

Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97

CHAPTER VI

FINAL PROVISIONS

Article 33

Repeals

Directive 91/628/EEC and Regulation (EC) No 411/98 shall be repealed from 5 January 2007. References to the repealed Directive and Regulation shall be construed as references to this Regulation.

Article 34

Amendments to Directive 64/432/EEC

Directive 64/432/EEC is hereby amended as follows:

- 1) Article 11 shall be amended as follows:
 - (a) in paragraph 1 the following point shall be inserted as follows:
 - (ee) comply with the provisions of Directive 98/58/EC and Regulation (EC) No 1/2005⁽¹⁾ applicable to them;
 - (b) paragraph (4) shall be replaced by the following:
 4. The competent authority may suspend or withdraw approval in the event of failure to comply with this Article or other appropriate provisions of this Directive, or of Regulation (EC) No 1/2005 or other Community veterinary legislation listed in Chapter I of Annex A to Directive 90/425/EEC⁽²⁾. Approval may be restored when the competent authority is satisfied that the assembly centre is in full compliance with all the appropriate provisions referred to in this paragraph.
- 2) Article 12 shall be replaced by the following:

Article 12

 - 1 Member States shall ensure that transporters meet the following additional conditions:
 - a for the carriage of animals they must use means of transport that are:
 - (i) constructed in such a way that the animal faeces, litter or feed can not leak or fall out of the vehicle; and
 - (ii) cleaned and disinfected immediately after every transport of animals or of any product which could affect animal health, and if necessary

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before any new loading of animals, using disinfectants officially authorised by the competent authority;

b they must either:

(i) have appropriate cleaning and disinfection facilities approved by the competent authority, including facilities for storing litter and dung; or

(ii) provide documentary evidence that these operations are performed by a third party approved by the competent authority.

2 The transporter must ensure that for each vehicle used for the transport of animals a register is kept containing at least the following information which shall be retained for a minimum period of three years:

a places, dates and times of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up;

b places, dates and times of delivery, and the name or business name and address of the consignee(s);

c the species and number of animals carried;

d date and place of disinfection;

e details of accompanying documentation including the number;

f expected duration of each journey.

3 Transporters shall ensure that the consignment or animals do not at any time, between leaving the holdings or the assembly centre of origin and arriving at their destination, come into contact with animals of a lower health status.

4 Member States shall ensure that transporters observe the provisions of this Article relating to the appropriate documentation that must accompany the animals.

5 This Article shall not apply to persons transporting animals up to a maximum distance of 65 km counted from the place of departure to the place of destination.

6 In the event of failure to comply with this Article, the provisions concerning infringements and notifications of infringements provided for in Article 26 of Regulation (EC) No 1/2005 shall apply *mutatis mutandis* in relation to animal health..

Article 35

Amendment to Directive 93/119/EC

In Annex A to Directive 93/119/EC, paragraph 3 of Part II shall be replaced by the following:

3. Animals must be moved with care. Passageways must be so constructed as to minimise the risk of injury to animals, and so arranged as to exploit their gregarious tendencies. Instruments intended for guiding animals must be used solely for that purpose, and only for short periods. The use of instruments which administer electric shocks shall be avoided as far as possible. In any case, these instruments shall only be used for adult bovine animals and adult pigs which refuse to move, and only when they have room ahead of them in which to move. Shocks shall last no longer than one second, be adequately spaced, and shall only be applied to the muscles of the hindquarters. Shocks shall not be used repeatedly if the animal fails to respond..

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Article 36

Amendments to Regulation (EC) No 1255/97

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

- 1) the words ‘staging points’ shall be replaced by the words ‘control posts’ everywhere in the Regulation;
- 2) in Article 1, paragraph 1 shall be replaced by the following:
 1. Control posts are places where animals are rested for at least 12 hours or more pursuant to point 1.5. or 1.7(b) of Chapter V of Annex I to Regulation (EC) 1/2005⁽³⁾.
- 3) Article 3 shall be replaced by the following:

Article 3

- 1 The competent authority shall approve and issue an approval number to each control post. Such approval may be limited to a particular species or to certain categories of animal and health status. Member States shall notify the Commission of the list of approved control posts and any updates.

Member States shall also notify the Commission of the detailed arrangements in application of the provisions in Article 4(2), in particular the period of use as control posts and the double purpose of approved premises.

- 2 Control posts shall be listed by the Commission in accordance with the procedure referred to in Article 31(2) of Regulation (EC) No 1/2005 upon a proposal of the competent authority of the Member State concerned.
- 3 Member States may only propose control posts for listing once the competent authority has checked that it complies with the relevant requirements and approved it. For the purpose of such approval, the competent authority as defined in Article 2(6) of Directive 90/425/EEC shall ensure that control posts fulfil all the requirements in Annex I to this Regulation; in addition, such control posts shall:
 - a be located in an area which is not subject to prohibition or restrictions in accordance with relevant Community legislation;
 - b be under the control of an official veterinarian who shall ensure, *inter alia*, compliance with the provisions of this Regulation;
 - c 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;
 - d undergo regular inspection, at least twice a year, to ascertain that the requirements for approval continue to be fulfilled.
- 4 A Member State must, in serious cases, particularly on animal health or welfare grounds, suspend the use of a control post situated in its territory. It shall inform the Commission and the other Member States of such suspension and of its reasons. The suspension of the use of the control post may only be lifted after notification to the Commission and the other Member States on its reasons.
- 5 The Commission, in accordance with the procedure referred to in Article 31(2) of Regulation (EC) No 1/2005, may suspend the use of a control post

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or withdraw it from the list, if on-the-spot checks carried out by the experts of the Commission as referred to in Article 28 of that Regulation indicate non-compliance with the relevant Community legislation.;

4) in Article 4, the following paragraph shall be added:

4. The competent authority of the place of departure shall notify the movement of animals passing through control posts through the information exchange system referred to in Article 20 of Directive 90/425/EEC.;

5) Article 6 shall be replaced by the following:

Article 6

1 Before the animals leave the control post, the official veterinarian or any veterinarian designated for this purpose by the competent authority shall confirm on the journey log as referred to in Annex II of Regulation (EC) No 1/2005 that the animals are fit to continue their journey. Member States may stipulate that expenditure incurred as a result of the veterinary check shall be borne by the operator concerned.

2 The rules relating to the exchange of messages between authorities to comply with the requirements of this Regulation shall be laid down in accordance with the procedure laid down in Article 31(2) of Regulation (EC) No 1/2005;

6) Article 6a shall be replaced by the following:

Article 6a

This Regulation shall be amended by the Council, acting by a qualified majority, on a proposal from the Commission, with a view in particular to adapting it to technological and scientific progress, except as regards any amendments to the Annex which are necessary to adapt it to the animal health situation which may be adopted in accordance with the procedure laid down in Article 31(2) of Regulation (EC) No 1/2005;

7) in Article 6b, the first sentence, shall be replaced by the following:

Article 6b

The Member States shall apply the provisions of Article 26 of Council Regulation (EC) No 1/2005 to penalise any infringement of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented.;

8) Annex I shall be amended as follows:

(a) the title shall be replaced by the following:
ANNEXCOMMUNITY CRITERIA FOR CONTROL POSTS

(b) Section A shall be replaced by the following:

A. HEALTH AND HYGIENE MEASURES

1. Every control posts must

(a) be located, designed, constructed and operated as to ensure sufficient bio-security preventing the spreading of serious infectious diseases to other holdings and between consecutive consignments of animals passing through these premises;

(b) be constructed, equipped and operated as to ensure that cleaning and disinfection procedures can be carried out. A lorry wash shall

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- be provided on the spot. Such facilities must be operational under all weather conditions;
- (c) be cleansed and disinfected before and after each use, as required by the official veterinarian.
2. Personnel and equipment entering into contact with the animals accommodated shall be exclusively dedicated to the premises concerned unless they have been subject to a cleaning and disinfection procedure after being in contact with the animals or their faeces or urine. In particular the person in charge of the control post shall provide clean equipment and protective clothes, which shall be kept exclusively for the use of any persons entering the control post, and shall make available suitable equipment for cleansing and disinfecting the above items.
3. Bedding material shall be removed when a consignment of animals is moved from an enclosure and, after the cleansing and disinfecting operations provided for in point 1(c), shall be replaced by fresh bedding.
4. Animals litter, faeces and urine shall not be collected from the premises unless they have been subject to an appropriate treatment in order to avoid the spreading of animal diseases.
5. Appropriate sanitary breaks between two consecutive consignments of animals shall be respected and if appropriate adapted depending on whether they come from a similar region, zone or compartment. In particular, control posts shall be completely cleared of animals for a period of at least 24 hours after a maximum of 6 days' use and after cleansing and disinfecting operations have been carried out, and prior to the arrival of any new consignment.
6. Before accepting animals, control posts shall:
- (a) have started the cleansing and disinfection operations within 24 hours following the departure of all animals previously held there in accordance with the provisions of Article 4(3) of this Regulation;
- (b) have remained clear of animals until the cleansing and disinfection operation is completed to the satisfaction of the official veterinarian.;
- (c) Section B, paragraph 1 shall be replaced by the following:
1. In addition to the provisions of Chapters II and III of Annex I to Regulation (EC) No 1/2005 applying to means of transport for loading and unloading animals, every control post must have suitable equipment and facilities available for the purpose of loading and unloading animals from the means of transport. In particular, such equipment and facilities must have a non-slip floor covering and, if necessary, be provided with lateral protection. Bridges, ramps and gangways must be fitted with sides, railings or some other means of protection to prevent animals falling off them.

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Loading and unloading ramps should have the minimum possible incline. Passageways must have floor coverings which minimise the risk of slipping and be so constructed as to minimise the risk of injury to animals. Particular care must be taken to ensure that no appreciable gap or step is allowed between the vehicle floor and the ramp or the ramp and the floor of the unloading area requiring animals to jump or likely to cause them to slip or stumble.;

- 9) Annex II shall be deleted.

Article 37

Entry into force and date of application

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from 5 January 2007.

However, Article 6(5) shall apply as from 5 January 2008.

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- (1) OJ L 3, 5.1.2005.
- (2) OJ L 224, 18.8.1990, p. 29.
- (3) OJ L 3, 5.1.2005.

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