

Welfare of animals during transport

Consultation on the implementation of
EU Regulation 1/2005

May 2006

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Published by the Department for Environment, Food and Rural Affairs

Defra consultation document

Welfare of animals during transport Implementation of EU Regulation 1/2005

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Deadline for comments 31 July 2006

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DEFRA CONSULTATION PAPER ON THE IMPLEMENTATION OF EU REGULATION 1/2005 ON THE WELFARE OF ANIMALS DURING TRANSPORT

SECTION 1

SUMMARY OF THE CONSULTATION ISSUES

Background

1.1. EU Regulation 1/2005¹ on the welfare of animals during transport comes into force on 5 January 2007, with requirements for competence certificates coming into force on 5 January 2008. You are advised to read this consultation document in parallel with this EU Regulation, which can be viewed at the following web address http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l_003/l_00320050105en00010044.pdf or you can get a hard copy from us (tel: 0207 904 6584 or 6585).

1.2. The new Regulation replaces EU Directive 91/628 as amended by 95/29 and in turn necessitates the replacement of current national legislation - the Welfare of Animals (Transport) Order 1997 (WATO) which implemented those Directives. While the Regulation is directly applicable, national legislation is needed to provide for enforcement and penalty provisions, proposed derogations from the rules and potential charges for authorisations. The Regulation aims to improve animal welfare through raising transportation standards. In particular, it provides significant improvements in enforcement capability in respect of all species. The new rules are generally supported by farming industry and welfare groups. However several are potentially burdensome on farmers and commercial transporters. In recognition of this, we intend that implementation should strike a balance between animal welfare benefits, cost and ease of compliance/enforcement - particularly where the burdens fall on small businesses. This document describes proposals to implement the Regulation in England and seeks your views on those proposals.

Scope of this consultation

1.3. The competent authorities for application of the Regulation in the UK are: Defra in England, the Scottish Executive Environment & Rural Affairs Department (SEERAD) in Scotland, the Welsh Assembly Government (WAG) in Wales and the Department of Agriculture and Rural Development for Northern Ireland (DARDNI). This consultation focuses on the implementation arrangements in England. However the intention of Devolved Administrations is to put in place similar arrangements in Wales, Scotland and Northern Ireland, which, where possible, will mirror the England arrangements. Each of the main issues for consultation relating to the implementation arrangements are in discrete Sections within this document. Stakeholders are asked to respond to the questions posed in each section (a list of the questions is reproduced in Appendix 7).

Who is affected by this consultation?

1.4. In order to help stakeholders determine if this consultation affects them or their members the following is a list (which is not necessarily exclusive) of those businesses or individuals that we think are affected by the new rules:

- Those organising journeys or transporting vertebrate animals *"in connection with an economic activity"*². At a minimum this will include farmers, livestock hauliers, those

¹ 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 and 93/119 and Regulation (EC) No 1255/97. Official Journal of the EU 4.1.2005 L 3/1-44

² "transport in connection with an economic activity" – please see our draft guidance on scope at Section 2 which outlines our views on what is included in the new rules.

who move horses in connection with professional riding, livery, stabling, those involved in pet breeding or racing (e.g. cats and dogs, pigeons), or those moving animals used in films, zoos and leisure parks. It does not apply to the transport of non-vertebrates such as insects, worms, crustaceans (e.g. crab, lobster), cephalopods (e.g. octopus, squid), and molluscs (e.g. shellfish, snail). However, current national welfare provisions relating to these species will be retained (see Section 8). Further guidance on scope of the new EU Regulation is at Section 2.

- Airlines, ferry, shipping and rail companies who transport animals, whether for breeding, production or slaughter
- Those operating and working in markets, assembly centres, collection centres and staging points (control posts), and animal keepers (those in charge of animals during a journey)
- Potential providers of vehicle authorisation schemes
- Those providing training and assessment of drivers, attendants and market staff in welfare in transport rules and potential providers of training and assessment schemes
- Livestock vehicle manufacturers and those providing components for livestock vehicles e.g. GPS and ventilation systems
- Container manufacturers
- Those who use electric goads e.g. at slaughterhouses
- Those enforcing welfare in transport rules

What is the impact of the new rules?

1.5. There are no changes to the current rules on maximum journey times (other than new restrictions on moving young animals), feeding, watering and rest periods during a journey and space allowances. However a number of new provisions come into force, as follows:-

From 5 January 2007

- Those transporting animals for commercial purposes (in connection with an “economic activity”)³ on journeys over 65km (approx 40 miles) will need to have a specific authorisation (see Section 3)
- Stricter vehicle standards apply
- Those transporting animals over 8 hours will need a vehicle approval (see Section 4)
- Those handling or transporting animals over 65km must be competent (see Section 7)
- Operators of assembly centres and markets must comply with technical rules in Chapters I and III, Section I, of Annex I. They must also use only staff trained in the technical rules in Annex I to handle animals if the assembly centre or market is EU approved.
- For exports, route plans are replaced by journey logs (see Section 6); and stricter rules apply at assembly centres, and staging points (from January 2007 these are known as control posts)
 - There are more stringent rules on Fitness to Travel (guidance will be made available on the Defra website)
 - Journey limits for young animals and transport of horses
 - Use of electric goads at slaughter (Section 8)

From 5 January 2008

- Anyone commercially transporting farmed livestock, poultry or horses on journeys of over 65km must hold a certificate of competence issued by an awarding body nominated by the competent authority⁴ (see Section 7) which must be submitted on

³ Please see our draft guidance on what is “economic activity” at Section 2 of this document

⁴ In England, DEFRA; or Devolved Administrations (Welsh Assembly Government/SEERAD/ DARDNI)

application for an authorisation for long journeys (Section 3) and made available if requested by enforcement bodies in checks, which may be made during transport (Section 9)

From 1 January 2009

- Transporters moving unregistered horses⁵, cattle, sheep, pigs and goats over 8 hours must use a satellite navigation system for their journeys and keep records for at least 3 years

What are the key issues on which we are seeking views?

- Our draft guidance on scope (Section 2)
- Our approach to granting authorisations and the procedures for applying and granting authorisations (Section 3)
- Options for vehicle approval arrangements (Section 4)
- Options for derogations for vehicle standards/vehicle approval (Section 5)
- Options on travel documentation (Section 6)
- Options for training and competence assessment arrangements (Section 7)
- Revocation and retention of current national rules; and amendment of other legislation (Section 8)
- Offences, penalties, enforcement arrangements and appeals (Section 9)
- Guidance documents (Section 10)

What decisions have already been taken?

1.6. Stakeholders should be aware that we cannot change the requirements of the EU Regulation itself. Therefore where the text of the Regulation is referred to this is not an issue for consultation. The rules are directly applicable throughout the EU. We have summarised below the main issues that are not subject to consultation and any comments on these issues will not be taken into consideration in this consultation.

- In particular:
 - there are no changes to journey times and space allowances
 - although there is provision for additional welfare-based national rules in the Regulation (Article 1.3), we do not, at this stage, propose to introduce any additional rules. Our current focus is to ensure that the UK implements the new EU rules by the implementation deadline.
- Authorisations for transporters will be mandatory (Section 3).
- There is limited scope to change the format of the authorisation certificates and certificates of competence because they are based on models in the EU Regulation (Appendices 1, 2 and 5).
- Enforcement in GB will primarily be by Local Authorities (LAs) and where appropriate the State Veterinary Service (SVS). Enforcement in other Member States is a matter for those member states and the European Commission (Section 10).
- Vehicle approval for journeys leaving the UK is mandatory (Section 4).
- Defra will not be providing the vehicle approval system. This will be a chargeable service from the relevant provider (Section 4).

⁵ "Registered horses" mean horses which are registered in studbooks or with international organisations managing competitions (as defined in Directives 90/426/EEC and 90/427/EEC) – this does not mean having a horse passport

SECTION 2

GUIDANCE ON THE SCOPE OF EU REGULATION 1/2005

2.1. We propose to issue guidance to help animal transporters decide how they will be affected by the new welfare in transport legislation. This section describes what we see will form the context of that guidance following some informal consultation with key stakeholders.

2.2. The Regulation applies to the transport of live vertebrate animals within the Community that takes place in connection with an economic activity (Article 1.1 and 1.5 of the Regulation).

2.3. There are some exceptions:

- The Regulation does not apply to transport to or from veterinary practices or clinics under veterinary advice (Article 1.5).
- Only Article 3 (General conditions for the transport of animals) and Article 27 (Inspections) apply to transport by farmers of their own animals in their own vehicles for a distance of less than 50 km from their holding, or for seasonal stock movements between pastures (transhumance - Article 1.2).
- Transporters undertaking journeys of less than 65km from place of departure to place of destination do not require an authorisation nor are they required to use drivers/attendants who have been trained and hold a certificate of competence (Article 6.7).

2.4. Registered horses⁶ transported for competition, races, cultural events or breeding - not those transported to markets or slaughterhouses - are exempt from the following requirements of the Regulation:-

Article 5.4 – compliance with Annex II journey log provisions.

Article 6.9 – use of a navigation system and the keeping of records obtained from it.

Annex I Chapter V – journey times, and water feed and rest intervals.

2.5. It should be noted that the guidance will be to aid understanding and to ensure consistent enforcement. It is not an interpretation of the EU law, as this is a matter for the courts.

2.6. The Regulation does not define what constitutes an “economic activity”. However, the preamble to the Regulation gives an indication of what this may include. Paragraph (12) states: - *“Transport for commercial purposes is not limited to transport where an immediate exchange of money, goods or services takes place. Transport for commercial purposes includes, in particular, transport which directly or indirectly involves or aims at a financial gain.”*

2.7. Also, the European Court of Justice has considered the term “economic activity” and taken the view that it is any activity consisting of offering goods and services on a given market (EC case law – 118/85). Furthermore, a body might be engaged in economic activities even though it did not operate with a view to profit. It follows that the

⁶ See Footnote 5 for definition of “registered horses”

fact that a transporter is engaged in non-profit making activities is not in itself enough to deprive such activities of their economic character or to remove the transporter from the scope of the Regulation.

2.8. Therefore, we have taken the view that transport in connection with an economic activity would consist of:

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

2.9. Such transport would most likely include journeys undertaken by:-

- Commercial hauliers
- Farmers
- Pet animals where the movements are related to economic activity e.g. pet breeders, dog racing, those taking part in filming e.g. advertisements which involve financial gain
- “Professional” horse racers
- Those where animals are transported in order to be sold
- Zoos and leisure parks
- Laboratory animals (but not when the animals are taking part in an authorised research project)

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

2.11. We consider the following kinds of journeys are not connected with an economic activity. Those:-

- Not in the course of a business or trade (but note paragraphs 2.6 and 2.7 above)
- Not for hire or reward
- Consisting of a single animal accompanied by a person who has responsibility for its welfare (or two animals accompanied by two people)
- Pet animals accompanied by their owner on a private journey
- Pet animals taken to and from a specialist show or competition, where the primary purpose is for pleasure or competition, not as part of a business, e.g. pet breeders
- Horses and ponies transported by an owner for the purpose of riding or showing or competing for pleasure, e.g. point-to-point. However, a haulier movement of animals transported for pleasure etc, where the haulier was paid for undertaking the transport, would be within the scope of the Regulation
- Where individuals attending shows or competitions primarily for pleasure share the burden of transport e.g. petrol costs, but where there is no profit made by the individual carrying out the transport
- Animals transported as part of official duties by the armed forces or police

2.12. It should be noted that all journeys, whether under 50km, single animal journeys, or animals being transported for pleasure will remain subject to general welfare conditions which must be complied with. These conditions include:

- Animals being fit to travel

- Keeping journey times to a minimum
- Those responsible for the transport ensure that animals are not caused any unnecessary fear, injury, or suffering.

Questions on Scope:

Q.1. Is the guidance proposed on scope clear? Do you wish to recommend any changes?

Q.2. In particular, are there other exemptions that need to be highlighted in the guidance at paragraph 2.11?

SECTION 3

TRANSPORTER AUTHORISATIONS

Summary of new requirements

3.1. From 5 January 2007, anyone transporting any vertebrate animals over 65 kilometres (km) (travelled distance not as the crow flies) in connection with an economic activity will need to apply either for a short journey authorisation (journeys over 65km and up to 8 hours) or for a long journey authorisation (journeys over 8 hours). Common requirements apply to all authorisations, but additional requirements will apply to long journeys. There will be separate certificates for short journey authorisations and long journey authorisations). (**Articles 6, 10 and 11 of the Regulation.**)

Current system for authorisations in GB

3.2. Currently, there are two forms of authorisations. The first is a Specific Authorisation. Road transporters carrying livestock and horses on commercial journeys over 8 hours, and air and sea carriers of any species on journeys of any distance, must hold a Specific Authorisation, which is issued by Defra. Applicants have to be “fit persons” and any welfare convictions in the 5 years prior to application are considered in deciding whether to approve an authorisation.

3.3. The second is a General Authorisation. Those transporting livestock and horses between 50 km and 8 hours, and other species on any journey over 50 km, are covered by the General Authorisation issued by Defra and placed in the London Gazette. No application is necessary and the General Authorisation covers transporters provided they meet the publicised conditions.

3.4. Specific Authorisations are currently granted by Defra for England and Wales and by SEERAD in Scotland. Specific Authorisations are not time limited, but may be withdrawn, revoked or have conditions put upon them if there are repeat infringements or any infringement involving serious suffering to animals. Details of the authorisations and transporter details from their application form are kept by Defra on the Animal Health and Welfare Management and Enforcement System (AMES) database. The information may be made available to enforcement authorities and may be used to contact transporters about matters of interest. Northern Ireland issue their own Specific Authorisations and record the information accordingly.

Cancellation of existing Specific Authorisations

3.5. All existing Specific Authorisations granted under the Welfare of Animals (Transport) Order 1997 will cease to be valid at 23:59 hours on 4 January 2007. A letter was issued on 7 April 2006 to all known authorised transporters in GB advising them that current authorisations will expire. This can be viewed here:

<http://www.defra.gov.uk/animalh/welfare/pdf/lettertotransporters.pdf>

New transporter authorisations

3.6. All those transporting any species of vertebrate animals in any mode of transport in relation to an economic activity will be required to hold either a certificate of authorisation for short journeys (journeys between 65km (distance travelled) and up to 8 hours) or a certificate of authorisation for long journeys (journeys over 8 hours). Although there are some common features, additional requirements will need to be satisfied in order to obtain a certificate of authorisation for long journeys.

3.7. There will be separate application forms and authorisation certificates for short and long journeys. The draft authorisation certificates are at Appendices 1 and 2.

Conditions applying to new transporter authorisations

3.8. For both short and long journey authorisations:

(a) applicants must be established in the UK or, if third country transporters, must be represented in the UK (Article 10(1)(a)).

(b) applicants must have demonstrated they have sufficient & appropriate staff, equipment and operational procedures to comply with the Regulation (Article 10(1)(b)).

Guidance on this will be available with the application forms. As to how transporters 'demonstrate' they meet these criteria, it is proposed that transporters make a declaration on the application form. We consider this is the most manageable and cost effective way to deliver this. If a false declaration is made or a transporter is subsequently found wanting in any area, e.g. as a result of enforcement activity, this may lead to suspension or revocation of authorisation or conditions being applied.

(c) applicants or their representatives must have no record of serious infringements of any EU and/or UK legislation on animal welfare in the 3 years preceding their application, although this need not preclude an authorisation being granted if the applicant demonstrates they have taken the necessary measures to avoid further infringements (Article 10(1)(c)).

Transporters will have to make a declaration on the application form as to whether or not they have any serious infringements recorded against them of any welfare rules (whether or not they have been convicted of any offence). This is not just during transport (e.g. the Welfare of Animals (Transport) Order 1997 (WATO)), but on farm or at market, e.g. under the Protection of Animals Act 1911, the Welfare of Farmed Animals Regulations 2000, or the Welfare of Animals at Markets Order 1990. Guidance on this will be available with the application forms. Applicants declaring serious infringements must say what action has been taken to avoid further offences. Only if a satisfactory statement is made will an authorisation be granted. An authorisation will not be granted in the absence of a satisfactory statement. If a false declaration is made, the application may be refused. Random checks will be made to verify declarations of no serious infringements.

Questions on proposed conditions for authorisations

Q.3 Do you agree with the proposals relating to self-declaration and checks on compliance with welfare rules from 5 January 2007? If not, what would you propose?

Additional conditions for long distance authorisations

3.9. These are:-

(a) applications for authorisation must be accompanied by at least one certificate of vehicle approval (Article 11.1(b)(ii)). An authorisation will not be granted unless the certificate is presented. Both the authorisation and the certificate of approval for the vehicle being used should be carried and produced to enforcement agencies on request. It will be an offence for the transporter not to do so.

(b) applicants must submit details of the procedures to trace and record the

movements of road vehicles and to contact the drivers at any stage during the journey (Article 11.1.(b)(iii)). In effect this means that the vehicles must have some form of Global Positioning System and that drivers must have a working mobile phone. We anticipate applicants making a declaration to this effect in the application. A false declaration or non-compliance with these provisions may lead to suspension or revocation of the authorisation or conditions being imposed.

(c) applicants must submit contingency plans in case of emergencies (Article 11.1(b)(iv)). Applicants will be required to submit a document containing such information relevant to the species being carried and the type of journey. The issuing body will then consider the information and decide upon its acceptability or otherwise. The issuing body will look for confirmation that transporters know where to take animals if they fall ill or if journey times become compromised, and that they carry appropriate feed in case of delays. It is envisaged that transporters will make a declaration on their application forms that their vehicles carry appropriate feed in case of need and drivers/attendants carry lists of approved Control Posts (formerly Staging Points) (where required) and phone number(s) to call in case veterinary treatment becomes necessary. Again, a false declaration or non-compliance may lead to suspension or revocation of the authorisation or conditions being imposed.

(d) where farm livestock, horses or poultry (including game birds) are carried, a certificate of competence must accompany applications for each driver or attendant. (Article 11.1(b)(i)). Certificates of competence are only compulsory from 5 January 2008 (Articles 6.5 and 37). Rather than re-issue certificates of authorisations for long journeys granted between 5 January 2007 and 4 January 2008, it is proposed that these authorisations will contain a statement to the effect that from 5 January 2008 the authorisation will only be valid if the driver or attendant is also in possession of a valid certificate of competence (see wording on Authorisation Certificate for long journeys at appendix 2). Applications for long journey authorisations for livestock, horses and poultry (including game birds) submitted on or after 5 January 2008 must be accompanied by certificates of competence. It will also be an offence from that date, for a person to drive or act as an attendant on a road vehicle transporting horses, livestock or poultry without being in possession of a valid Certificate of Competence.

(e) where farm livestock and horses⁷ are carried, applicants must have an agreed navigation system for new road vehicles from 1 January 2007 and for other road vehicles from 1 January 2009 (Article 11.2 (a) and (b)). The systems should provide information equivalent to the Journey Log (see Section 6). No particular navigation systems are recommended at this time although the European Commission may recommend a specific system when it releases the results of a study of navigation systems due by 1 January 2008. (Annex 1 Chapter VI, 4.4.2). Meanwhile, transporters intending to export to other member states in the meantime are advised to discuss with their trading counterparts what systems will be considered acceptable in those countries. Stakeholders and long journey transporters will be consulted on any EU proposals in due course. This issue is also discussed under Section 5 (derogations).

<p>Questions on proposed additional conditions for long distance authorisations</p> <p>Q.4 Do you agree with the proposals relating to vehicle approval, self-declarations and checks on compliance with welfare rules as regards GPS and contingency planning, from 5 January 2007? If not, what would you propose?</p> <p>Q.5 Is there anything you would add to the declarations?</p>

⁷ For this requirement, "registered" equidae (see footnote 5 for definition) are exempt

Q.6 Do you agree with the proposed method of handling the requirements relating to certificates of competence, between 5 January 2007 and 5 January 2008? If not, what would you propose?

Q.7 Do you agree that in the absence of an agreed EU wide navigation system, the UK should not recommend the use of any particular systems at this time?

Who will issue authorisations, when and where?

3.10. It is likely the State Veterinary Service (SVS) will process applications for both long and short journey authorisations in Great Britain. The location(s) of processing centre(s) have yet to be decided. However it is hoped that transporters will be able to start applying for the new authorisations from the autumn 2006 (start date to be announced) to allow as many applications as possible to be issued before next January. Authorisations will only be valid from the start date of 5 January 2007 and until then existing specific authorisation procedures will continue (outlined in paragraphs 3.2-3.4 above).

3.11. It is not known how many people will need authorisations, but our working estimate is that it is possible that around 30,000 authorisations may need to be processed, so a staged approach to their issue may be necessary. It will be imperative that transporters intending to go on export journeys apply for and are granted long journey authorisations by the start date in order to allow them to continue to transport. Such applicants will be prioritised, followed by applications for other long journey authorisations, and then short journey authorisations. The sheer number of authorisations envisaged will mean the processing of applications is likely to continue beyond next January, probably for several months, particularly for short journeys. During that time, anyone who has applied, but has not had their application determined will be deemed to have a temporary authorisation until their application has been processed.

Duration of authorisations

3.12. The Regulation time limits both long and short journey authorisations to a period of up to 5 years. We propose to issue both authorisations for the maximum 5-year period. The same approach will be taken as regards vehicle approvals, which are also limited to a maximum period of 5 years. Authorisations may be revoked, suspended or have conditions imposed on them anytime within this period if there are serious or repeat infringements of the Regulation.

Will authorisations be charged for?

3.13 We are considering charging for the work involved in processing these authorisations. Any decision to charge will be made in accordance with the Defra Charging Handbook which can be viewed on the Defra website: <http://www.defra.gov.uk/farm/regulation-strategy/pdfs/charging-handbook.pdf>

Questions on the authorisation process

Q.8 Do you agree with the phased and prioritised approach to authorisations? If not, what would you propose?

Q.9 Do you have views on charging for these authorisations?

Authorisations specific to the mode of transport (road, sea, air)

3.14. The Regulation allows both long and short journey authorisations to be limited by criteria that may be verified during transport (**Article 13(1)**). As transporters tend to only operate one mode of transport, we propose to ask applicants to specify which mode of

transport they wish to be authorised for (e.g. road, sea or air). The authorisation will be issued accordingly, and the transporter limited to that form of transport unless a fresh application is made. Transporters may apply to be authorised for more than one mode of transport if they wish. It will not be necessary for road transporters using livestock vessels e.g. for export journeys, to apply for a separate “sea” authorisation, that is the responsibility of the livestock vessel operator unless they are also operating the livestock vessel. A transporter taking his vehicle onto a roll-on roll-off ferry does not need to apply for authorisation for sea transport.

Authorisations specific to one or more species

3.15. The type of species carried is also something that could be verified during transport. Currently transporters are authorised for all species and it is not proposed to change this. Generally speaking, long distance/professional transporters tend to carry species limited to their expertise and do not carry a wide range of species. For example, horse transporters do not usually carry other animals and livestock hauliers do not generally carry horses.

3.16. However there will be occasions when transporters do carry species that they are not used to handling, or demonstrate a lack of competence, with a given species. In these circumstances it may be necessary to prevent them from carrying those animals until such time as they have been retrained and independently assessed. To allow for this it is proposed that authorisations can be made species-specific if necessary.

Questions relating to mode or species authorisations

Q.10 Do you agree that authorisations should be mode of transport specific?

Q.11 Do you agree that authorisations should be issued covering all species, but that species specific or limited authorisations should be available?

Q.12 If not, how would you propose balancing proportionality of the prospect of removing an authorisation, when the offence may only relate to one species?

Data keeping and release of information about authorisations

3.17. It is our intention for authorisations and transporter details from application forms to be kept on the AMES database, as is currently the case for long distance transporters. The AMES database will be tested to ensure it can handle the significant increase in transporter records before a final decision is made about its use. The information will be made available to enforcement authorities, including the EU and competent authorities in other Member States, and may be used to contact transporters about matters of interest. A Data Protection statement will be put on the application forms.

3.18. The Regulation requires that animals only be entrusted to authorised transporters (**Article 5**). We recognise that it will be helpful for potential consignors to be able to find out if their intended transporter is authorised. The Regulation also requires that the names of long journey transporters and their authorisation numbers be made “publicly available” (**Article 13(4)**). We therefore propose to meet our obligations not by releasing the information, generally, but by answering specific requests, for example, from consignors, by confirming whether the named transporter is authorised and what their authorisation number is.

Question about data keeping and release of information about authorisations

Q.13 Do you agree with the proposal to make transporter names and authorisations available to would-be consignees ? If not, what would you propose and why?

SECTION 4

ROAD VEHICLE (and CONTAINER) APPROVAL

Summary of new requirements

4.1. From 5 January 2007, road vehicles used for transporting all species of animals on long journeys (those in excess of 8 hours) must be inspected and approved by the competent authority of a Member State or a body designated by a Member State (**Article 18**).

4.2. Compulsory vehicle inspection and approval for animal welfare is a new requirement and a significant change from the current rules. This Section of the consultation document describes how we propose it should be carried out.

4.3. Approvals are dependent on those vehicles (and containers)⁸ meeting specific requirements (**Annex I, Chapters II & VI**) covering:

- Basis construction requirements (for all species)
- Equipment for loading and unloading
- Additional requirements for long journeys with farmed animals or horses – roof, partitions, water/feed equipment, ventilation and navigation systems.

4.4.

Approvals will be in the form of a standard certificate (**Annex III, Ch IV**) with a unique number and be valid for up to five years (a specimen is at Appendix 3). It will become invalid should the vehicle or container be modified or refitted in a way that affects the welfare of the animals. In such cases re-inspection will be required. Approvals will be recorded on an electronic database for ease of exchanging information between enforcement agencies. Approvals granted by other Member States will also be acceptable.

4.5. The Regulation includes a provision for Member States to grant derogations for journeys not exceeding 12 hours in order to reach the final place of destination. Derogations are discussed further in Section 5.

What will require inspection and approval?

4.6. Any road vehicle to be used for transporting vertebrate animals (and containers used for the transport of domestic Equidae or farmed cattle, sheep, goats or pigs⁹) on long journeys within the EU (including consignments entering or leaving the EU).

4.7. Certificates issued on behalf of other competent authorities in the UK or other Member States will be valid in the UK and vehicles would not require further inspection and approval. Indeed, Article 18 does not allow a competent authority or designated body to grant approval for vehicles that are subject to an application submitted to or an approval by another such authority.

4.8. It has proved difficult to obtain a clear figure for the number of vehicles and containers to be inspected. Around 1,000 (100 in NI) authorisations have been issued to

⁸ A vehicle is 'a means of transport fitted with wheels which is propelled or towed', and a container as 'any crate, box, receptacle or other rigid structure used for the transport of animals which is not a means of transport'

⁹ Subsequent references in this Section to vehicles should be taken to include containers used to transport domestic Equidae or domestic animals of bovine, ovine, caprine and porcine species.

those who transport farm animals and horses under the existing GB wide long distance scheme introduced in 1997. These transporters however may have several vehicles and may include one-off journey applications. Other sources of information such as vehicles inspected under industry run assurance schemes and figures from the Department for Transport (which show that in Great Britain in 2004 there were 3,400 goods vehicles over 3.5 tonnes currently licensed and classified as livestock carriers) have been helpful as indicators, but further information would be welcomed.

Questions relating to vehicle inspection & approval

Q.14 Do you have any information on the number of vehicles and containers that will be affected by the requirement for inspection and approval relating to the different sectors, including those outside farming (e.g. horses, zoos and the pet trade)?

Role of Competent Authorities

4.9. Defra as the competent authority in England, is responsible under Article 18 of the Regulation for:

- granting, or designating a body, to grant certificates of approval for means of transport by road used for long journeys upon application, provided that the means of transport:
 - are not subject to an application submitted to or an approval by another competent authority in the same or another Member State;
 - have been inspected by the competent authority, or body designated by a Member State, and found to comply with the requirements of Chapters II and VI of Annex 1 applicable to the design, the construction and the maintenance of means of transport by road used for long journeys.
- issuing, by them or body designated, a certificate, each with a number unique in the Member State and in accordance with a specimen set out in the Regulation (Appendix 3);
- recording the certificates of approval in an electronic database in a manner enabling them to be rapidly identified by the competent authorities in all Member States, in particular in the event of a failure to comply with the Regulation; and
- granting derogations to the provisions of Article 18 and to the provisions of Chapter V, paragraph 1.4, point b and Chapter VI of Annex 1 for means of transport by road in respect of journeys not exceeding 12 hours in order to reach the final place of destination.

Who will carry out the inspection and approval?

4.10. There are a number of bodies that could be designated to act on behalf of Defra and the devolved administrations to develop and apply a scheme that meets the Regulation's requirements. These include those who already run assurance schemes and statutory and non-statutory bodies with experience of animal transport. As there is limited time to establish a Vehicle Approval Scheme we have been discussing with potential providers, and others, the options available and have concluded that the bodies best able to deliver a scheme and should be designated to fulfil that responsibility would be:

- any body that can demonstrate its capability and competence to deliver the

scheme through accreditation with the United Kingdom Accreditation Service (UKAS);

- the SVS in England, Wales and Scotland and DARDNI.

4.11. We believe that through these bodies we can provide the maximum time available for set up and, as UKAS accredited bodies already operate industry led vehicle approval schemes, can have some confidence that there will be bodies in place capable of delivering the scheme before the Regulation comes into force. It also provides a flexible mechanism for future bodies to join the list of delivery agents and provide an appropriate market place. In our view, requiring UKAS accreditation provides the necessary credibility to ensuring that standards will be met and maintained. By building on existing voluntary schemes, we should also be able to limit the number of inspections that transporters are subject to.

4.12. Any body that wishes to operate the scheme would need to seek accreditation to do so through UKAS. If successful, they will on application to the relevant competent authority receive designated status and will be included on a list of approved providers, including their locations and contact details, that will be attached to this scheme and will appear on the Defra website.

4.13. It is envisaged that non-public bodies with accreditation by UKAS will be the primary provider of an inspection and approval service. However, as a back up should the coverage of those bodies prove insufficient, for example in a remote area of the UK or perhaps for a speciality vehicle for a wild animal, we propose in addition to explore with the SVS whether, with suitable training and guidance, they might be able to approve a vehicle in these, hopefully rare, circumstances.

Q.15 Are you content with the proposal that vehicle inspection and approval be carried out by any body that can demonstrate its capability and competence to deliver through accreditation with the United Kingdom Accreditation Service (UKAS)?

Q.16 Do you agree that, in addition to UKAS approved non-public bodies, that it is prudent also to give a statutory body such as the State Veterinary Service, the power to approve vehicles?

What would a scheme look like?

Principles

4.14 Our intention is that the Scheme should:

- achieve a reasonable balance between effectiveness and minimising the burden on the industry;
- be non-discriminatory, and shall be administered in a non-discriminatory manner;
- be as consistent and cohesive as possible within the UK
- take advantage if possible of synergies with existing voluntary schemes bearing on the industry in order to minimise the number of inspection visits;
- be self funding, that is, applicants applying for inspection, approval and certification of their vehicles would need to bear the cost of the scheme; and
- have provider(s) with sufficient infrastructure to cover the UK.

Questions relating to vehicle approval scheme:

Q.17 Are you content with these principles outlined in paragraph 4.14 for a vehicle approval scheme? If not, what would you propose?

Requirements

4.15 It is proposed that inspections and approvals under the Scheme would need to meet the following requirements:

Rate of inspection and maximum length of validity for an approval: Five years (maximum period allowed by the Regulation). Certificates of approval shall be valid for a period of not more than 5 years from the date of issue and shall become invalid as soon as the vehicle is modified or refitted in a way that affects the welfare of the animals. Such modified or refitted vehicles will therefore require a new inspection and approval before further use.

Technical Requirements: The Regulation lays down detailed technical requirements that vehicles will have to meet to get approval under Article 18. Checklists for the use of inspectors and guidance to help in assessing compliance are being prepared as part of a proposed vehicle approval scheme. The latest drafts of these can be seen on the Defra website <http://www.defra.gov.uk/animalh/welfare/farmed/transport.htm>. Alternatively if you wish to receive an electronic or hard copy of these, please contact the Defra Welfare in Transport Team (on page 3).

Certificates of Approval: uniquely numbered certificates of approval will be issued by a designated body if the vehicle:

- is not the subject of an application or approval by another competent authority in the same or another Member State (an applicant should make a declaration to this effect); and
- has been inspected and complies with the requirements of the Regulation.

The format of the Certificate of Approval is specified by the Regulation and that to be used in the UK is at Appendix 3.

The unique numbering system to be used will follow the format of a prefix, agreed with the competent authority describing the designated body, followed by the year of issue and a consecutive number for each vehicle approved that year. For example: ACME 2006/1.

New Vehicles: Manufacturers who build vehicles to a type specification that complies with the Regulation may provide an applicant with documentary evidence to that effect, and that compliance has been checked and approved by a designated body. Providing that the vehicle has not been modified, a Certificate of Approval will be issued upon application without further inspection.

Existing Vehicles: Each vehicle in service on 5 January 2007 will require individual inspection and approval before it may be used for a long journey (unless recently built, and not subsequently modified, by a manufacturer who has provided documentary evidence of compliance as above for new vehicles).

Records: The competent authority (Defra in England) is required to keep an electronic database record of all certificates issued so that the competent authorities in other Member States can rapidly identify them. Enforcement agencies are also likely to need access to these records. Designated bodies will therefore be expected to record such

information electronically and will be required to transmit this information electronically to Defra at least on a monthly basis. The information to be recorded and transmitted to the competent authority should include as a minimum the information in the certificate including the certificate number. In addition, designated bodies shall, on request, make available to the relevant competent authority any information or records related to the application of this scheme.

Fees: Applicants will be expected to bear the on-going cost of the scheme. Bodies designated to deliver this scheme may therefore make a reasonable charge to applicants for their services.

Withdrawal of Designation: Designation as an approval body may be withdrawn where there is reason to believe that the body has failed to comply with the conditions of the system or is likely to cease trading, be disbanded or go into receivership.

Q.18. Are you content with requirements described in paragraph 4.15 for a vehicle approval scheme?

Compliance and Enforcement

4.17 Responsibility for compliance with this scheme other than UKAS certification rests with the competent authorities. Local authorities will carry out enforcement of the requirement to hold appropriate vehicle approval.

Regulatory Impact

4.18. As mentioned earlier, information on the number of vehicles affected is limited. We are also keen to address what impact the vehicle approval requirements will have on those affected both in terms of practicality, benefits and cost.

Q.19 Do you have any information on the costs and benefits associated with vehicle inspection and approval?

Details of the Scheme and Technical Requirements

4.19. Further information on the proposal for vehicle inspection and approval, including the draft Scheme and details of the technical requirements for vehicles, can be found on the Defra website at <http://www.defra.gov.uk/animalh/welfare/farmed/transport.htm>. Alternatively if you wish to receive an electronic or hard copy of this information, please contact the Defra Welfare in Transport Team (on page 3). If you would like to be kept in touch with their progress again please let us know.

Q.20 Would you like to be kept informed about the vehicle approval scheme and the guidance in preparation?

SECTION 5

DEROGATIONS AVAILABLE FOR VEHICLES ON ROAD JOURNEYS BETWEEN 8-12 HOURS

Summary

5.1. The Regulation allows Member States to apply certain derogations to road vehicles undertaking some long journeys. In particular, road vehicles undertaking journeys of a maximum of 12 hours in order to reach the final destination. This covers the majority of journeys in the UK (bar some from Scottish islands) and offers the prospect of minimising burdens relating to vehicle approval and vehicle standards arising from journeys between 8-12 hours.

5.2. The derogation provisions are contained in Article 18.4 of the Regulation, and comprise

- Article 18 (requirement for a vehicle carrying animals over 8 hours to have a certificate of approval),
- Chapter V, 1.4 (b) (pigs having continuous access to water) and
- Chapter VI of Annex I (technical standards for vehicles carrying farm animals and horses over 8 hours).

Proposed UK rationale for consideration of derogations

5.3. In considering whether the UK should grant derogations, we have had informal consultations with key stakeholders on the options available. Certain of the new rules are identical or very similar to the current rules. Other potential derogations cover rules where it is considered compliance would not be difficult for UK industry. We need to balance welfare benefits against costs and ease of compliance/enforcement. We therefore concluded that derogation requests would require justifying evidence. Based on these preliminary discussions with stakeholders and subject to the outcome of this consultation, our proposed UK approach is:

(a) We do not propose to derogate where

- journeys start or end outside of the UK
- clear welfare benefits ensue from new rules, or
- the new rules are identical or very similar to the current rules, or
- where compliance costs are insignificant, or
- it is felt by stakeholders that compliance will not be difficult

(b) We will consider derogating journeys that take place solely within the UK where

- the costs to transporters, farmers etc in implementing new requirements are disproportionate to welfare benefits, or
- the cost to those affected is disproportionate to the number and type of journeys undertaken (these may be sector specific in some areas), or
- the new requirements are difficult to enforce effectively, or
- no clear welfare benefits ensue

Proposed UK derogations

5.4. On the basis of the above criteria and following discussions with key stakeholders, we believe there is a good case to permit certain derogations as described below. We will however re-evaluate options on the basis of full consultation information received.

- **have water constantly available to pigs (*Annex I, Chapter V, 1.1.4(b) (in part)*)**

(rationale: although this is a requirement in the current welfare in transport Directive, the industry consider this to be bad for welfare because pigs do not drink in a moving vehicle but play with the drinkers resulting in water flooding the vehicles. Our veterinary advisers agree. What we will require is that water can be made available to pigs when necessary.)

- **have insulated roofs in existing vehicles (*Annex I, Chapter VI, 1.1.1 (in part)*)** (rationale: there is no technical specification for the insulation, therefore enforcement will be difficult; also this is not considered a major welfare benefit for the cost of installation)
- **maintain vehicle temperatures at 0°C or more (*Annex I, Chapter VI, 3.1 (in part)*)** (this affects particularly journeys starting in Scotland – the rationale is that sheep are not housed indoors and are therefore accustomed to sub zero temperatures). However welfare groups have made the point, and we agree, that young animals (who are more likely to be housed) need protection and should not be included in any derogation. There are already provisions preventing the movement of young animals (unless accompanied by their mother) on long journeys (horses – unbroken horses or “unregistered” equidae who are 4 months or younger; calves – 14 days or younger; pigs – 10kg or lighter). However there are no provisions for sheep and goats and we propose that lambs and kids under 7 days old (the 7 days is still under consideration, so views on this would be welcome) should not be moved under this derogation (unless accompanied by their mother).
- **install ventilation, temperature monitoring, and warning systems (*Annex I, Chapter VI, 3 (the remainder of this section)*)** (rationale: expensive, specification lacks practical precision, limited welfare benefits in UK climate)
- **install satellite navigation systems (*Annex I, Chapter VI, 4*)** (rationale: expensive, the rules are unclear, and the EU are considering a more detailed future specification anyway)

5.5. There is also an option to grant derogations on a temporary basis. However given the reasoning for the derogations proposed above, we consider that if the suggested derogations are adopted they should remain at least until after the EU Regulation is reviewed in 2011. In terms of what we would put in the legislation, we would grant the derogations permanently, and review their continuing need in due course. This would probably best be addressed as part of the work to be done during the EU review of the new legislation, or as and when new legislative requirements are brought forward e.g. on satellite navigation systems.

5.6. Not taking advantage of the derogations would cost industry approximately £22m in conversion costs. Taking up derogations spares the majority of transporters who do not transport animals on export journeys of over 12 hours from these additional costs.

Questions relating to proposed derogations:

Q.21 Do you agree with the rationale for granting derogations (paragraphs 5.3 and 5.5)?

Q.22 Do you agree with the derogations proposed (paragraph 5.4)? If not, what evidence can you supply to refute the rationale?

Q.23 Do you agree with the costs assessment and consequent reduction if these derogations are granted (paragraph 5.6)? Further detail is given in the Regulatory Impact Assessment at Appendix 6.

Option to derogate from the certificate of approval for vehicles

5.7. Section 4 of this paper outlines the proposed arrangement for approval of vehicles and the standards they will have to meet. However, Article 18 allows a derogation from approval in the case of road journeys between 8-12 hours. The compliance costs for this element of the regulation is not yet known because an inspection and certification body or bodies has not yet been appointed. However, the activity is likely to be chargeable, once every 5 years, to the farmer/haulier etc owning the vehicle. Costs of compliance generally could also be dependent on whether vehicles need to be adapted or upgraded in order to obtain approval.

Questions relating to the need for an approval scheme for vehicles used solely in the UK for journeys between 8-12 hours

Q.24 Do you support the principle that all vehicles used to transport animals over 8 hours should be inspected and approved? Note that the burden of inspection costs will fall to the transporter – this will not be a free service from Defra or its agencies.

Q.25 Do you think there is a case for derogating from this requirement for UK journeys between 8-12 hours? And if so, why?

Q.26 Are there particular industry sectors affected that should be granted a derogation as opposed to others? By way of example, should poultry vehicles be exempted from approval given that the containers in which birds are transported affect their welfare more than the vehicle? What about other birds, horses/ponies, cats and dogs, zoo/performing animals. If so, which ones and why?

Q.27 Do you think derogations (or the current requirements) will pose any difficulties in terms of enforcement?

Q.28 What welfare benefits will ensue from approval?

Other derogations available from vehicle standards

5.8. Apart from the derogations outlined in paragraph 5.4 that we are minded to grant, the EU Regulation also allows other derogations from the vehicle requirements, which are contained in Annex 1, Chapter VI of the Regulation. These derogations are also limited to road vehicles undertaking journeys not exceeding 12 hours in order to reach the final place of destination. For ease of reference these remaining requirements are summarised in the table on page 24.

Questions relating to additional vehicle standard derogations available

Q.29 Do you support or oppose any further derogations available (outlined in the table in Section 5.8)? If so, what evidence can you supply to support your argument?

In line with setting an evidence and science base policy we welcome factual input that either supports or challenges the available derogation. In order to finalise our Regulatory Impact Assessment, we need to know likely compliance costs for these new requirements and the size of industry affected. The Regulatory Impact Assessment process is destined to measure costs, benefits, environmental impact and social consequences (and these will include animal welfare benefits). Any information you can supply in support of this would be appreciated.

**OTHER DEROGATIONS AVAILABLE - TECHNICAL REQUIREMENTS FOR VEHICLES
(Annex 1, Chapter VI)**

Requirement		Comparison to Directive 91/628	Defra comments on the rationale
Roof	Para		
- light coloured	1.1	New requirement	The welfare benefit is that in hot weather the vehicle stays cooler. Vehicle roofs have many colours. Should the default requirement be white/reflective otherwise enforcement will be ambiguous? Or could "light coloured" be down to judgement of enforcement officer? Are costs of compliance minimal?
Bedding			
- guarantees comfort appropriate to species/numbers of animals, journey time, weather - ensures adequate absorption of urine/faeces	1.2	No change to current requirement	Need to keep animals clean and comfortable, essential to guarantee welfare, particularly of young animals Bedding is currently required. No additional compliance costs as bedding is already a requirement
Feed			
- must carry enough feed for the journey - must be protected from weather and contamination (vehicle and animal)	1.3	No change to current requirement	Feed needs to be carried to ensure feeding intervals are maintained. No additional costs as feed is already a requirement. Only unweaned farm animals/horses and unregistered horses need feeding before 12 hours has elapsed. Feed needs to be of good quality otherwise animals may not eat it. No additional compliance costs as protection of feed is already a requirement.
Feed Equipment			
- on board - must not be able to be overturned - when not in use stored separately from the animals	1.4	No change to current requirement	Feed needs to be available when required. No added costs as feed will already be carried where necessary. Feed needs to be accessible to animals. No added costs as feed containers will already be secured where necessary. Feed must be appropriately stored so as not to injure the animals. No additional compliance costs as feed is already stored appropriately (e.g. vehicle belly or separate pen)
Water			
- vehicle equipped so water can be instantly provided when necessary	2.1	Similar to "equipped for connection"	Sensible enforcement will be needed. Water should be accessible in order to meet animals' needs, which does not necessarily mean "on tap". Transporter needs to demonstrate that they can provide water to animals when needed. Defra to clarify in guidance that water needs to be provided as necessary for the comfort of the animals.
- each animal must have access	2.1	New requirement	All animals need access to water
- equipment in good working order	2.2	New requirement except for pigs (drinkers maintained in good working order (pigs))	All animals need access to water
- suitably designed and placed for use on board	2.2	New requirement	All animals need access to water. Sensible enforcement will be needed for feeding unweaned animals (e.g. liquid feed).

- tank capacity 1.5% of payload	2.3	New requirement	Is the quantity that the tank carries the important issue? Should water only be carried or supplied that is needed for the animals depending on the species/journey? Is this necessary or practical? What matters is that animals can access water to meet their needs. Could this be accessed elsewhere on the journey? What tank capacity of payload do current vehicles have?
- tank easily drained and cleaned after each journey	2.3	New requirement except for pigs	Animals need access to clean water.
- fitted with a system so that water level easily checked	2.3	New requirement except for pigs	Attendants need to be able to check water levels, but is a “system” needed?
- connected to drinking devices	2.3	New requirement except for pigs	
- maintained in good working order	2.3	Not specified but implicit	
Ventilation			
- Maintain internal vehicle temperature to 0° – 35°C	3.1	No change to current requirement	Temperature requirements will be discussed at EU level. UK reasonably temperate. Maintain advice about transporting shorn sheep in winter. Propose derogation for lower temperature end but not upper end.
Partitions			
- Horses/ponies to be transported in individual stalls (excl mares/foals)	1.6	New requirement	
- must be fitted so that separate compartments may be created	1.7	No change to current requirement	No compliance costs as this is currently required. Welfare benefits to ensuring compartments meet animals needs (or small vehicle which will not need compartments)
- must not prevent free access to water for all animals	1.7	New requirement	This may not be relevant to all vehicles, and water will not always be required – this will depend on species and age of animals. Propose to clarify in guidance.
- must be adjustable to meet animals needs	1.8	No change to current requirement	Propose to clarify in guidance.
Young animals¹⁰ /unbroken horses			
- horses – unbroken horses shall not be transported	1.1.9	New requirement	Unbroken horses are unused to transport and long journeys are detrimental to their welfare.
- horses (excl registered ¹¹) – more than 4 months	1.1.9	New requirement	Young animals should not undertake long journeys as it is detrimental to welfare
- calves – more than 14 days - pigs – heavier than 10 kg	1.1.9	New requirement	Young animals should not undertake long journeys, as it is detrimental to welfare.

¹⁰ Age restrictions do not apply if young are accompanied by their mother

¹¹ “Registered” does not mean a horse with a passport. It means “registered” under vet checks legislation (Directive 90/426)

SECTION 6

TRAVEL DOCUMENTATION & SEA TRANSPORT

Animal Transport Certificates (ATCs)

6.1. ATCs (or equivalent documentation) will continue to be required for journeys where Journey Logs (see paragraph 6.6) are not required (**Article 4**). They apply to journeys of any length connected with an economic activity. There are two exceptions. The first exception is where farmers use their own vehicles to carry their own animals on journeys of up to 50km from their holdings. The other exception is where farmers have to carry out seasonal movements of animals because of geographical circumstances (seasonal transhumance).

6.2. The main purpose of ATCs is to allow inspectors to verify journey details including journey time limits where these apply. The information currently required is:

- Origin and ownership of the animals
- Place of departure and destination
- Date and time of departure

6.3. The new Regulation requires one extra piece of information to be kept, that of the expected length of the journey. This will further help transporters and Inspectors ensure that journeys are within the maximum journey times for the animals and that the appropriate standard of vehicle is being used.

6.4. The records are currently kept solely by the transporter and must be retained for 6 months. There is no time limit in the new Regulation, but for enforcement purposes it is proposed to carry this retention period forward from WATO.

6.5. There is no prescribed format in which information required on an ATC is kept. Defra currently has a form (ERA 21) that transporters may use and this will be amended to add the new requirements. But transporters may use any other documents containing the required information, such as delivery notes or Animal Movements Licences (AMLs). Defra are looking at amending the latter to add the new journey duration requirement.

Questions relating to Animal Transport Certificates

Q.30 Do you agree the retention period for ATCs should remain and unchanged? If not, what would you suggest and why?

Q.31 Do you agree that Animal Movement Licences should be amended to include journey duration?

Journey Logs – Transporting Animals outside the UK

6.6. These will replace Route Plans from 5 January 2007 and include new provisions that will aid compliance checking. A Journey Log is required for journeys of unregistered horses¹² and livestock on long journeys (over 8 hours) between member states and third countries. It will not be required for journeys solely within the UK.

6.7. The Journey Log is in 5 parts:

¹²“Registered horses” mean horses which are registered in studbooks or with international organisations managing competitions (as defined in Directives 90/426/EEC and 90/427/EEC) – this does **not** mean having a horse passport

- **Planning:** The information required here is the equivalent of page 1 of the Route Plan but in a different format. This is where the transporter or organiser of the journey sets out the planned route. There are new requirements in that the estimated weight of the consignment and the space provided must be added, along with the expected duration of the journey.
- **Place of Departure:** This is a new section where the keeper of the animals (e.g. farmer or assembly centre operator) confirms when the animals were loaded, how many, whether they are fit and the vehicle registration. There is also provision for an Inspector to report on fitness to transport, vehicle compliance and transport practices. Although not required by the Regulation, in order to assist enforcement in the UK, it is proposed to add to this section of the Journey Log the requirement for the keeper to check and confirm the vehicle has a valid authorisation and vehicle approval and (from 5 January 2008) that the drivers/attendants have valid certificates of competence and that loading may not begin if there is non-compliance. The requirement to check authorisations and competence certification only appears in Section 3 of the Journey Log (i.e. at the place of destination). However we consider it is more sensible to prevent problems at the outset of the journey, rather than at the destination as is currently provided for in the EU Journey Log.
- **Place of Destination:** This is a new section. The keeper at the place of destination (or official veterinarian if carrying out a check) must confirm compliance and report on the number of animals received, and how many were fit, unfit and dead.
- **Declaration by Transporter:** This is the equivalent to the back page of the current Route Plan, although in a different format, and records the actual journey as opposed to the planned journey, commenting on any differences in the proposed itinerary. A new feature is the requirement to state the number and reason for any injuries and deaths during the journey.
- **Anomaly Report:** Anyone finding any non-compliance at any stage during the journey is required to fill this out and send it to the competent authority with a copy of the planning section.

6.8. A new requirement is that the Journey Log must be kept by the keeper at the place of destination for three years from the date of arrival of the animals and be made available to the competent authority on request. The transporter must retain a copy for three years (6 months at present) and a copy (not the original as at present) must be returned to the issuing office within a month of the journey. This is more than the 15-day requirement in current UK rules. It is proposed to add this requirement to the Journey Log along with the address of the issuing office and a place for the issuing office to stamp sign and date the document to show the plan has been checked before the journey.

Questions relating to Journey Logs

Q.32 Do you agree with the proposal to require the keeper checks the transporters documentation at the place of departure? If not, why not – and what would you propose instead?

Q.33 Do you think the proposal relating to adding information on records retention & office checks is helpful? If not, why not and what would you add?

Processing Journey Log applications

6.9. Transporters (using a company stamp) must complete Section 1 of the journey log, give each log a unique number and stamp & sign every page. The template form and instructions for a UK Journey Log will be available in due course on the Defra website or in hard copy. Once completed by the transporter it should be passed for checking to the Animal Health Divisional Office (AHDO) in the area in which the journey will start, as is the case with current Route Plans. The (original) log must be submitted with the corresponding application for health certification at least 2 working days before departure. However, we will continue to expect applications to be submitted 10 days before the intended journey (as is currently required for Route Plans) to allow reasonable time for processing, necessary checks, resolving any problems, and for sending the Journey Log to Local Veterinary Inspectors. Logs will be processed if submitted later but may not be issued in time if the necessary checks cannot be made in time – in which case the export will be delayed.

6.10. On receipt the AHDO will check that there are valid vehicle approval and competence certificates and that the transporter is authorised. If the route is a new one the log will be copied to a central point to check the proposed journey is realistic and in compliance with the Regulation. Once all this has been verified, the Journey Log will be stamped, signed and dated and sent to the Local Veterinary Inspector for the pre-export checks to be made. The Journey Logs will be valid for 10 days from the date the Log was stamped. If the journey is delayed beyond this, a new Journey Log should be submitted. This is the same procedure as currently applied for Route Plans.

Data use

6.11. As is the case with route plans, information from the journey logs will be passed to appropriate enforcement officers to enable them to carry out random or targeted compliance checks and may be made available to enforcement agencies or others to aid any investigations or prosecutions. Information will also be used to produce non-attributable statistics.

Questions relating to processing Journey Logs

Q.34 Do you agree that as far as practicable the current route plan procedure should be retained following the introduction of Journey Logs? In particular, the 10 day notification period? If not, why not & what would you propose?

Sea Transport

6.12. The Regulation lays down various standards and requirements for sea transport of animals.

6.13 Livestock vessels are defined as “a vessel which is used or intended to be used for the carriage of domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species – other than a roll-on roll-off vessel, and other than a vessel carrying animals in moveable containers.” (Article 2.1).

Livestock vessels will require prior inspection and approval (valid for up to 5 years) by the Competent Authority (Article 19) for any voyage from a Community port which exceeds 10 nautical miles and where domestic Equidae and/or domestic animals of bovine, ovine, caprine or porcine species are to be carried (Article 7.2). In England, because of the small number of vessels that may require approval, we propose that inspection and approval be carried out by the State Veterinary Service in England

6.14 All ‘Means of Transport’, including livestock vessels, will have to comply with the general provisions, as applicable, in Annex I Chapters II and III and livestock vessels will

have to meet the additional provisions in Annex I Chapter IV. Those livestock vessels for use on long journeys (voyages) will have to comply with the additional provisions in Annex I Chapter VI.

6.15 Livestock vessels will also be inspected by the Competent Authority before any loading of (any) animals. (Article 20.1).

6.16 Defra are preparing guidance on sea transport standards for the construction and use of livestock vessels and for other types of vessels and sea containers used to transport animals in order to assist with uniform and practical application of the Regulation. Latest drafts will be placed on the Defra website <http://www.defra.gov.uk/animalh/welfare/farmed/transport.htm>.

SECTION 7

TRAINING AND COMPETENCE CERTIFICATION OF DRIVERS OF LIVESTOCK VEHICLES AND ATTENDANTS

Introduction

7.1. From 5 January 2008 all transporters and attendants using road vehicles for transporting farm animals, poultry and horses in connection with an economic activity, for journeys over 65km, must have received appropriate training and must hold a certificate of competence (**Article 6**).

Current position

7.2. Training currently exists which leads up to standards equivalent to qualifications accredited into the National Qualifications Framework (NQF) at levels 2 and 3 and is provided satisfactorily by industry, agricultural colleges and commercial providers. Government should not therefore change these arrangements, which if needed can be modified by providers to ensure coverage of any additional competencies required under the new EU rules. There is however, no mandatory scheme for certification of competence although existing certification schemes provide this on a voluntary basis as set out in WATO. These apply to transport of cattle, sheep, goats, pigs and horses (but not poultry) on journeys over 8 hours.

Current standards in livestock transport workforce

7.3. Transporters currently holding Specific Authorisations for cattle, sheep, goats, pigs and horses will hold either:

(i) certificates of competence issued by their employers or issued by themselves if self employed;

(ii) certificates issued by independent bodies approved by Ministers such as the National Proficiency Test Council Part of the City and Guilds Group (NPTC) or Road Haulage Association (RHA);

(ii) qualifications approved by Ministers, currently the NPTC Level 2 Certificate of Competence in the Transport of Animals by Road, accredited by the UK regulator the Qualifications and Curriculum Authority (QCA). The Defra guidance on WATO describes the qualifications as they were at the time of publication as:

(a) S/NVQ Level 2 in Transporting Goods by Road (livestock haulage) Units 5,6 and 7

(b) S/NVQ level 3 in Racehorse Care and Management (maintain health and well being of horses during transport) Unit 3.04;

(c) S/NVQ Level 3 in Horse Care and Management (maintain health and well being of horses during transport) Unit 3.04.

Transporters of poultry are not currently required to formally demonstrate competence by qualification or certification.

Who will be affected?

7.4. Any driver/attendant transporting farm animals by road on journeys over 65km in connection with an economic activity. Despite discussions with industry sectors it has been difficult to obtain a clear figure for the number of drivers and attendants who will require certification. If we include those newly brought into certification requirements (farmers and transporters of farm animals and horses involved in journeys of between 65km and 8 hours and poultry transporters) we could be needing to ensure certification of up to 83,000 individuals.

7.5. Transport of poultry is for the first time brought within the requirement for competence certification but those catching and putting birds into the transport crates are not required to hold certificates. The Regulation does permit member states to apply additional rules which improve welfare so catchers, therefore, could possibly be brought within the scope of certification. However this is not the focus of this consultation. For the time being we propose to address the issue of competent catching through guidance. It will in any case be an offence to use violence or do anything likely to cause unnecessary suffering and transporters should have undergone some training. Transporters are also obliged to entrust the handing of animals to personnel who have received training on the relevant provisions of Annexes I & II under Articles 3(3) & 6(4).

What is required from 5 January 2008?

7.6. Compulsory independent transporter/attendant competence certification is a new requirement replacing certification by the employer of the driver/attendant. Poultry transport is also now covered for the first time.

7.7. A certificate of competence in the format shown in Appendix 5 to this document must be issued by the competent authority or a body designated by the Member State. The certificate must be submitted with applications for transporter authorisation for long journeys. We must therefore develop and introduce a scheme that is self funding (i.e. by applicants applying for certification or by their employers bearing the costs).

Detailed requirements

7.8. Elements of competence required are set out in the Regulation (**Annex IV**). However to clarify these, draft frameworks of competences have been prepared and agreed in initial discussions with key stakeholders. Those for cattle, sheep, goats, pigs and horses can be seen in Appendix 4a and for poultry in Appendix 4b.

7.9. Standards for accreditation of awarding bodies must be set to ensure that awards are to a common standard. It is therefore proposed that as Defra does not have the required expertise in this area, once basic criteria have been agreed, accreditation of the awarding body and regulation by recognised organisations expert in this field would be required. These would be the United Kingdom Accreditation Service (UKAS), the Qualifications & Curriculum Authority (QCA) in England and Qualifications, Curriculum and Assessment Authority for Wales (ACCAC) in Wales. The Council for the Curriculum, Examinations and Assessment (CCEA) and Qualifications and Curriculum Authority, Northern Ireland (QCA NI) have similar roles in Northern Ireland but generally work in conjunction with QCA. In Scotland the Scottish Qualifications Authority (SQA) regulates awarding bodies.

7.10. Checks of validity of certificates by the State Veterinary Service in their role as issuers of authorisations and by enforcers such as Local Authorities must be facilitated by adequate record keeping by the awarding bodies. A central electronic database of all

certificates issued has been considered but to require awarding bodies to set this up would be additional to the Regulation's requirements and setting up or incorporating into Defra's AMES database would be costly to Government. Requiring awarding bodies to respond to requests for information from authorities within agreed time limits should be a workable alternative.

How can we ensure credible certification without undue burdens?

7.11. This is clearly an enormous task and we must apply requirements with proportionality and regard to risk. We propose to apply a two-tier system of certification:

- (i) Those involved in long journeys could be assessed to the highest level, including practical assessment of their driving and animal handling skills;
- (ii) Those involved in shorter journeys could be assessed by means of a theory test.

7.12. Defra would not want to be the issuing body for certification, but would publish required standards in terms of scope, required competencies to be demonstrated, independence, accountability and audit requirements for issuing bodies to adhere to. Defra would then invite submission of schemes / prospectuses from potential issuing bodies.

1. These standards would be expected to be accredited by the recognised expert bodies in this field as described in para 7.9 above.
2. If considered to be robust and meeting the required standard, Defra would nominate as issuing bodies:
 - (i) organisations holding the necessary accreditation described above. These bodies could include independent assessors currently referred to in the Defra guidance on the Welfare of Animals (Transport) Order 1997, new providers, specific species/sector representative bodies or industry quality assurance schemes.
 - (ii) examining bodies for new or existing qualifications accredited into the National Qualifications Framework (NQF) at levels 2 and 3.

Consultation response

Questions relating to certification of competence

Q.35 Do you agree that satisfactory certification of the competence of transporters and attendants is best achieved by offering both the above options? If not, what would you prefer to see in place?

SECTION 8

CONSEQUENTIAL AMENDMENTS, INCLUDING REVOCATION AND RETENTION OF NATIONAL WELFARE RULES

Summary

8.1. This section outlines:

- (a) the consequential amendments required to other domestic legislation, for example, those required to implement Articles 34 & 35 of the EU Regulation, and
- (b) our proposals to retain those parts of WATO where the Regulation does not apply (e.g. the transport of non-vertebrates, journeys by farmers in respect of transhumance or less than 50km)
- (c) our proposals to retain or revoke other pieces of welfare legislation

A. CONSEQUENTIAL AMENDMENTS

Article 34

8.2. The Regulation introduces an amendment to the intra-Community trade directive (64/432) (Articles 11 and 12) and therefore applies to “export journeys” over 65km. As a result these new requirements will only affect exporters. In England this Directive is implemented by the Animals and Animal Products (Import and Export) (England) Regulations 2005 (SI No 2002). Similar legislation implements the Directive in Scotland, Wales and Northern Ireland.

8.3. As a result of the new requirements, consequential amendments will be required to these Regulations, for example Article 7 and Schedule 3 Part II:-

- a) References to the previous welfare Directive (91/628) and WATO 1997 will need to be updated to refer to the new Regulation and new WATO 2006 (for example Article 7)
- b) Documentation that is required under Article 12 is being updated to reflect the new documentary requirements (e.g. expected duration of journey) (see Section 6 of this paper)
- c) Transporters will need to ensure that vehicles must be leak proof, and cleansed and disinfected after each transport, and have facilities to store litter and dung

Article 35

8.4. The Regulation introduces an amendment to the welfare at slaughter Directive (93/119) (Annex A, Part II, paragraph 3). In GB this Directive was implemented by the Welfare of Animals (Slaughter or Killing) Regulations 1995 (SI No 731), as amended. An amendment will be required to Schedule 3, Part III, para 11 to require that

- a) the use of electric goads is now restricted to one second (formerly 2 seconds)
- b) that goads may not be used repeatedly if an animal fails to respond

8.5 It should be noted that as these are both sets of Regulations, the amendments will need to be made separately. This is because legally we cannot amend Regulations via an Order (i.e. WATO 2006).

Amendment of the Cleansing and Disinfection (England) No 3 Order

8.6 Article 4 of this Order, and consequential references in the Schedules, implement the cleansing and disinfection provisions in Directive 91/628. The requirements have changed and these provisions are now directly applicable under the new Regulation. The provisions are consequently obsolete and will be removed.

B REVOCATION AND RETENTION OF NATIONAL WELFARE RULES

8.7. The Regulation is intended to be a comprehensive set of rules to ensure high welfare standards are kept all the way from the farm/through markets/to the slaughterhouse. But certain aspects fall outside the scope of the Regulation (e.g. very short journeys, movements of pets and non vertebrates).

8.8 A number of separate GB Statutory Instruments currently in place overlap areas covered by the new Regulation, and some could usefully supplement the Regulation. Provisions in these Statutory Instruments that mirror provisions in the Regulation will have to be revoked. We are in the process of deciding what parts to retain, revoke or carry across to what will be the new Welfare of Animals (Transport) Order 2006 (WATO 2006). They are:

- The Welfare of Animals (Transport Order) 1997 (SI No. 1480)
- The Welfare of Animals (Staging Points) Order 1998 (WASPO) (SI No. 2537);
- The Transit of Animals (Road and Rail) Order 1975 (TARRO) (the remnant pieces that have not already been revoked) (SI No. 1024);
- The Export of Animals (Protection) Order 1981(EAPPO) (the remnant pieces that have not already been revoked) (SI No. 1051);
- The Welfare Of Animals (Transport)(Electronic Route Plans Pilot Schemes) (England) Order 2000 (ERPPS) (SI No. 646);

8.9. Although the new Regulation contains requirements for market and assembly centre operators to use trained staff, no other amendment of the Welfare of Animals at Markets Order 1990 (WAMO) is being considered in this consultation. These requirements will be covered by WATO 2006. We will review WAMO at a later date as part of the work envisaged in preparing the Government response to the Farm Animal Welfare Council (FAWC) report published in June 2005 on the welfare of animals at gatherings. FAWC's report can be viewed here: <http://www.fawc.org.uk/pdf/markets-report0505.pdf>

8.10. A description of each Statutory Instrument considered in this consultation and the case for retention or revocation is given below.

WELFARE OF ANIMALS (TRANSPORT) ORDER 1997, as amended (WATO)

8.11 WATO was introduced to implement the EU Directive on welfare of animals (91/628 as amended). As the new Regulation is directly applicable and replaces WATO we propose to revoke WATO as amended. However, we intend saving the provisions relating to the protection of animals that are currently excluded from the scope of the EU Regulation (e.g. non economic journeys (such as pets and single animals), journeys under 50km undertaken by farmers). For example, Article 4 (general provisions on the protection of animals in transport) and Article 6 (Fitness of animals to travel); as well as technical detail that does conflict with the EU Regulation (such as the prohibitions on handling birds in Schedule 3).

WELFARE OF ANIMALS (STAGING POINTS) ORDER 1998 (WASPO)

8.12. Staging points are primarily used for intra-community trade to rest animals for 24 hours following completion of their maximum permitted journey times. Council Regulation

1255/97/EC on criteria for approving staging points is directly applicable in Member States but the Welfare of Animals (Staging Points) Order 1998 put in place the administrative arrangements by which staging points are approved (by the SVS), are enforced, and set penalties for contravention of rules. Provisions for staging points, now renamed control posts, are contained in the new Regulation. We propose that WASPO provisions are remade in the new WATO 2006. Enforcement and penalty arrangements will be identical. The new Order would also contain changes we planned to make to take account of changes made by Council Regulation 1040/03 (which amended Council Regulation 1255/97/EC). We consulted on these proposals in August 2004 but decided to postpone their introduction until WATO was amended. The proposals agreed then and therefore not part of this consultation were: a facility for an operator to have any appeal against refusal to grant approval or it's suspension or revocation heard by an independent person; clarification that the operator of a staging point as well as the premises require approval; improved scope for powers to issue notices to protect the health and welfare of animals at the staging point.

TRANSIT OF ANIMALS (ROAD AND RAIL) ORDER 1975 (TARRO)

8.13. This piece of domestic legislation has no EU basis and only applies to farm animals and horses being transported by road or rail within GB. Much has been revoked already. What provisions still remain in force are listed below.

Article 3 – requires the use a vehicle or receptacle complying with specified standards;

article 4(3) (5) (6) (7) (7A) - loading ramps and ramp sides; article 5 - internal ramps;

article 6 (6) - partition heights; article 8 (1) (2) (3) (4) - maximum pen lengths.

Article 18 – provides exemptions for crofting counties.

Article 20 - sets offences; Article 21 – designates local authorities as enforcement bodies.

Schedule 1 – sets additional detailed requirements:

part I - paras. 2(2), 2(3), 5, 6 – for vehicles; part II – for rail wagons; part III – for receptacles.

8.14. Parts of TARRO are useful where detail is not adequately covered by the new Regulation, but TARRO does conflict with the Regulation on ramp angles, and where this is the case these provisions must be revoked. The provisions on ramp sides are useful but although the minimum height specified is suitable for cattle, it is considered unnecessarily high for sheep. Pen length maxima are also sensible and suited construction methods at the time, but there has always been confusion about that for cattle, and modern vehicle construction methods impose different constraints for fixing partitions. For simplicity, it is therefore proposed that TARRO is revoked. Any useful details (where not fully covered by provisions in WATO 2006 or the Regulation) will be put into guidance for the benefit of transporters, vehicle builders & enforcement officers.

EXPORT OF ANIMALS (PROTECTION) ORDER 1981 (EAPPO)

8.15. This Order implemented EC welfare in transport legislation predating the current Directive 91/628/EEC. WATO did not repeal EAPPO, except in respect of exports to other EU countries. EAPPO requires animals journeying to third countries to be rested for 10 hours prior to the journey and requires the animals to be accompanied by an export licence. It also appears to cover all journeys - including those not relating to an "economic activity". However these rest and licensing provisions are not now actively enforced. While EAPPO was disapplied in WATO in respect of EU trade, it was also disapplied administratively (i.e. by practice rather than by legislation) in respect to third countries shortly afterwards. The new EU Regulation will require 48 hour rest, journey logs, and checks on animals journeying to third countries. The protection is therefore much greater for farmed animals.

THE WELFARE OF ANIMALS (TRANSPORT)(ELECTRONIC ROUTE PLANS PILOT

SCHEMES) (ENGLAND) ORDER 2000 (ERPPS)

8.14. This Order was introduced in 2000 to trial the electronic submission of Route Plans and was interlinked with the trial electronic submission of Export Health Certificates using the CENTAUR system. The system was successfully trialled with horse and breeding pig exporters but following Foot & Mouth Disease, the trial was not rolled out further i.e. to sheep transporters because CENTAUR was replaced by TRACES for intra-community trade. TRACES also contained a Route Plan and it was the intention to activate this as an integral part of the export health certification process when a suitable journey planner can be introduced to automate the system. However the introduction of Journey Logs to replace Route Plans under the new Regulation renders the Electronic Route Plan obsolete so there is no longer a need for this Order.

Questions relating to the revocation & retention of national rules:

Q.36 Are you content with what we propose in terms of consolidation and revocation?

Q. 37. Do you agree that we should retain parts of WATO that are relevant to journeys not covered by the EU Regulation?

SECTION 9

ENFORCEMENT, OFFENCES, PENALTIES AND APPEALS

ENFORCEMENT

Who carries out enforcement and will this change?

9.1. Primary responsibility rests with Local Authorities (LAs). They carry out welfare checks on animals and means of transport from farm to fork (e.g. farms, hauliers' premises, at markets, on roadside checks, at abattoirs) and take appropriate enforcement activity up to and including prosecution. These inspections also include documentary checks and are often carried out alongside compliance checks carried for other animal health and welfare legislation.

9.2. The State Veterinary Service (SVS) also carries out enforcement work at a variety of places such as, markets, ports, roadside checks and supervised loadings of export consignments. The SVS enforces compliance with export journey times of livestock and unregistered horses through checking Route Plans before and after journeys and taking appropriate follow up action. Unlike LAs, the SVS do not generally prosecute offenders but report serious non-compliance to LAs for consideration for prosecution.

9.3. There are no plans at present to change who carries out this enforcement work. However, the Animal Health & Welfare Delivery Landscape Review is currently taking place. This review is looking at the roles, responsibilities and relationships in regulatory and enforcement activities for animal health and welfare in England undertaken by Local Authorities, the Meat Hygiene Service, the Rural Payments Agency and the State Veterinary Service, and is due to report to Ministers in the summer of 2006.

Will new areas need enforcing?

9.4. Regulation 1/2005 like its predecessor Directive (WATO implements the Directive in GB) has common objectives that have not changed – animals must not be caused any unnecessary suffering, animals must be fit for their intended journey, vehicles must be suitable, the same journey time limits and space allowances plus Route Plans/Journey Logs. Given this the types of compliance checking will be much the same.

Will this require more input from inspectors/enforcers?

9.5. The extension of authorisation requirements to journeys under 8 hours, particularly to non farmed species (e.g. dogs, reptiles, etc) will increase the number of inspections slightly, and there are the extra documentary checks to be carried out (vehicle approval for long journeys, authorisations, and competence certificates from 2008). However the introduction of compulsory competence training and, for long journeys, vehicle approval, should offset this by reducing the time spent on inspections, and time taken on enforcement action. There should therefore be a neutral impact on the time taken by Inspectors in enforcing the new Regulation.

9.6. There are no plans to increase the time spent on enforcement. To do so would take resources away from other areas of animal health and welfare. However better use can be made of the time by, for example targeting enforcement by risk assessment.

9.7. A working party consisting of UK Agriculture Departments, the SVS and Local Authorities is being set up to establish an enforcement programme to usher in the new

Regulation and enforce it in the longer term. Consideration will be given to such risk assessment areas as:

- targeting areas subject to new rules (e.g. the transport of unbroken horses)
- targeting specific areas of non compliance
- a proportionate light touch approach to non-compliances in the early months of next year where suffering to animals is not involved.

9.8. Detailed guidance on the operation of the new Regulation will be prepared for transporters and inspectors alike. We are also hoping to ensure appropriate publicity and information is available at suitable opportunities over the coming months (see Section 10). We recognise that however much effort is put into publicity there will be those who either do not understand or are still unaware of the new requirements, particularly with the introduction of mandatory transporter authorisations for all journeys over 65km, the extension of authorisations to non farmed species, plus vehicle approval and competence requirements. There may also be delays in the issue of authorisations, vehicle approvals and competence training certificates which transporters would not be responsible for. Enforcement must be sensible, consistent and proportionate.

Monitoring compliance checks and enforcement activity and use of data

9.9. Compliance checks, non-compliances found and enforcement action taken will continue to be recorded on the Animal Health and Welfare Management and Enforcement System (AMES) database as at present. The information will be used to target monitor areas of non compliance, make reports to Parliament and the EU Commission and will be used in consideration of whether to grant, revoke, suspend or put conditions on Authorisations in cases of serious infringements. Information may be made available to enforcement authorities to assist investigations or prosecutions.

Questions on Enforcement:

Q.38 Do you agree with the way forward outlined for enforcement? If not what additional measures would you like to see and why?

OFFENCES and PENALTIES

9.10. Penalties in the new WATO will remain the same as in WATO 1997 i.e. Level 5 (i.e. a fine of up to £5,000 and/or 6 months imprisonment on summary conviction).

9.11 The new WATO will also contain offences equivalent to those in WATO 1997 and WASPO 1998, updated to take account of the new requirements of the Regulation (e.g. authorisation, vehicle approval, competence certification).

POWERS OF ENTRY, POWERS OF INSPECTORS

9.12 Similar enforcement provisions will be provided in the new WATO as exists in the current WATO 1997 (e.g. Articles 17-21) and WASPO 1998.

APPEALS

9.13. We propose to provide an appeals mechanism for refusal, suspension or revocation of transporter authorisations and Control Post approvals, but not for refusal of vehicle approvals. A vehicle will either meet the required technical standard or not. A system is currently in place under WATO 1997 for transporter authorisations and we propose to extend this to Control Posts as well.

9.14 The current transporter appeal system relies on an independent person, gathering evidence with the help of Defra and presenting an opinion to the Secretary of State for her decision. However this has heavy resource implications and the complex procedure is lengthy.

9.15. We are, therefore, considering a simpler and more rapid system where an appointed person would deal with the appeal. For example, someone internal within the SVS for authorisations and for control posts to a higher authority in the SVS or, depending on the circumstances, an external person such as a barrister.

Questions relating to appeals

Q. 39 Are there any issues of concern should a system based on the above be introduced? If so please specify.

Q. 40 Do you agree that no appeal mechanism is required for vehicle approval?

SECTION 10

GUIDANCE AND PUBLICITY ARRANGEMENTS

10.1. This section discusses how best to publicise the implementation of the Regulation and the type of guidance to be made available.

10.2. In implementing previous welfare in transport legislation we produced "Guidance to WATO" document that was both widely used and well received. In the light of this, we are now considering the format of the new guidance.

10.3. Informal feedback from stakeholders so far indicates that guidance needs to be:

- Sector specific where possible
- Accessible via a range of routes

We therefore propose a short, simple leaflet aimed at farmers and hauliers moving vehicles that will be readily available free of charge. These will be available from:

- Defra Helpline/internet/publications team
- SVS Helpline/internet and HQ and local offices
- Veterinary surgeries
- At markets
- Key stakeholder organisations
- Where there is a Defra or SVS presence e.g. agricultural and other shows

Introductory Guidance

10.4 The purpose of this guidance will be to help businesses and individuals understand whether the rules apply to them and if they do, to what extent.

10.5 The guidance would cover:

- Scope
- Application
- Exemptions
- Definitions (e.g. commercial, what comprises a "journey")
- General requirements
- Authorisations
- Enforcement
- Penalties and appeals
- How the rules apply to different species
- Details of other guidance available

Detailed Guidance by Journey Type

10.6. Having determined whether the rules apply to them, businesses and individuals should then read the relevant guidance depending on the type of journeys they do. It is believed that in England, the large majority of journeys for animals take less than 8 hours. However, there are a smaller proportion of journeys over 8 hours that take place in the UK, and an even smaller proportion of export journeys. We will therefore structure the guidance by length of journey so that it is more tailored to what the business is doing.

10.7. In taking this approach we will try and balance the needs of businesses and individuals affected with the disadvantages of producing too many different guidance documents.

10.8. We are considering whether there is a need for separate guidance for the horse and poultry sectors. There may also be a need for certain “minor” species, but we will consider any requests here on a case-by-case, cost/benefit basis. These could possibly be available on the Internet.

Fitness to Travel Guidance

10.9. Guidance will be made available on the Defra website

Additional Technical and Specialist Guidance

10.10 Technical and specialist guidance is currently being produced. This guidance will include:

- **Vehicle construction:** covering both farmed species and non-farmed species (of particular interest hauliers and vehicle/component manufacturers);
- **Requirements for sea vessels:** Fitted livestock vessels and Roll On Roll Off and advice to Masters of Vessels (MVs);
- **Requirements for rail and air journeys**

10.11. It is proposed that these advice notes will be available on line or in hard copy.

Feedback from stakeholders as to the quantity of technical and specialist guidance material that might be required and who might want to have a copy would be very helpful so that we can print and distribute the correct number.

Guidance for Enforcement Officers

10.12. It is proposed that all guidance above will equally serve enforcement officers. However, additional guidance is proposed and will be drawn up in consultation with the SVS and the Local Authorities Coordinators of Regulatory Services (LACORS).

Questions relating to the guidance to be made available

Q. 41 We wish to provide guidance that can be easily used. How can the new guidance be best structured?

Q. 42 Can you suggest alternative or additional distribution routes? Are there other Government Departments or Defra Agencies that you have contact with?

Q. 43 Do you have any evidence contrary to the Farm Practices Survey to suggest that a significant proportion of farmers would find the over 8 hr leaflet helpful?

Q. 44 For the non-farmed sectors, can you suggest any alternative approaches to get the message across to your members?

Q. 45 What type of guidance would you find particularly helpful?

Publicity Arrangements

10.13 We propose to publicise the new rules via:


- News Releases;
- Defra's Farming Link;
- The support and input from stakeholder publications aimed at members, and additions to stakeholder mailings where this is possible;
- Information at agricultural shows etc;
- Veterinary surgeries;
- SVS and other Defra Agencies where possible;
- ADAS welfare campaigns;
- Livestock markets

Questions relating to publicity

Q. 46 Are there additional publicity mechanisms we should use? What support can your organisation offer?

Authorisation Certificate for Journeys 65km – 8 Hours

**UNITED KINGDOM
ANIMAL TRANSPORTER AUTHORISATION
COUNCIL REGULATION (EC) No 1/2005
(ARTICLE 10)**

1. Transporter Authorisation Reference: UK/NEMPNT1/00000001		
2. TRANSPORTER IDENTIFICATION Name/Company Name: Tupton Sheep		TYPE 1 ONLY VALID FOR JOURNEYS UP TO 8 HOURS
Address and Postcode: Sheep Farm, Ramsbury, Nr Fleecetown, Midshire ZZ1 0QQ		
Tel No: 123 67890	Fax: 123 67891	Email: tupton@eservice.uk
3. SCOPE OF THE AUTHORISATION Types of animals: All Species Modes of Transport: Road		
Valid from: 09/03/2006		Expires on: 08/03/2011
4. AUTHORISATION ISSUED BY: Nempnett Animal Health Divisional Office, 1 The Avenue, Nempnett, Midshire ZZ99 2VV		
Tel No: 234 987654	Fax: 234 987655	Email: a.h.o.nempnett@vfs.defra.gsi.gov.uk
Name and signature of the official: Date issued:		<u>Official stamp</u> 

Authorisation Certificate for Journeys over 8 Hours

**UNITED KINGDOM
ANIMAL TRANSPORTER AUTHORISATION
COUNCIL REGULATION (EC) No 1/2005
(ARTICLE 11)**

Note: From 5th January 2008 this authorisation will only be valid for the transport of equidae, bovines, ovines, caprines, porcines or poultry on journeys over 8 hours if the drivers and attendants accompanying the animals are in possession of a valid Competence Certificate from an approved body.

1. Transporter Authorisation Reference: UK/NEMPN/T2/0000002

2. TRANSPORTER IDENTIFICATION

Name/Company Name:
Tupton Sheep

**TYPE 2
VALID FOR ALL JOURNEYS
(INCLUDING JOURNEYS OVER 8 HOURS)**

Address and Postcode: Sheep Farm, Ramsbury, Nr Fleecetown, Midshire ZZ1 0QQ

Tel No: 123 67890

Fax: 123 67891

Email: tupton@eservice.uk

3. SCOPE OF THE AUTHORISATION

Types of animals: All Species

Modes of Transport: Road

Valid from: 09/03/2006

Expires on: 08/03/11

4. AUTHORISATION ISSUED BY: Nempnett Animal Health Divisional Office, 1 The Avenue,
Nempnett, Midshire ZZ99 2VV

Tel No: 234 987654

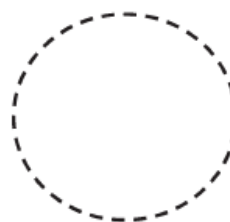
Fax: 234 987655

Email: a.h.o.nempnett@vfs.defra.gsi.gov.uk

Name and signature of the official:


Official stamp

Date issued:



UK Road Vehicle (and Container) Approval Scheme

Certificate of approval of means of transport by road for long journeys pursuant to Article 18(2)

1. LICENCE NUMBER		
1.2 Equipped with Navigation System	YES	NO
2. Types of animals allowed to be transported		
3. AREA IN M2/DECK		
4. This authorisation is valid until		
5. BODY ISSUING THE CERTIFICATE		
5.1 Name and address of the body issuing the certificate		
5.2 Telephone	5.3 Fax	5.4 Email
5.5 Date	5.6 Place	5.7 Stamp
5.8 Name and signature		
		

COMPETENCE FRAMEWORK (CATTLE, SHEEP, GOATS, PIGS AND HORSES)¹³

Scope

Knowledge of the legislation applicable to the welfare of animals during transport in particular on: general conditions for the transport of animals¹⁴; documentation requirements¹⁵; technical rules i.e. on fitness for transport, means of transport, transport practices, watering, feed and rest times, space allowances¹⁶; and in the case of transport of over 8 hours route planning and documentation¹⁷.

Not all of the following competences will necessarily have to be demonstrated by all drivers/attendants but those relevant to the specific role and responsibility of the driver/attendant will have to be.

Competences

1. Knowledge of the legislation relating to animal welfare and which body or organisation to contact with general questions, for example, about transport conditions, matters of law or documentation.
2. Knowledge of who is responsible for the welfare of animals during transport and at places on which the animals are before, during and after the journey.
3. Knowledge of the powers of enforcement authorities to inspect animals, documentation and vehicles before, during and after the journey.
4. Knowledge of the relevant requirements of the Regulation for rest, feed and liquid relating to the species to be transported.
5. Elementary knowledge of the causes of stress in animals, ability to recognise the signs of stress and ill health, in particular heat and cold stress, and basic knowledge of the appropriate action to take.
6. Knowledge of the appropriate methods of handling animals during loading and unloading, including the use of visual fields and flight zones, lighting and the appropriate use of such things as sticks, boards, blindfolds and electric goads. Knowledge of handling methods that are prohibited.
7. Knowledge of how to plan a journey taking into account such factors as maximum travelling times and required rest periods, time taken to load and unload.
8. Knowledge to anticipate changing conditions and provide appropriate contingency plans for unforeseen circumstances.
9. Ability to load, operate and control a vehicle safely, efficiently and effectively so as to ensure the welfare of the animals.
10. Knowledge of Health & Safety Regulations and ability identify and minimise risks.

¹³ Official Journal of the European Union L3 of 05.01.05

¹⁴ Article 3 of Council Regulation (EC) No 1/2005

¹⁵ Article 4 of Council Regulation (EC) No 1/2005

¹⁶ Annex I of Council Regulation (EC) No 1/2005

¹⁷ Annex II of Council Regulation (EC) No 1/2005

11. Knowledge of vehicle construction and use requirements.
12. Knowledge of use of GPS equipment to record journey details¹⁸ and submit record to competent authority when required to do so.
13. Knowledge to identify animals not fit for transport; to care for animals which become unfit or injured during transport; when to seek veterinary advice; and the limited circumstances when it is permissible to transport unfit animals for veterinary treatment or slaughter.
14. Knowledge of space allowances, effects of overcrowding, under stocking and headroom.
15. Knowledge of segregation requirements, taking into account species being transported, method of transportation, gender, condition, age.
16. Understanding of the importance for animal welfare of temperature, both inside and outside the vehicle, including the effect on different species and the need for adjustment of ventilation
17. Knowledge of how to optimise environmental conditions inside transport vehicle/container by appropriate and effective ventilation and to record temperature and humidity¹⁹.
18. Knowledge of the authorisation requirements for transporters, when authorisation is necessary and when a journey log²⁰ or other documentation is required and how to complete the documents.
19. Ability to clean and disinfect vehicles and knowledge of when it is necessary to do so before and after the journey.

¹⁸ For journeys requiring a route plan i.e. to other member states or via member states to a third country

¹⁹ Recording only required for journeys of over 8 hours

²⁰ To other member states or via member states to a third country

COMPETENCE FRAMEWORK (POULTRY)

Scope

Knowledge of the legislation applicable to the welfare of animals during transport in particular on: general conditions for the transport of animals²¹; documentation requirements²²; technical rules i.e. on fitness for transport, means of transport, transport practices, watering, feed and rest times, space allowances²³; and documentation²⁴.

Not all of the following competences will necessarily have to be demonstrated by all drivers/attendants but those relevant to the specific role and responsibility of the driver/attendant will have to be.

In the following four key areas there is some overlap (e.g. fitness for transport requires both knowledge of the legal requirements and practical skills to apply adequately). Competencies and suggested levels of ability are indicated in brackets.

Competencies

Knowledge of the Law

1. Legislation, codes, guidance, fitness to transport requirements, enforcement tools and officers (*practical understanding of operation and enforcement of the law; application of legal provision; knowledge and understanding of any associated codes or guidance*).
2. Understanding drivers' responsibilities (*practical understanding of own responsibility and responsibility before and after the journey such as at the place of collection and the place delivered to and who to contact in case of problems e.g. the Official Veterinary Surgeon or Poultry Welfare Officer at a slaughterhouse or other responsible person at other premises*).
3. Documentation requirements for transporter and individual journeys, how to complete (*documentary requirements, completion of documents, maintaining records for appropriate length of time*).
4. If transporting to mainland Europe or third countries – any relevant overseas provisions, including any extra documentation required (*this knowledge may be required for regular or one off journeys*).
5. Feed and watering requirements (*as we accept this is impractical in crates, essentially this relates to maximum journey times but driver must be aware of requirements in the Regulation*).

Background Knowledge of Transporting Animals

6. Basic physiology of stress; conditions than can give rise to stress; outcome of untreated stress and when not to transport birds (*causes of stress, what is stress? how stress affects the bird; how to treat the effects of stress and how to avoid it*).

²¹ Article 3 of Council Regulation (EC) No 1/2005

²² Article 4 of Council Regulation (EC) No 1/2005

²³ Annex I of Council Regulation (EC) No 1/2005

²⁴ Annex II of Council Regulation (EC) No 1/2005

7. In particular, thermal stress, its effects, prevention, cure (*effects of heat, cold, wetness, humidity; identifying thermal stress in birds; prevention; action to take if birds are affected; monitoring environmental and vehicle conditions*).
8. Ventilation – natural and passive (*role of ventilation in avoiding thermal stress; air movement patterns in vehicles and transport crates; active and passive ventilation; ventilation failure; ventilating stationary vehicles*).
9. Lairage: purpose, benefits or not, unloading (*understanding the role and effects of lairage on the bird; optimal lairage environment*).

Planning


10. Journey planning: times, routes, contingency plans (*importance of planning, identifying optimal routes, taking account of adverse weather forecasts to avoid heat / cold stress, understanding the contingency plan*).
11. Contingency plans: why required, what they should contain, how to put into operation (*ability to act upon the contingency plan when required*).
12. Communications (*who to contact, when, why?*) It is recognised that personnel not necessarily directly employed or controlled by the transporter largely carry out the catching and placing of birds in crates. Because the transporter is legally responsible for the birds during transport and as catching and loading is crucial to welfare, effective communication is essential between the transporter, processor and producer so the transporter can have the necessary assurance that the catching and loading operation has been performed correctly. The transporter should nonetheless have the following practical skills or knowledge:-

Practical Skills / Knowledge

13. Catching and handling birds without causing pain or distress (*leg and foot health and clinical conditions; catching and handling methods; identification and rectification of poor catching*).
14. Identification of birds not fit to transport: sick and injured birds and appropriate action to take (*requires some very basic clinical skills to identify a sick bird; ability to humanely kill*).
15. Operation of common crating systems, packing with birds, cleansing & disinfection, maintenance; necessity to provide crates that will not cause injury (*operation of crates, how crating can cause injury*).
16. Careful loading of crates on to vehicle.
17. Appropriate stocking densities and when to adjust these e.g. adverse environmental conditions and when to refer back to person responsible for planning the load (*in relation to adverse weather, bird size and species*).
18. Basic clinical examination of birds to identify heat or cold stress and gross injuries or illness; when to seek veterinary or other advice/assistance; ability to kill injured birds.
19. Driving, operating the vehicle, recognition of defects, cleansing and disinfection, vehicle construction (*effect of driver behaviour on bird welfare; identifying need for repairs; use of appropriate and licensed disinfectants*).

Competence Certificate

Certificate of Competence for Drivers and Attendants Pursuant to Article
17(2) of Council Regulation (EC) No 1/2005

1. DRIVER / ATTENDANT* IDENTIFICATION		
1.1. Surname		
1.2. First names		
1.2. Date of birth	1.4. Place and country of birth	1.5. Nationality
2. CERTIFICATE NUMBER		
2.1. This certificate is valid for [journeys up to 8 hours / over 8 hours*] for the transport of [cattle / sheep / goats / pigs / horses/poultry*]		
3. BODY ISSUING THE CERTIFICATE		
3.1. Name and address of the body issuing the certificate		
3.2. Telephone	3.3. Fax	3.4. Email
3.5. Date	3.6. Place	3.5. Stamp
3.8. Name and signature		
		
* Delete as appropriate		

PARTIAL REGULATORY IMPACT ASSESSMENT ON COMPLIANCE WITH COUNCIL REGULATION (EC) NO 1/2005 ON THE PROTECTION OF ANIMALS DURING TRANSPORT AND RELATED OPERATIONS (ENGLAND)

1. Title of proposal

1.1 The Welfare of Animals (Transport) Order 2006

2. Purpose and intended effect

Objective

2.1 To set up the administrative and enforcement arrangements to ensure compliance with the directly applicable Regulation which sets rules for the protection of animals during transport within, to and from the EU.

2.2 The intention is to introduce these arrangements in the most effective, proportionate and least burdensome way to those affected.

Background

2.3 In 1997 Member States were obliged to implement and enforce additional requirements enhancing the controls first agreed in 1991 (Directive 95/29 amending Directive 91/628). The main changes were the introduction of statutory registration of transporters and route plans. By detailing the planned journey, route plans help to ensure compliance with specified maximum journey times, feed and rest periods for farmed livestock and horses. The Welfare of Animals (Transport) Order 1997 implemented the Directive.

2.4 However, the Directive was considered to be inadequate in that the lack of independent assessment was not credible and enforcement tools were not robust enough for enforcers to identify and take sanctions against transporters who did not comply with the rules. Ministers therefore made a commitment to review the implementing Welfare of Animals (Transport) Order 1997 after one year of operation. A review was carried out in 1998/99 – one of the measures proposed following this review was mandatory independent assessment of transporters in place of the assessment by employers or self-assessment by the self-employed. Consultation was carried out on the review, but the further work to amend the Order was stopped when the European Commission announced that they were to review the Directive.

2.5 A Commission Report of December 2000 on the experiences of Member States since implementation of the 1997 rules highlighted problems and recommended improvements in: the transport of horses; dealing with non-compliance with route plans and travelling time limits; handling of animals and preventing transport of unfit animals; road vehicle standards and ventilation on long distance vehicles; enforcement of space allowances; harmonisation of certification of transporters; and use of data from Member States' inspection reports.

2.6 In many cases it recommended adoption of measures developed by the UK. A report by the Food and Veterinary Office (FVO) on its mission to the UK in February 2001²⁵

²⁵ (DG (SANCO) /3245/2001-MR Final)

stated 'the procedures developed in the UK are an example of best practice in relation to similar controls operated in other Member States'.

2.7 Following consideration of the Commission Report by the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Consumer Policy, a report and Motion for Resolution were produced²⁶. The Resolution included 29 detailed points ranging from maximum journey times, through vehicle standards and improved enforcement to export refunds and restructuring the EU meat production chain.

2.8 The Report of the Scientific Sub Committee on Animal Health and Welfare on the Welfare of Animals During Transport adopted in March 2002 made recommendations on maximum travel times and space allowances for cattle, sheep, goats, pigs and horses.

2.9 The Commission carried out consultation with industry and the public and in December 2002 announced results that showed clear support for change. Responses throughout the Community were heavily weighted towards individuals (3539) rather than organisations (602). Further more, the number of respondents from the UK (636) was the second largest to Germany (954). Responses supported: changes to maximum journey times and space allowances; improved vehicle standards; better handling of animals; better planning and organisation of journeys; stricter approval and certification of competence conditions for transporters; approval of vehicles; enhanced communication between Member States; heavier penalties for infringements; and more checks and controls by Member States.

2.10 Proposals to amend the Directive were issued in July 2003. These included changes to journey times, allowed animals to be rested on vehicles during mid journey rests and set new space allowances. These changes were too radical for some Member States. Failure to reach consensus meant that discussions collapsed at the April 2004 Agriculture Council due mainly to Member States being unable to reach agreement on journey times.

2.11 The following Presidency revived the package avoiding the contentious issues of journey times and space allowances. The UK welcomed the possibility of salvaging the bulk of proposed new regulations which included the improvements for protection of horses. A compromise package meant however that some less welcome changes had to be accepted in order to maintain what gains had been achieved. The Regulation came into effect in December 2004.

The Regulation

2.12 The Regulation ***will apply to the commercial transport of all vertebrate animals***. Some requirements apply only to horses, farmed animals (cattle, sheep, goats and pigs) and poultry.

(a) Exempted

2.13 Journeys directly to or from a veterinary practice or clinic under the advice of a veterinarian; and farmers transporting their own animals in their own vehicles under 50 Km are exempted from most of the Regulation. Some general conditions still apply however such as:

- ensuring the journey time is kept to a minimum and the animals are checked and their needs met during the journey;

²⁶ (Final A5-037/2001 of 16 October)

- the animals are fit to travel;
- the vehicle and loading and unloading facilities are designed, constructed and maintained to avoid injury and suffering;
- those handling animals are trained or competent in the task and do not use violence or any methods likely to cause unnecessary fear, injury or suffering;
- water, feed and rest are given to the animals as needed; and sufficient floor space and height is allowed.

(b) Journeys Up to 65 Km

2.14 Transporters of animals on journeys up to 65 Km are exempted from requirements for authorisation, training and certificates of competence but the detailed technical rules must still be complied with on: fitness to travel; means of transport; and transport practices.

(c) Up to 8 Hours

2.15 Other transporters carrying out journeys up to 8 hours will have to:

- be authorised by the competent authority (valid for 5 years);
- have received training and, if transporting horses, farmed animals or poultry, have independent certification of competence;
- demonstrate that they have appropriate staff and equipment to transport animals in a proper way and have no record of serious infringements of animal welfare legislation in the preceding 5 years.

(d) Over 8 Hours

2.16 Transporters carrying out journeys of over 8 hours by road will, in addition, have to have their vehicles or livestock containers inspected and approved according to specific criteria including on-vehicle drinking systems, ventilation systems, temperature monitoring and a system to alert the driver to potential problems.

2.17 From 2007, new vehicles, and from 2009, all vehicles used to transport horses²⁷ or farmed animals on journeys over 8 hours by road will also have to be equipped with a satellite navigation system to trace and verify compliance with travel times limits for animals.

(e) Other Provisions

2.18 Maximum journey times and space allowances are unchanged, but the EU Commission is required to review them by 2011.

2.18 Unfit animals are more tightly defined and there will be a ban on transporting very young animals except if the journey is less than 100 km. For example: calves of less than 10 days of age; pigs of less than three weeks; and lambs of less than one week. In particular:

- the transport of calves of less than 14 days of age on journeys exceeding 8 hours will not be permitted;

²⁷ except registered horses.

- pregnant animals will not be considered fit for transport if they have reached the latest stage of gestation (within 10% of the estimated time of the gestation before birth) and for a period of one week after giving birth^{*}; and
- cats and dogs under 8 weeks of age may not be transported commercially, unless accompanied by their mother.

2.19 Specific rules for the transport of horses are set:

- they must be transported in single partitions on journeys longer than 8 hours, or when transported in a vehicle on a roll-on roll-off ferry (other than a mare and foal);
- a minimum space above the withers must be given;
- unbroken ponies may not be transported in groups of more than four and cannot be transported on journeys longer than 8 hours by road;
- foals under 4 months must have appropriate bedding and (unless with their mother) may not be transported for longer than 8²⁸ hours by road.

2.20 Transport by sea will be subject to approval of livestock vessels (but not roll-on roll-off ferries) used to transport horses or farmed animals for distances greater than 10 nautical miles.

2.21 Operators of markets and assembly centres will be responsible for the welfare of animals and application of the rules on their premises and personnel will have to be trained.

2.22 Competent authorities will be better equipped to monitor and enforce rules as the EU Regulation is directly applicable in all Member States. This will improve harmonisation across all Member States and avoid inconsistent interpretations that are possible under a Directive. An electronic database of long distance transporters and their vehicles will be accessible to authorities in all Member States and documentation must be carried in a harmonised format to facilitate checks including:

- details of animals being transported;
- transporter's authorisation;
- certificate of approval of the vehicle (in the case of long journeys): and
- a certificate of competence for drivers and attendants.

2.23 Exchange of information between authorities will be improved by establishment of contact points on animal transport in each Member State. Infringements by transporters and withdrawal of authorisations will be notified to all contact points concerned so as to prevent repeated or serious offenders continuing to operate.

2.24 Further developments were promised. The Commission has issued a report and proposals to introduce a different range of maximum and minimum temperatures for the transport animals, but this remains to be finalised. A report on the impact of the Regulation is due in 2011 which may be accompanied by further proposals, in particular, on journey times, resting periods and space allowances. A study on navigation systems and their application is due by 1 January 2008 and a report on implementation of navigation systems and possibly proposals to define specifications to be used are due by 1 January 2010.

²⁸ except registered horses.

2.25 The European Food Standards Authority produced a report in 2004 on transport of poultry and other species for which there are no specific requirements in the regulation. The European Commission may publish proposals based on these recommendations but there is no timetable for this at present.

Rationale for government intervention

2.26 Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations is directly applicable in all Member States. In England, Scotland, Wales and Northern Ireland however secondary legislation is needed to set administrative arrangements and penalties for non-compliance. Without such Orders the UK could be liable to infraction proceedings. The Food and Veterinary Office (FVO) of the Commission can be expected to include application of welfare rules in missions following the new rules coming into effect.

2.27 The UK was prominent in calling for proposals which resulted in the new Regulation and although they do not address the most controversial issues such as journey times and space allowances they provide significant improvements in the protection of horses and enforcement capability in respect of all species. The mandatory independent assessment of competence of drivers and attendants is most welcome, having been considered previously in a domestic review of The Welfare of Animals (Transport) Order 1997 in 1999.

2.28 The Welfare of Animals (Transport) Order 2006 will now put in place for England the mechanism for administration and enforcement of Regulation 1/2005. Journey times and space allowance remain as in the Directive and animal handling arrangements remain largely unchanged apart from improvements on the protection of horses.

3. Consultation

Within government

3.1 Devolved Administrations, Defra Agencies, the Small Business Service, the Better Regulation Executive of the Cabinet Office and Department for Transport Agencies.

Public consultation

3.2 Stakeholders, including all known transporters of farmed livestock were advised of the requirements under the Regulation in February 2005. At that time Government proposals as to how they were to be made effective had not been worked out in detail. Preliminary discussions were held and working groups were set up with key stakeholders to explore ways in which the objectives of the regulation could be met. The proposals in this paper are the result of those discussions, which have also been discussed with the major welfare NGOs. Data included in this assessment includes that provided by the British Egg Industry Council, British Horse Industry Confederation, British Poultry Council, Association of British Insurers, Crowe Livestock Underwriting Ltd, the National Farmers' Union and the Road Haulage Association.

4. Options

4.1 Option 1 Do Nothing. Regulation and its requirements will apply, but the Government will be at risk of infraction proceedings as effective enforcement of rules will be impossible. This option is not acceptable.

4.2 Option 2 Full Application of Regulation. Apply full and immediate enforcement

powers to all sectors caught by the Regulation. No risk of infraction proceedings from the European Commission, but this option would impose heavy cost burdens on industry – particularly small businesses in the farming and road haulage sectors.

4.3 Option 3 Full Use of Derogations. Article 18.4 of the Regulation allows Member States to derogate from the requirements of:

- Article 18 (Requirement for a vehicle carrying animals over 8 hours to have a certificate of approval);
- Chapter V, 1.4(b) (Pigs having continuous access to water);
- Chapter VI of Annex I (Technical standards for vehicles carrying farm animals and horses over 8 hours).

4.4 The use of derogation is limited. It is only available for road vehicles undertaking journeys for a maximum of 12 hours in order to reach the final destination.

4.5 Option 4 Selected Use of Derogations and Deferred Application of Ramp Angles.

Phased introduction of authorisation and application of enforcement starting with sectors where risk of compromised welfare is highest and defer costly vehicle specification changes by use of derogations that are permitted for journeys starting and ending within the UK. Subject to the evaluation of the outcome of the Consultation, this option would appear to best match animal welfare benefits proportionately with burdens on industry.

5. Costs and Benefits

Sectors and groups affected

5.1 Those transporting vertebrate animals in relation to economic activity including agriculture, equine industry, poultry, road haulage, shipping, air transport, pet industry, and zoo animals.

Benefits of the Regulation (General)

Non-market benefits to improving animal welfare during transport

5.2 The objective and most important benefit is protection of animals during transport. Where society values animal welfare, these improvements constitute social benefits. Many studies of willingness to pay and informal sources demonstrate that people do value animal welfare. In relation to welfare of animals during transport, the example of public perceptions of live exports indicates the social benefits that could be gained from implementing this regulation. This has particular relevance with the resumption of cattle and, more importantly, calf exports during 2006 when improved animal transport rules could help allay public concern over such exports.

5.3 It is unlikely that society will achieve the optimum level of animal welfare without government intervention as improvements in animal welfare during transport are unlikely to be delivered through market pressures alone. One market pressure to improve animal welfare is the loss of value of bruised carcasses or lost value if animals are sick on arrival at markets or abattoirs after journeys which have not protected their welfare. However, it might be difficult for producers to separate the costs of loss of value that have occurred from transport conditions alone. The Regulations are unlikely to result in a vast change in, for example, carcass downgrading. A second market pressure to improve animal welfare is consumer demands. Again, it is difficult for consumers to express preferences on conditions for animals during transport at the retail end of the production process.

Consumers are likely to be uninformed about transport conditions and, even where they are informed, their choices of meat products reflect a range of preferences. Similarly, prices of animal-based products reflect many other characteristics other than the welfare of the animal during transport.

Animal Welfare as a Public Good

5.4 The following section has been taken from the final report of a Scottish Agriculture Colleges (SAC) project which can be used as an example study of public perceptions of chicken welfare and their chicken and egg purchasing choices, rather than in direct relevance to welfare during transport, or all the demand for all meat products. The study identified the non-market benefits of the proposed Directive to set minimum standards for the welfare of meat chickens (<http://defraweb/animalh/welfare/farmed/meatchks/pdf/non-marketbenefits.pdf>).

5.5 “Consumer demand for higher animal welfare standards has been reflected in the increasing market share of products considered to be “welfare friendly”, most notably free-range eggs.

5.6 However, there still remain a number of barriers to the more widespread adoption of welfare friendly products across the broader range of animal produce. Harper and Henson (2001) report on the results of a pan-European project looking into consumer concerns about animal welfare and the impact on food choice. A number of important results emanate from this research:

- Consumers are concerned about animal welfare both due to the impact on the animals and a perceived impact on food safety, quality and healthiness. These are seen as being interdependent and policy should address both issues.
- That high reported levels of concern about animal welfare are not translated into purchase decisions is due to a number of perceived barriers to “ethical” choice.
- These include a lack of information; a perceived lack of availability of higher welfare products; a perception of low influence over welfare standards; disassociation from animal productions and slaughter; and perceived higher cost.
- Consumers prefer a strategic approach favouring both supply and demand side measures to improve animal welfare. On the supply side, there should be minimum welfare standards and reform of agricultural policy. Demand side measures should include compulsory labelling and consumer education.

5.7 The results reported by Harper and Henson (2001) demonstrate that there are two particular contradictions in the way consumers think about animal welfare:

- They want more information but they do not want to associate food with the killing of animals;
- They say they do not consider price to be the most important factor in food choice but this is not the case at the point of purchase.

5.8 These suggest that animal welfare should be treated as a public good issue in the same sense as environmental issues and that policy interventions in a similar vein to agri-environment policy may be the most appropriate method of meeting public preferences for welfare standards.

5.9 Mintel (2001) carried out research into attitudes towards ethical foods, (incorporating fair trade, organic vs. GM, the environment, and animal welfare) found that major drivers are consumer trust in the products and perceived health benefits. However, it was found that purchasers of free-range eggs are more likely to cite animal welfare as a concern than health. This may be due to the greater differentiation between production systems on egg packaging.

5.10 Earlier research by Mintel (1999) found that 41% of meat purchasers noted concern about animal welfare with 46% of those claiming that it influenced purchase decisions, i.e. 19% of meat purchasers are influenced by welfare issues. Whereas 32% cited personal health as a concern with 53% of those saying it influenced them to seek meat that was not “factory-farmed”, i.e. 17% of all meat purchasers. “

Benefits to animals during transport

5.11 A high proportion of animals are transported at some point in their lives. This is true for all animals whether they be companion, zoo or livestock animals. Livestock are the sector that greatest focus has been on in the past with public interest in the live export of animals. There has been little or no research carried out to ascertain how animals other than livestock perceive a transport environment. The Regulation to be implemented does not alter journey times or space allowance, rather improves the enforceability of the legislation with a greater emphasis on competency training of drivers and attendants, ventilation, provision of GPS on long journeys and changes in ramp angles. There is no doubt that these individual aspects of the regulation will have significant effects on the animals.

Training and competence

5.12 “The behaviour of the people who are in direct contact with the livestock, who rear and transport them, is central to the animal welfare issue and the training and qualification of personnel is of paramount importance”. (p620 Seng and Laporte, 2005). Driver behaviour is an important component of welfare outcomes of transport (Cockram et al., 2004) and development of training aids have been initiated through research at Edinburgh University for cattle, sheep and pigs.

Ventilation and roof insulation

5.13 The aerial environment within a transporter has a profound effect on the physiological and behavioural reactions of animals to transportation. Temperature is a key component of the aerial environment and the Regulations will legislate that temperature shall be monitored and recorded and must be within 5-30°C \pm 5°C for long journeys. This aspect of the Regulation will ensure that animals are transported in vehicles with forced ventilation and will prevent animals experiencing excessively low or high temperatures. This is particularly important during long journeys when animals may cross temperature gradients and experience temperatures to which they have not been acclimatised. Again, there are species-specific abilities to cope with thermal challenges, for example pigs are more prone to heat stress than sheep. The Regulation specifies that no animal shall be transported over 8hrs at 0°C, however, there is an issue as to whether animals being loaded at an ambient temperature below 0°C would receive any welfare benefit that would justify heating a vehicle prior to loading.

Ramps

5. 14 Ramp angles affect the loading and unloading of animals in vehicles that do not have an automatic tailgate. The Regulation will alter the ramp angles applicable in GB under the Transport of Animals (Road and Rail) Order 1975. These angles will change from 29°44' (external)/33°42' to 20° for pigs, calves and horses and 26° 34' for sheep and cattle. The changes bring ramp angles broadly in line with draft Codes of Conduct under the Council of Europe Convention for the Protection of Animals during International Transport.

Market benefits to improving animal welfare during transport

5. 15 Transport conditions for animals not only have an impact on animal welfare but can also affect carcass and meat quality. Training may ensure improved driving abilities and a subsequent improvement in meat quality and hence an increase in profitability. Allocating a figure to this possible improvement in profitability is extremely difficult because specific research on this topic has not investigated market benefits *per se*. There is however related scientific evidence that adds weight to this train of thought.

5. 16 Losses which occur during handling and transport can cause financial incentives to industry to improve their practices. There is limited UK evidence of the monetary value of downgraded carcasses, but in the USA the National Beef Quality Audit calculated that \$4.03 is lost due to bruises on every fed animal marketed (Grandin, 2000, p3). In addition, stress-related meat quality issues may cause monetary losses, for example, pale, soft, exudative (PSE) in pork meat and in 1982 cost an additional £1.13 loss at the retail level per carcass (Smith and Lesser, 1982 - cited in Grandin, 2000 pg5). However, the link between specific transporting environments and PSE is unclear and handling may have a greater influence than transportation *per se*. Therefore it is difficult to relate specific policy changes to market benefits.

5. 17 Not all animals transported to go to slaughter have high value, such as end of lay hens and these animals may require the full weight of legislation to protect them. End of lay hens may have skeletal damage and more research is being funded by Defra to ascertain the on-farm time course of this damage. However, a study in 1989 identified 29% of a sample of 3115 from conventional cages to have at least one bone breakage before they reached the stunner (Gregory and Wilkins, 1989). However, it is unclear how specific transportation environments *per se* influence bone damage, again making it difficult to allocate a market or non-market benefit to changes in legislation. For references

see footnotes²⁹.

5.18 Benefits Option 1. The do nothing option will neither increase nor decrease animal welfare benefits or industry costs. But, the UK would be open to infraction proceedings by the European Commission for non-compliance.

5.19. Benefits Option 2. Full application of regulation. Benefits highlighted above will ensue, but costs to industry - particularly small business - could be considerable.

5.20 The costs of altering ramp angles in vehicles may negate benefits by producing the new ramp angle through provision of a step at the end of the ramp. This would satisfy the Regulation, but livestock finds steps aversive and this may actually result in an increase in slips or falls and hence poorer welfare and meat quality. Therefore it would be beneficial from both welfare and an industry perspective to phase in the use of ramp angles.

5.21 Benefits Option 3. Full use of derogations. This would help minimise industry costs, but it has limited applications and does not apply to the lower ramp angles that are being introduced.

5.22 The scope of derogations was the subject of an informal discussion paper issued in January 2006. The views of known stakeholders were sought on the use of derogations.

5.23 Certain of the new rules are identical or very similar to the current rules so that additional costs to business would be minimal. Other potential derogations cover rules where it is considered compliance would not be difficult for UK industry.

5.24 We need to balance welfare benefits against cost and ease of compliance/enforcement. We therefore consider that it is not necessary to utilise all potential derogations, but they would benefit UK industry where: the costs to the transport industry in implementing the new requirements are disproportionate to the welfare benefits; or the cost to industry is disproportionate to the number and type of journeys undertaken; or the new requirements are difficult to enforce effectively.

²⁹ Cockram MS, EM Baxter, LA Smith, S Bell, CM Howard. RJ Prescott and MA Mitchell. 2004. Effect of driver behaviour, driving events and road type on the stability and resting behaviour of sheep in transit. *Animal Science* **79**: 165-176

Grandin T. 2000. Management and Economic Factors. In: *Livestock handling and transport*. Ed. T. Grandin. 2nd Edition. CABI Publishing, Wallingford, UK.

Gregory NG and LJ Wilkins. 1989. Broken bones in domestic fowl: handling and processing damage in end-of-lay battery hens. *British Poultry Science* **31**: 59-69.

Seng PM and Laporte R. 2005. Animal welfare: the role and perspective of the meat and livestock sector. In: *Animal welfare: global issues, trends and challenges*. *Revue scientifique et technique* **24** (2) August 613-623.

Smith WC and Lesser D. 1982. An economic assessment of pale soft exudative musculature in the fresh and cured pig carcass. *Animal Production* **34**: 291-299.

Harper G and Henson S. 2001. Consumer concerns about animal welfare and the impact on food choice. Final report EU Fair CT98-3678, Centre for Food Economics Research, University of Reading.

Mintel. 1999. The green and ethical consumer. Mintel International Group Limited.

Mintel. 2001. Attitudes towards ethical foods. Mintel International Group Limited.

5.25 **Benefits Option 4.** Selected use of derogations and deferred application of new ramp angles. A risk-based approach that seeks to balance improvements in animal welfare with phased implementation of those provisions where implementation costs would hit industry hard – particularly those in the small business sector.

5.26 The Consultation Document proposes taking advantage of provision in the Regulation for Member States to apply derogations to journeys that are less than 12 hours to their final destination. This would cover the majority of journeys in the UK and offers the prospect of minimising burdens relating to vehicle approval and vehicle standards (except ramp slopes) arising from journeys between 8-12 hours. Those continuing to be affected in meeting the full vehicle requirements would be principally professional horse and livestock hauliers engaged in transporting animals on longer journeys and abroad. The derogations proposed would cover vehicles having to:

- install satellite navigation systems
- install ventilation systems
- maintain vehicle temperatures at 0° C or more
- have insulated roofs in existing vehicles
- have water constantly available to pigs

5.27 The Regulation requires a number of vehicle standards most of which already apply through existing rules. The main change of significance for cost is shallower ramp angles aimed at reducing the difficulty and accompanying stress of loading and unloading animals. While the Regulation does not provide for a phase-in period for existing vehicles, the Consultation Document questions whether the costs applicable to converting existing vehicles are a justifiable burden in relation to welfare benefits. It therefore proposes for existing vehicles meeting current requirements and operating in the UK that, for a period to be decided, enforcement on this aspect should be based principally on advice to allow transporters to continue to use such vehicles during their economic life.

Q.1 Are there other benefits of the Regulation and/or various options that have not been covered here?

Q2. Have we fully covered the benefits of each option in connection with their impacts on small businesses?

Q3. What period of time should be allowed for the phasing in of the ramp angles for existing vehicles? Please justify your comments.

Costs

5. 28 The following costs represent the best estimates that can be made at present based on information we have so far been able to identify from industry and other sources. In many cases the figures used are generous assumptions and should be considered indicative only. It is hoped that information received during public consultation will help firm up these costings.

5. 29 Costs will arise from 4 main areas of the Regulation:

- Authorising transporters
- Training and competence testing for drivers and attendants of livestock
- Vehicle standards
- Vehicle inspection and approval

Authorising Transporters (of animals over 65Km)

5.30 The anticipated sectors, numbers of businesses and people affected and costs are estimated below.

• Hauliers (source, Defra database)	1,000
• Farmers (source, holdings calculated using farm survey)	8,000
• Poultry transporters (source, poultry industry)	50
• Horse transporters (source, horse industry – but may include some non economic).	5000
• Circuses	7
• Pet trade (no. of pet shops)	4,500
• Dog breeding establishments	4,900
• <u>Dog and cat boarding establishments</u>	<u>5,000</u>
Total	28,457

Working assumption (to cover any unidentified transporters) 30,000

Cost to industry every 5 years:

• completing applications	£150,000
• processing applications by Govnt (cost recoverable)	£200,000
• database (one off cost, cost recoverable)	£100,000
<u>Total</u>	<u>£450,000</u>
	<u>Subsequent 5 yr applications</u>
	<u>£350,000</u>

Training and Competence

5.31 Existing training arrangements in the industry will be able to meet the Regulation's needs with small syllabus changes.

5.32 Assessment of competence can be provided by awarding bodies nominated by Defra subject to meeting criteria including a framework of competences designed to satisfy the requirements of the Regulation and accreditation of the awarding body by expert organisations in this field. Awarding bodies could be existing providers of independent certification on a voluntary basis under current rules or new ones which could include quality assurance schemes. It is proposed to recognize two types of competence certificate: long distance drivers being assessed for all the required competences, including their driving skills; and others, including farmers, only being assessed for the competences relating to shorter journeys by a written test. Web-based assessment is being explored to enable easy and independent assessment for those carrying out shorter journeys.

5.33 Tests will be one off (that is, certificates are not time limited) and provided through the private sector so no Government costs. The sectors and numbers of people affected are estimated below.

Number of drivers/attendants:

professional haulage drivers	5,000
farmers (Farm survey - holdings)	8,000
poultry transporters	200
horse transporters	69,000

Cost would be:

Over 8 hour test – 5,000 at £100 is £0.5m

Under 8 hour test – 80,000 at £40 a test is £3.2m

Vehicle Standards (Ramp Angles)

5.34 The Regulation requires a number of vehicle standards most of which already apply through existing rules. The main change of significance for cost is shallower ramp angles aimed at reducing the difficulty and accompanying stress of loading and unloading animals. For new vehicles the change in ramp angles should not have a significant impact on cost. Many existing vehicles however could need conversion although it is not believed to be an issue for horse vehicles. The cost of conversion will depend on a variety of factors (particularly size and number of decks) and can be unique to the vehicle. As such, hard information has not been obtainable and the following represents best estimates.

- Single ramp vehicles/trailers – many should be able to convert with minor changes; others might cost up to £200.
Assumption – 10,000 vehicles at £200 is £2m
- 2 deck vehicle/trailers - up to £350 (cost of new trailer is approx £4,000)
Assumption – 10,000 vehicles at £350 is £3.5m
- Multi-deck vehicles - approx. £10,000
Assumption – 1,000 vehicles at £10,000 is £10m

Vehicle Inspection and Approval

5.35 Road vehicles carrying animals on journeys over 8 hours will be required to be inspected and approved against specified standards. Approvals would be granted for five years. The standards required are higher than those for shorter journeys and include some that are significant in relation to cost, in particular, satellite navigation systems, temperature monitoring.

5.36 Assumptions:

- 1,000 small vehicles at conversion cost of £1,750 a vehicle is £1.75m
 - 300 medium vehicles at conversion cost of £6,500 a vehicle is £1.95m
 - 1,500 large vehicles at conversion cost of £12,250 a vehicle is £18.375m
- Of these 500 vehicles would do journeys over 12 hours or outside the UK

5.37 The consultation document proposes taking advantage of provision in the Regulation for derogations (see para. 5.22 above). The derogations proposed would cover vehicles having to:

- install satellite navigation systems)
- install ventilation systems
- maintain vehicle temperatures at 0°C or more
- have insulated roofs in existing vehicles
- have water constantly available to pigs.

5.38 Not taking advantage of the derogations would cost the whole industry approximately £22m in conversion costs. Taking up the derogation spares the majority of transporters who do not transport animals on export journeys or other journeys of over 12 hours from these additional costs.

5.39 The consultation document also proposes that inspection and approval should be carried out by bodies that can obtain accreditation from the United Kingdom Accreditation Service as being able to provide such inspection and approval according to rules and standards Government will lay down. This would build on existing voluntary industry run vehicle approval schemes, thus reducing the number of inspections that transporters

would have been subject to. The estimated cost for such approval, if similar to existing voluntary schemes, would be about £150 a vehicle which equates to an overall 5 yearly cost to industry of £0.42m.

Summary Costs

5.40 Costs Option 1. The do nothing option is not a viable option. We would be subject to infraction proceedings which could result in heavy financial penalties.

5.41 Costs Option 2. Full implementation. Some aspects are very costly for industry to implement immediately and this could result in significant impacts on the competitive position and financial viability of industry – particularly small businesses.

5.42. Costs Option 3. Full use of derogations. (See above paras. 5.21- 5.24). Some of the new rules are similar or identical to current rules so in these areas no additional costs to business would apply or compliance costs would be minimal. Other potential derogations cover rules where it is considered compliance costs would not be difficult for UK industry. However, even using full derogation powers, industry would still have to implement the lower ramp angles which would result in heavy cost burdens.

5.43 Costs Option 4. Selected use of derogations and the deferred implementation of new ramp angles (see paras. 5. 25 - 5.27 above). Subject to the evaluation of the outcome of the consultation, this option would appear to best match animal welfare benefits proportionately with burdens on industry.

Summary of costs of options

5.44 The tables on the following page should be viewed in the context of the total value of the livestock sector which according to Defra sources was £8.2bn in 2004. The largest elements of the proposals relate to vehicle specifications and are one-off costs. If derogations together with the deferment of the introduction of the new ramp angles are applied, the significant burden of industry costs will be deferred until vehicles need to be replaced in the normal course of business. Certification of competence is also a one-off cost apart from new entrants into the industry.

Q.1 Can you provide improved cost data for your sector?

Q.2 Have we omitted significant financial benefits/costs that could affect our options?

Q.3 Do you have any improved data on the number of businesses in your sector that are likely to be affected?

Q. 4 Do our working assumptions of costs reflect your knowledge of your industry? If not, what figures should we be using?

Q.5 The costs of conversion of vehicles to meet the new ramp angle standards have been difficult to assess. Can you provide data that can refine our best estimates?

Measures giving rise to costs	Option 1 Do nothing <i>(cannot be adopted as we would be at high risk of infraction proceedings and welfare benefits the UK sought would be lost)</i>	Option 2 Full application of Regulation <i>(allows full use of maximum journey times set for each species and intra-Community journeys)</i>	Option 3 Full take up of derogations <i>(limits journeys to 12 hours within GB and Northern Ireland)</i>	Option 4 Selected take up of derogations and deferred application of new ramp angles <i>(limits journeys to 12 hours within GB and Northern Ireland)</i>
Transporter Authorisation (every 5 yrs)	0	£0.45m	£0.45m	£0.45m
Training and Competence testing	0	£3.7m	£3.7m	£3.7m
Vehicle Standards (ramps) – all	0			
Single ramp vehicles	0	£2m	£2m	Deferred
2 deck vehicle/trailers	0	£3.5m	£3.5m	Deferred
Multi-deck vehicles	0	£10m	£10m	Deferred
Vehicle Standards - long distance GPS, forced ventilation & minimum temperature control, insulated roofs, constant water for pigs	0	£22m	Derogated	Derogated
Vehicle Inspection and Approval	0	£0.42m	Derogated	£0.42m
Total	0	£42.07m	£19.65m	£4.57m

Indicative costs of options for a range of businesses

Farmer transporting his own animals in a small trailer or 7.5 tonne vehicle on journeys to market or slaughterhouse under 8 hours:

Measures giving rise to costs	Option 1	Option 2	Option 3	Option 4
Authorisation	£0	£20	£20	£20
Competence certificate	£0	£40	£40	£40
Vehicle Standards (ramps for single or two tier vehicle)	£0	£200 or £350	£200 or £350	£0
Vehicle approval	£0	£0	£0.0	£0
Total	£0	£260 or £410	£260 or £410	£60

Commercial livestock haulier with 5 drivers and 5 vehicles transporting farmed animals over 8 hours within the UK:

Measures giving rise to costs	Option 1	Option 2	Option 3	Option 4
Authorisation	£0	£20	£20	£20
Competence certificate (x5)	£0	£500	£500	£500
Vehicle Standards – ramps (x5 two tier vehicles)	£0	£1750	£1750	£0.0
Vehicle Standards – long distance	£0	£10,9500	£0	£0.0
Vehicle approval		£750	£0	£750
Total	£0	£112,520	£2,270	£1,270

Commercial livestock haulier with 5 drivers and 5 vehicles transporting farmed animals over 12 hours within UK and over 8 hours if going outside UK:

Measures giving rise to costs	Option 1	Option 2	Option 3	Option 4
Authorisation	£0	£20	£20	£20
Competence certificate (x5)	£0	£500	£500	£500
Vehicle Standards – ramps (x5 two tier vehicles)	£0	£1750	£1750	£1750
Vehicle Standards – long distance	£0	£10,9500	£10,9500	£10,9500
Vehicle approval	£0	£750	£750	£750
Total	£0	£112,520	£112,520	£112,520

6. Small Firms Impact Test

6.1 For the purposes of Regulatory Impact Assessments, a small firm is a firm who employs less than 50 people and either has less than £4.4m annual turnover or less than £3.18m annual balance sheet total.

6.2 Based on these criteria, virtually all farmers in England are small firms – only 0.2% of farmers are not small firms. However, only 3% of small farmers transport livestock more than 50 kms (30 miles)*.

6.3 Although hard data on firms in the road haulage, pet shops and small breeders sectors is very difficult to come by, we expect that most firms in these sectors are also small firms. For the livestock haulage industry, it is expected that even the smallest estimated costs of the regulation could have a significant impact. The cost of capital investment for livestock hauliers to meet the measures is in the range £1,279 to £112,520. As the cost to livestock hauliers of the regulation is high compared to the low profitability of livestock haulage enterprises, it is likely that costs will be passed on to those using hauliers to transport their animals.

6.4 Costs for the options under consideration and for indicative businesses are presented and discussed in Section 5 above (Costs and Benefits) and the Consultation Document. Option 4 is by far the least cost option and will minimise cost burdens to small firms in connection with vehicle standards, ramp angles and vehicle approval. This current assessment has been based on discussions in stakeholder meetings with umbrella organisations who represent a range of businesses and other interests. These include the National Farmers' Union, the Road Haulage Association, the British Horse Industry Confederation, the National Sheep Association, the Livestock Hauliers Association, the British Poultry Council, the Association of Circus Proprietors, the British and Irish Association of Zoos and Aquariums and the Dogs Trust.

6.5. Given the limited data available on small firms and profitability in most of the sectors affected by the regulation, stakeholder feedback is invited in order to fully scope out the issues. We are willing to hold a focus group with a small representative group of businesses if this will help reveal more information on the likely impact. These would not be an additional forum in which to discuss the policy content of the proposals but a means to concentrate solely on impact on small businesses within the framework of the questions below. If you are interested in participating please let us know by **18 May 2006**. If not, your written comments would be helpful.

Q.1 Do you consider the proposals to be a challenge/threat/opportunity to your business/ your industry as a whole? What are these and reasons?

Q.2 What are the workforce impacts likely to be for small firms?

Q.3 Is the sector you work in likely to expand or contract as a result of these proposals? Will there be new entrants or mergers?

Q.4 What affect do you think the Regulation will have on income/profit within the industry and your firm? What are the implications of this for your business, the industry and the public at large?

Q.5 Are there other matters you wish to raise in connection with these proposals?

Q.6 Do you have any cost or industry data that can help us evaluate the costs and benefits relating to small businesses/ your industry sector as a whole?

* Data based on 2005 Farm Practice Survey

7. Competition assessment

7.1 Application of the Regulation will improve uniform enforcement of standards in all Member States. This will ensure that UK transporters are not disadvantaged by lower standards of treatment and enforcement being applied by competitors in other Member States (an often made criticism under the existing Directive).

7.2 However, full, immediate implementation of provisions relating to vehicle standards and new ramp angles could significantly affect the competitive position of small businesses unless mitigating measures are adopted.

8. Enforcement, sanctions and monitoring

8.1 Primary enforcement is currently and will remain with Local Authorities primarily, and with the State Veterinary Service, carrying out certain agreed checks which are risk based coupled with targeted and intelligence led investigations.

8.2 It is believed that overall the implementation of Regulation 1/2005 will be cost neutral for carrying out enforcement checks and taking any sanctions against non compliance but there is a cost in monitoring checks and sanctions through changes to the enforcement system database.

8.3 Regulation 1/2005 has common enforcement objectives with current welfare in transport rules, e.g. animals must not be caused unnecessary suffering; animals must be fit for their journey; vehicles must be suitable; journey time limits and space allowances remain the same; and travel documentation is still required.

8.4 The new Regulation though does introduce new requirements:

- all transporters of any vertebrate animals must hold an authorisation if travelling over 65km (not just over 8 hours as at present for livestock and horses);
- long journey transporters required to have their vehicles approved;
- all transporters must carry their authorisation certificates;
- extension of all the above to non farmed species;
- transporters of livestock horses and poultry over 65km must have training and certificates of competence; and
- long journey transporters must carry their vehicle approval and competence certificates.

8.5 The extension of the regulations to non-farmed species will increase the number of inspections a little and the requirements to carry documents will increase slightly the time spent checking documents at point of inspection. However, this should be offset through the benefits of competence training and vehicle approval leading to a reduction in the amount of enforcement action taken and the time needed to carry out the compliance checks

8.6 There are no plans to change the penalties that can be imposed through prosecutions which will remain at Level 5 (i.e. a fine of up to £5,000 and/or 6 months imprisonment on summary conviction. Enforcement action short of this will initially continue to include

serving Statutory Notices, giving written or oral warnings or taking regulatory action by revoking, suspending or putting conditions on a transporter's authorisation for serious or repeat infringements. However, both the Baldwin and McCrory reviews of enforcement sanctions are underway and different sanctions may therefore be introduced in future.

8.7 Compliance checks (and transporter authorisations) are currently recorded by Local Authorities on the Defra internet based Animal Health and Welfare Management and Enforcement System (AMES) and this will continue for now. In order to comply with the Regulation and better inform enforcement action, a number of changes have been made to the database to allow for better monitoring of transporter activities and to make the statutory return of enforcement activities to the European Commission. The cost of these changes, including system maintenance for the next five years is £100,000.

8.8 New computer codes for compliance checks will need to be produced for AMES so that the checks carried out and actions taken reflect properly regulation 1/2005 and feed into enforcement and monitoring procedures.

List of Consultation Questions for Stakeholder Response

SECTION 1

Summary of the consultation issues

No questions

SECTION 2

GUIDANCE ON THE SCOPE OF EU REGULATION 1/2005

Q.1 Is the guidance proposed on scope clear? Do you wish to recommend any changes?

Q.2 In particular, are there other exemptions that need to be highlighted in the guidance at para 2.11?

SECTION 3

TRANSPORTER AUTHORISATIONS

Q.3 Do you agree with the proposals relating to self-declaration and checks on compliance with welfare rules from 5 January 2007? If not, what would you propose?

Q.4 Do you agree with the proposals relating to vehicle approval, self-declarations and checks on compliance with welfare rules as regards GPS and contingency planning, from 5 January 2007? If not, what would you propose?

Q.5 Is there anything you would add to the declarations?

Q.6 Do you agree with the proposed method of handling the requirements relating to certificate of competence, between 5 January 2007 and 5 January 2008? If not, what would you propose?

Q.7 Do you agree that in the absence of an agreed EU wide navigation system, the UK should not recommend the use of any particular systems at this time?

Q.8 Do you agree with the phased and prioritised approach to authorisations? If not, what would you propose?

Q. 9 Do you have views on charging for these authorisations?

Q.10 Do you agree that authorisations should be mode of transport specific?

Q.11 Do you agree that authorisations should be issued covering all species, but that species specific or limited authorisations should be available?

Q.12 If not, how would you propose balancing proportionality of the prospect of removing an authorisation, when the offence may only relate to one species?

Q.13 Do you agree with the proposal to make transporter names and authorisations

available to would-be consignees as suggested? If not, what would you propose and why?

SECTION 4

ROAD VEHICLE (and CONTAINER) APPROVAL

Q.14 Do you have any information on the number of vehicles and containers that will be affected by the requirement for inspection and approval relating to the different sectors, including those outside farming (e.g. horses, zoos and the pet trade)?

Q.15 Are you content with the proposal that vehicle inspection and approval be carried out by any body that can demonstrate its capability and competence to deliver through accreditation with the United Kingdom Accreditation Service (UKAS)?

Q.16 Do you agree that, in addition to UKAS approved non-public bodies, that it is prudent also to give a statutory body such as the State Veterinary Service, the power to approve vehicles?

Q.17 Are you content with these principles outlined in paragraph 4.14 for a vehicle approval scheme? If not, what would you propose?

Q.18 Are you content with requirements described in paragraph 4.15 for a vehicle approval scheme?

Q.19 Do you have any information on the costs and benefits associated with vehicle inspection and approval?

Q.20 Would you like to be kept informed about the vehicle approval scheme and guidance in preparation?

SECTION 5

DEROGATIONS AVAILABLE FOR VEHICLES ON JOURNEYS BETWEEN 8-12 HOURS

Q.21. Do you agree with the rationale for granting derogations (paragraphs 5.3 and 5.5)?

Q.22 Do you agree with the derogations proposed (paragraph 5.4)? If not, what evidence can you supply to refute the rationale?

Q.23 Do you agree with the costs assessment and consequent reduction if these derogations are granted (paragraph 5.6)? Further detail is given in the Partial Regulatory Impact Assessment at Appendix 6.

Q24 Do you support the principle that all vehicles used to transport animals over 8 hours should be inspected and approved? Note that the burden of inspection costs will fall to the transporter – this will not be a free service from Defra or its agencies.

Q.25 Do you think there is a case for derogating from this requirement for UK journeys between 8-12 hours? And if so, why?

Q.26 Are there particular industry sectors affected that should be granted a derogation as opposed to others? By way of example, poultry/birds, horses/ponies, cats and dogs,

zoo/performing animals. And if so, which ones and why?

Q.27 Do you think derogations (or the current requirements) will pose any difficulties in terms of enforcement?

Q.28 What welfare benefits will ensue from approval?

Q.29 Do you support or oppose any further derogations available (outlined in the table in Section 5.8)? If so, what evidence can you supply to support your argument?

SECTION 6

TRAVEL DOCUMENTATION & SEA TRANSPORT

Q.30 Do you agree the retention period for ATCs should remain and unchanged? If not, what would you suggest and why?

Q.31 Do you agree that Animal Movement Licences should be amended to include journey duration?

Q.32 Do you agree with the proposal to require the keeper checks the transporters documentation? If not, why not – and what would you propose instead?

Q.33 Do you think the proposal relating to adding information on records retention & office checks is helpful? If not, why not and what would you add?

Q.34. Do you agree that as far as practicable the current route plan procedure should be retained following the introduction of Journey Logs? In particular, the 10 day notification period? If not, why not & what would you propose?

SECTION 7

TRAINING & COMPETENCE CERTIFICATION OF DRIVERS OF LIVESTOCK VEHICLES & ATTENDANTS

Q.35 Do you agree that satisfactory certification of the competence of transporters and attendants is best achieved by offering both the above options? If not, what would you prefer to see in place?

SECTION 8

CONSEQUENTIAL AMENDMENTS, INCLUDING REVOCATION AND RETENTION OF NATIONAL WELFARE RULES

Q.36 Are you content with what we propose in terms of consolidation and revocation?

Q. 37 Do you agree that we should retain parts of WATO that are relevant to journeys not covered by the EU Regulation?

SECTION 9

ENFORCEMENT, OFFENCES, PENALTIES AND APPEALS

Q. 38 Do you agree with the way forward outlined for enforcement? If not what additional measures would you like to see and why?

Q.39 Are there any issues of concern should a system based on the above be introduced? If so, please specify.

Q.40. Do you agree that no appeal mechanism is required for vehicle approval?

SECTION 10

GUIDANCE AND PUBLICITY ARRANGEMENTS

Q.41 We wish to provide guidance that can be easily used. How can the new guidance be best structured?

Q.42 Can you suggest alternative or additional distribution routes? Are there other Government Departments or Defra Agencies that you have contact with?

Q.43 Do you have any evidence contrary to the Farm Practices Survey to suggest that a significant proportion of Farmers would find the over 8 – hour leaflet helpful?

Q.44 For the non-farmed sectors, can you suggest any alternative approaches to get the message across to your members?

Q.45 What type of guidance would you find particularly helpful?

Q.46 Are there additional publicity mechanisms we should use? What support can your organisation offer?

Partial Regulatory Impact Assessment (Appendix 6)

Section 5.27

Q1. Are there other benefits of the Regulation and/or various options that have not been covered here?

Q.2 Have we fully covered the benefits of each option in connection with their impacts on small businesses?

Q.3 What period of time should be allowed for phasing in of the ramp angles for existing vehicles? Please justify your comments.

Section 5.44

Q.1 Can you provide improved cost data for your sector?

Q.2 Have we omitted significant financial benefits/costs that could affect our options?

Q.3 Do you have any improved data on the number of businesses in your sector that are likely to be affected?

Q.4 Do our working assumptions of costs reflect your knowledge of your industry? If not, what figures should we be using?

Q.5 The costs of conversion of vehicles to meet the new ramp angle standards have been difficult to assess, can you refine our best estimates?

Section 6.5

Q1. Do you consider the proposals to be a challenge/threat/opportunity to your business/your industry as a whole? What are these and reasons?

Q.2 What are the workforce impacts likely to be for small firms?

Q.3 Is the sector you work in likely to expand or contract as a result of these proposals? Will there be new entrants or mergers?

Q.4 What affect do you think the Regulation will have on income/profit within the industry and your firm? What are the implications of this for your business, the industry and the public at large?

Q.5 Are there other matters you wish to raise in connection with these proposals?

Q.6 Do you have any cost or industry data that can help us evaluate the costs and benefits relating to small businesses/ your industry sector as a whole?

The Six Consultation Criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Contact By email: consultation.coordinator@defra.gsi.gov.uk