gravity and extent of the infringement, including the harm to the welfare of the animals concerned, their number, type, age or vulnerability, the duration of the infringement, its repetition, and the accumulation of simultaneous infringements and if the infringement was committed deliberately or by negligence.

4. The following shall be considered aggravating circumstances:

(a) infringements perpetrated though fraudulent or deceptive practices, or using documents/certificates that are falsified or known to be invalid;

(b) deliberately making false or misleading declarations in journey logs.

5. In the case of a serious infringement, Member States shall ensure that the serious infringement is punishable by administrative financial penalty of which the minimum shall be at least the value of the consignment. In the case of a repeated serious infringement within a three-year period, Member States shall ensure that the serious infringement is punishable by administrative financial penalties, of which the minimum shall be at least twice the value of the consignment.

Member States may take into account the economic situation of the natural person having committed or legal person held liable for the infringement to ensure the deterrence of sanctions. For that purpose, Member States may, in accordance with national law, apply a system whereby a financial penalty is imposed which is calculated as a percentage of the turnover of the operator being held liable for the infringement.

Article 44

Serious infringements

The following infringements shall be considered serious when committed deliberately or negligently:

(a) animals with severe open wounds, prolapses and broken limbs are transported;

(b) animals are transported before the minimum age for transport;

(c) the vertical height provided to animals transported is less than 80% of the requirements for vertical height set out in point 6 of Chapter III of Annex I;

(d) the space allowance for animals transported is less than 80% of the requirements for space allowances set out in Chapter VII of Annex I;

(e) the journey time exceeds the maximum journey time by 30%, excluding rest periods;

(f) aquatic animals are transported without monitoring of water parameters in accordance with Annex II;

(g) animals are transported for long journeys without an organiser authorisation, a transporter authorisation, a certificate of approval for a means of transport, or a certificate of competence of driver or attendant;

(h) animals are transported for long journeys without an approval by the competent authority of the journey log;

(i) animals are transported with a destination in a third country without a valid certificate for transport of animals to third countries in accordance with Article 33.

Article 45

Other sanctions

1. The sanctions provided for in this Chapter are without prejudice to other sanctions that may be taken by competent authorities in the event of an established infringement, in particular:

(a) the immobilisation of the vehicle or livestock vessel involved in the infringement;

(b) the confiscation of the vehicle or livestock vessel or the animals transported;

(c) the suspension or withdrawal of the organiser or transporter authorisation;

(d) the suspension or cessation of all or part of the economic activities of the operator related to the transport of animals.

2. Member States shall determine the duration of the sanctions referred to in paragraph 1.

CHAPTER X
PROCEDURAL PROVISIONS

Only to be debated if time is remaining.

Article 46

Report on the state of animal welfare in transport

1. Based on the data recorded in TRACES in accordance with Article 26 and any other relevant data, the Commission shall publish by [5 years after the date of entry into force of this Regulation] and thereafter every 5 years, a monitoring report on the state of animal welfare with regard to transport in the Union.

2. For the purpose of the reporting referred to in paragraph 1, Member States shall provide the Commission with the information necessary for the preparation of this report.

Only to be debated if time is remaining.

Article 47

Amendment of Annexes

1. The Commission is empowered to adopt delegated acts in accordance with Article 48 to update the technical rules contained in Annex I, Chapters I, II, V and VII, and Annex II in order to take into account technical progress and scientific developments when available, including scientific opinions of the EFSA, and of social, economic and environmental impacts, with regards to:

(a) the design and maintenance of means of transport;
(b) the handling equipment;
(c) the water requirements, including maximum levels for water parameters, and water monitoring requirements;
(d) feeding requirements;
(e) fitness for transport;
(f) loading and unloading practices;
(g) handling during and after transport activities;
(h) conditions on board roll-on roll-off vessels and transport by air;
(i) transport practices;
(j) space allowance and stocking density requirements.

2. The Commission is empowered to adopt implementing acts in accordance with Article 49 to update the templates for journey logs in Annex III and the model of attestation in Annex IV.

Only to be debated if time is remaining.

Article 48

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts shall be conferred on the Commission for a period of 5 years from the date of entry into force of this Regulation. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in paragraph 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to paragraph 2 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Only to be debated if time is remaining.

Article 49

Committee procedure

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011.

3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and of Article 5(4), third subparagraph of Regulation (EU) No 182/2011 shall apply.

Only to be debated if time is remaining.

Article 50

Implementing powers concerning documents

The Commission may, by means of implementing acts in accordance with Article 49, lay down rules for the uniform application of Articles 6, 9, 12, 13 and 38 concerning rules for the issuance of electronic authorisations, certificates and journey logs and for the use of electronic signature.

CHAPTER XI
OTHER PROVISIONS

Only to be debated if time is remaining.

Article 51

Data protection in the context of authorisations, journey logs, real-time tracking positioning systems and certificates

1. For the authorisations referred to in Chapter II, the journey logs referred to in Chapter IV and the certificates referred to in Chapter VIII, the Commission and Member States shall be

joint controllers in the meaning of Article 28 of Regulation (EU) 2018/1725 and Article 26 of Regulation (EU) 2016/679, pursuant to Article 11 of Implementing Regulation (EU) 2019/1715.

2. For the purposes of the real-time tracking positioning systems referred to in Article 24, the Commission shall be the controller in the meaning of Article 3(8) of Regulation (EU) 2018/1725.

3. The data recorded in the information system referred to in Article 24(3) shall only be accessible to the Commission, for the purpose of retrieving the information referred to Article 24(5) in TRACES.

4. In addition to the categories of data processed pursuant to Article 10 of Implementing Regulation (EU) 2019/1715, the data gathered by means of the real-time positioning system referred to in Article 24 and the data in the journey log related to the name and telephone number of the driver shall also be processed for the only purpose of performing official controls and other official activities as defined in Article 2 of Regulation (EU) 2017/625.

5. The recording of positioning data on short period intervals shall be retained in the information system referred to in Article 24(3) for a period of 6 years.

6. The personal data related to the authorisations referred to in Chapter II and the certificates referred to in Chapter VIII shall be retained by TRACES throughout the validity of those authorisations and certificates and for a period of 6 years after their expiry or withdrawal.

Article 52

Stricter national measures

This Regulation shall not prevent Member States from adopting stricter national measures aimed at improving the protection of animals during transport that takes place entirely within the territory of a Member State, or during transport that takes place exclusively between a place of departure in the territory of a Member State and a place of destination in a third country, provided those measures do not interfere with the proper functioning of the internal market.

Member States shall inform the Commission about such national rules before their adoption. The Commission shall bring them to the attention of the other Member States.

Only to be debated if time is remaining.

Article 53

Mobile application

1. By [5 years from the date of entry into force of this Regulation], the Commission shall develop and make available to operators and competent authorities a mobile application allowing the performance of administrative tasks in relation to the transport of animals. The application shall have at least the following functionalities connected to TRACES:

(a) creation and update of sections of a journey log by registered TRACES users;

(b) submission of a journey log for approval;

(c) calculation of required space allowance;

(d) tools to check of fitness for transport;

(e) tools to check the weather forecast.

2. By [5 years after the date of entry into force of this Regulation] the Commission shall, by means of implementing acts in accordance with Article 49, lay down detailed specifications for the development of the application referred to in paragraph 1.

Only to be debated if time is remaining.

Article 54

Reporting and evaluation

1. By [10 years after the date of entry into force of this Regulation], the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.

2. For the purpose of the reporting referred to in paragraph 1, Member States shall provide the Commission with the information necessary for the preparation of this report.

Article 55

Derogation

By way of derogation to this Regulation, Member States may continue to apply the current national provisions concerning transport of animals within their outermost regions, originating from or arriving at those regions. They shall inform the Commission thereof.

CHAPTER XII
TRANSITIONAL AND FINAL PROVISIONS

Only to be debated if time is remaining.

Article 56

Repeals

1. Council Regulation (EC) No 1/2005 is repealed.

2. References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex VI.

Only to be debated if time is remaining.

Article 57

Amendments to Council Regulation (EC) No 1255/97

Council Regulation (EC) No 1255/97 is amended as follows:

In Article 3, the following point is added:

‘(e) be equipped for the species and categories of animals they accommodate;

(f) be of a size sufficient to accommodate at least a truck load of animals while respecting the space allowances laid down in Council Directives 2008/119/EC[60] and 2008/120/EC[61].’

In Article 5, the following point is added:

‘(j) to keep a booking system in TRACES allowing organisers to see and book slots available.’

[60] Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves, OJ L 10, 15.1.2009, p. 7.

[61] Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs, OJ L 47, 18.2.2009, p. 5.

Only to be debated if time is remaining.

Article 58

Transitional provision

Point (2)(e) of Chapter I of Annex I, Chapter V of Annex I, point 3.1. of Chapter VI of Annex I and Chapter VII of Annex I to Council Regulation (EC) No 1/2005 shall continue to apply until the date of application of point 1 (h) of Chapter I of Annex I, Articles 27 to 30 and Chapter VII of Annex I to this Regulation.

Article 59

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

2. It shall apply as from 2 years from the date of entry into force of this Regulation, unless otherwise provided for in paragraphs 3 and 4.

3. Article 13(2), point (d), Article 44(5), Article 44, point 10 of Chapter I of Annex I, point 2.5. of Chapter II of Annex I and point 3.3 of Chapter V of Annex I shall apply from 3 years from the date of entry into force of this Regulation.

4. Article 24, paragraphs 1 to 4, Article 51, Articles 27 to 30, Chapter VII, Point 1(h) of Chapter I of Annex I, and Chapter VII of Annex I shall apply from 5 years from the date of entry into force of this Regulation.