

Welfare of Animals During Transport

Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations. The Welfare of Animals (Transport) (England) Order 2006 and parallel national legislation in Scotland, Wales and Northern Ireland.

Guidance on implementation in the United Kingdom

Department for Environment, Food and Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.gov.uk/defra

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Information about this publication and further copies are available from:

Transport and Markets Team
Defra
Area 8B
9 Millbank, c/o Nobel House
17 Smith Square
London
SW1P 3JR

Email: animalwelfare@defra.gsi.gov.uk

Tel: 020 7238 5907

This document is also available on the Defra website at:

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Introduction

This guidance relates to Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations (subsequently referred to as ‘the Regulation’). The Regulation is implemented in England by The Welfare of Animals (Transport) (England) Order 2006 (‘WATEO 2006’) and by equivalent national legislation in Scotland, Wales and Northern Ireland. This guidance is issued to aid consistency of understanding of the Regulation and the national legislation.

Legislation

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 Regulation came into force on 5 January 2007. It replaced EC Directive 91/628 as amended by European Commission Directive 95/29 and in turn necessitated the replacement of the previous national legislation – the Welfare of Animals (Transport) Order 1997 (‘WATO 1997’) which implemented the previous Directives. While the Regulation is directly applicable across the European Union (EU), national legislation is needed to provide for enforcement and penalty provisions and derogations from the rules. This is done through separate Welfare of Animals (Transport) Orders/Regulations pertaining to England, Scotland, Wales and Northern Ireland. These are:

In England – The Welfare of Animals (Transport) (England) Order 2006;

In Wales – The Welfare of Animals (Transport) (Wales) Order 2007;

In Scotland – The Welfare of Animals (Transport) (Scotland) Regulations 2006 and The Welfare of Animals (Transport) (Scotland) Amendment Regulations 2009; and

In Northern Ireland – The Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 and The Welfare of Animals (Transport) (Amendment) Regulations (Northern Ireland) 2007.

Guidance

Please note that this is not an exhaustive guide to the legislation and has no legal standing. In case of doubt, please refer to Council Regulation (EC) No 1/2005 and implementing legislation in England, Scotland, Wales and Northern Ireland, or consult your legal adviser. The sections within this guidance document are not designed to be read in isolation, and anyone engaged in the transport of animals should ensure they are familiar with all the requirements to ensure that they comply with the law. Local authorities in England, Scotland and Wales (DARD in

Northern Ireland) enforce the legislation and can provide guidance and support on the welfare in transport rules.

This is a living document that will develop in light of experience implementing the Regulation. We welcome feedback on the content of the guidance to improve later versions.

Trade and stakeholder groups will be notified when new versions of this guidance are published.

1. Scope, application and exemptions

Scope

1.1 The Regulation covers the transport of **all** live vertebrate animals (excluding humans) within the EU that takes place *in connection with an economic activity*. The vertebrate family includes all creatures which are mammals, birds, reptiles, amphibians and fish.

1.2. Those involved in economic activity will include farmers, livestock hauliers, those who move domestic equines in connection with professional riding, livery, stabling, those involved in commercial pet breeding or racing (e.g. dog racing), or those moving animals used in films, zoos and leisure parks.

The EU Regulation **does not** apply to the transport of animals when this is **not** in connection with an economic activity or to the transport of non-vertebrate animals. Non-vertebrates are animals such as insects, worms, crustaceans (e.g. crab, lobster), cephalopods (e.g. octopus, squid) and molluscs (e.g. shellfish, snails).

However, a general duty of care provision protecting non-vertebrates and animals involved in non-commercial movements from injury or unnecessary suffering is included in domestic legislation (Article 4 of WATEO 2006 and parallel legislation in Scotland, Wales and Northern Ireland).

Anyone transporting animals must ensure that they are transported in conditions suitable for the species concerned.

Exclusions from scope

1.3 The Regulation **does not** apply to the transport of animals:

- where the transport is not in connection with an economic activity (see paragraphs 1.9 to 1.16 for more information on what constitutes does and does not constitute an “economic activity”); or
- to or from veterinary practices or clinics under veterinary advice;

1.4 It is our view that the transport of circus animals is not within the scope of the Regulation when the animals can be described as travelling in their permanent housing. This position has been adopted in order to ensure consistency with Article 37 of the EC treaty and has the support of the European Commission. The transport of circus animals not travelling in what can be described as their permanent place of housing is therefore within the scope of the Regulation. Where circus animals fall outside the scope of the Regulation, protection under Article 4 of WATEO 2006 applies. The Animal Welfare Act 2006 applies to all

animals travelling in circuses and places a responsibility on all owners and keepers of animals to ensure their welfare needs are met. This is referred to as the 'duty of care'.

Single animal 'exemption'

1.5 In May 2007, we made a decision to 'exclude' from the scope of the Regulation journeys in which an individual animal is transported with its owner/keeper from the rules set out in the Regulation. This 'single animal exemption' is carried over from the previous legislation and is not reflected in the current EU legislation. However, the European Commission is aware that we have asked local authorities and Animal Health to retain this 'exemption' in practice.

1.6 Historically, the 'exemption' has also been taken as applying to journeys where two animals are accompanied by two people, up to a limit of four animals/four people. This was to accommodate those who are transporting carriage horses for driving competitions or shows. We have asked local authorities and Animal Health to continue to apply the 'exemption' in this way.

1.7 Those to whom the single animal 'exemption' applies need to ensure that the animals they transport are fit to travel. Anyone transporting an animal in a way which causes, or is likely to cause injury of unnecessary suffering, commits an offence.

1.8 If it appears that the single animal exemption is being abused and animal welfare is being compromised, we will review the policy and guidance.

What is a journey "in connection with an economic activity"?

1.9 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"*.

1.10 A body might be engaged in economic activities even though it did not operate with a view to profit. It follows that the fact that a transporter (i.e. a charity) is engaged in non-profit making activities is not in itself enough to deprive such activities of their economic character or to remove the transporter from the scope of the Regulation. The focus should be on the particular activity rather than the general purpose or grand plan behind the activity.

1.11 Transport in connection with an economic activity includes journeys:

- undertaken by commercial hauliers;

- undertaken by farmers;
- involving pet animals where the movements are related to an economic activity (i.e. a business or trade) for example, commercial pet breeders, dog racing, those taking part in filming e.g. advertisements which involve financial gain;
- related to “professional” horseracing;
- where animals are transported in order to be sold as part of a business;
- related to zoos and leisure parks;
- involving laboratory animals (although, please note, that the fitness to travel provisions do not apply when the animals are taking part in an authorised research project).

What is NOT a journey “in connection with an economic activity”?

1.12 Transport which is not undertaken in connection with an economic activity is excluded from the scope of the Regulation. These journeys can be broadly described as those which are:

- not in the course of business or trade;
- not for hire or reward.

1.13 The types of journeys involving animals are varied. Consideration will need to be given to individual circumstances surrounding the journey and whether there is an economic component. Journeys in which a haulier has been paid for undertaking the transport will always have an economic element and fall within the scope of the Regulation.

1.14 As a general rule, the following journeys would not usually have an economic element and would therefore be excluded from the scope of the Regulation:

- pet animals accompanied by their owner on a private journey;
- pet animals taken to or from a specialist show or competition, where the primary purpose is for pleasure or competition, not as part of a business. This would usually include:
 - the transport of pet animals by their owners to and from events even when they win minor cash prizes. The presence of gambling at an event would not normally in itself make the transport of animals to it an economic activity.
 - journeys 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;

- journeys involving domestic Equidae transported by an owner for the purpose of riding, showing or competing for pleasure.

1.15 Journeys made by hobby breeders when these animals are not bred, exhibited, etc as part of a business. Hobby breeders keep animals as a hobby exhibit animals, occasionally breed them and sometimes sell or exchange surplus animals – this can include, for example, ‘cat fancy’ breeders or those that farm livestock and poultry as a hobby, including rare breeds. These breeders/keepers are only excluded from the scope of the Regulation in circumstances where their operation is not commercial; if animals are kept with a view to operating a business then they will fall within the Regulation’s scope. Such keepers would need to be able to demonstrate that they are not moving animals in connection with an economic activity. The following are likely to be considered when judging whether or not a hobby breeder is running a business:

- whether the income source exceeds the expenses of the hobby;
- (in relation to livestock) whether subsidy payments are claimed or for the selling of offspring, meat and meat products, wool, eggs, cheese, milk etc (this is an illustrative list only);
- transport of animals by the armed forces or public services during the course of their official duties.

Note: the above are examples and are not intended to be definitive.

1.16 There are no exclusions or exemptions from the general ‘duty of care’ obligation (*Article 3*), which states: “*No person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them*”. Furthermore, the Animal Welfare Act 2006 (the equivalent legislation in Scotland and Northern Ireland) introduces a ‘duty of care’ responsibility on all owners and keepers of animals to ensure their animals’ welfare needs are being met.

Breakdown vehicles

1.17 Breakdown vehicle operators attending vehicles carrying animals that have broken down or been involved in a road traffic accident should not attempt to move the vehicle with animals on board if it cannot be repaired at roadside unless directed to do so by the police or other competent authority for reasons of public safety.

1.18 To comply with the Regulation, transporters are required to have operational procedures in place (*Article 10.1(b)*), which should include procedures for dealing with scenarios where the journey can no longer continue in the original vehicle if it had, for example, been involved in a road traffic accident or has broken down. The transporter will need to make arrangements, if

necessary, under the supervision of the police or other competent authority, for the animals to be unloaded and transferred to an alternative vehicle to either continue their journey to the final destination or to be taken to a nearby lairage. If required, transporters can call on the relevant local authority (this will be the County or Unitary council) or the nearest Animal Health Office (AHO) for support.

1.19 In the unlikely event that a vehicle *has* to be moved by a recovery operator to the nearest suitable place of destination, it is suggested that the recovery vehicle operator is accompanied (where possible) by the transporter and that the vehicle is *not* moved by means of a suspended tow. If he/she is unavailable for whatever reason then advice should be sought from the local authority or Animal Health Office.

Application

1.20 The transport of 'farm livestock' (for the purposes of the Regulation this is deemed to be domestic animals of cattle, sheep, pigs and goats), 'domestic Equidae' (horses, ponies, donkeys, mules but not *wild* equidae species such as zebra) and 'poultry' (domestic fowl, ducks, geese, turkeys, guinea, fowl, quails, pheasants and partridges) accounts for a significant proportion of animal-related journeys and the Regulation applies specific requirements to these species. For the most part, only general requirements as set out in Annex I, Chapter II apply to the transport of 'other species' e.g. fish, small mammals, camelidae, ratites, deer and racing pigeons (this is not an exhaustive list).

1.21 There are some limited **exemptions**:

- only Article 3 (General conditions for the transport of animals) and Article 27 (Inspections) apply to the transport by farmers of their own animals, in their own vehicles, for a distance of less than 50km from their holding, or for seasonal stock movements between pastures (transhumance) (*Article 1*);
- transporters undertaking journeys of less than 65km from place of departure to place of destination do not require an authorisation nor are they required to use drivers/attendants who have been trained and hold a certificate of competence (*Article 6.7*);
- registered domestic Equidae transported for competition, races, cultural events or breeding – but 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.

1.22 There are some further limited exemptions. See paragraph 5.18 on UK derogations within section 5 of this guidance on **Transportation by Road**.

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

Table - how the Regulation applies to different species

The following general provisions and requirements of the Regulation are applicable to the transport of **all vertebrate species** in connection with an economic activity.

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

Additional requirements apply to:

Cattle, sheep, pigs and goats: transporter authorisations (*Articles 10 and 11*), vehicle/container approval (*Articles 7 and 18*), journey logs (*Annex II*), certificate of competence (*Article 6*), navigation system (*for exporters, Article 6*), specific ramp angles (*Annex I, Chapter III, Section 1.4*), specific handling requirements (*Annex I, Chapter III, Sections 1.11 and 1.12*), vehicle construction, feed and water supply, journey times, resting periods, vehicle requirements and space allowances (*Annex I, Chapters III - VII*).

Equidae: transporter authorisations (*Articles 10 and 11*), vehicle/container approval (*Articles 7 and 18*), journey logs (*Annex II*), certificates of competence (*Article 6*), navigation system (*for exporters: Article 6*), specific ramp angles (*Annex I, Chapter III, Section 1.4*), specific handling requirements (*Annex I, Chapter III, Sections 1.11 and 1.12*), space allowances (*Annex I, Chapter III, Section 2*), feed and water supply, journey times and resting periods, vehicle requirements and space allowances (*Annex I, Chapters IV - VII*).

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

Cats and dogs: transporter authorisations (*Articles 10 and 11*), specific feed and watering requirements (*Annex I, Chapter V*).

Fur animals: transporter authorisations (*Articles 10 and 11*), loading containers (*Annex I, Chapter III, Section 1.7*).

Rabbits: transporter authorisations (*Article 10 and 11*), loading containers (*Annex I, Chapter III, Article 1.7*), specific feed and water requirements (*Annex I, Chapter V*).

Other mammals and birds: transporter authorisations (*Article 10 and 11*), specific feed and liquid requirements (*Annex I, Chapter III, Section 2.7*).

Table – the Regulation by journey/distance/time

Transporting animals up to 65km

- Anyone transporting animals up to 65km must comply with technical rules on fitness to travel, means of transport and transport practices. (*Article 3 and Annex I*). These requirements are outlined in section 2 of this guidance on the **General Conditions for the Transport of Animals**.
- The transport of all animals must be accompanied by an Animal Transport Certificate (see section 8 of this guidance on **Travel Documentation**).
- Farmers transporting their own animals, in their own vehicles less than 50km, or as a result of seasonal transhumance need only comply with the general conditions for the transport of animals set out in Articles 3 and 27 (see section 2 of this guidance on the **General Conditions for the Transport of Animals**).

Transporting animals over 65km and up to eight hours

As above plus:

- Must hold a valid transporter authorisation (see section 3 of this guidance on **Transporter Authorisations**).
- Drivers and attendants responsible for the transport of cattle, sheep, pigs, goats, domestic Equidae or poultry must hold a valid certificate of competence (see section 4 of this guidance on **Training and Competence Certification**).

Transporting animals over eight hours

As above plus:

- Road vehicles and containers used for the transport of cattle, sheep, pigs, goats and domestic Equidae must be inspected and approved. This is dependent on the mode of transport, species being carried and derogations applied (see section 5 of this guidance on **Transportation by Road**).
- The transport of cattle, sheep, pigs, goats and unregistered domestic Equidae over eight hours to other EU Member States or third countries must be accompanied by a journey log (see section 8 of this guidance on **Travel Documentation**).

Table – the Regulation by species/sector/business

Transporting cattle, sheep, pigs, goats or poultry

- Must comply with technical rules on fitness to travel, means of transport and transport practices (see section 2 of this guidance on **General Conditions for the Transport of Animals**).
- Anyone transporting cattle, sheep, pigs, goats or poultry on journeys of over 65km must apply for and be granted a transporter authorisation (see section 3 of this guidance on **Transporter Authorisations**).
- Vehicles and containers transporting cattle, sheep, pigs or goats on long journeys (over eight hours) must be inspected and approved. These must meet the criteria for approval (see section 5 of this guidance on **Transportation by Road**).
- Anyone transporting cattle, sheep, pigs, goats or poultry over 65km must be competent to do so. Drivers and attendants must hold a valid certificate of competence (see section 4 of this guidance on **Training and Competence Certification**).
- Cattle, sheep, pigs, goats or poultry being transported must be accompanied with either an Animal Transport Certificate or a journey log (see section 8 of this guidance on **Travel Documentation**).

Transporting Equidae

- Must comply with technical rules on fitness to travel, means of transport and transport practices. In addition specific rules apply for the transport of Equidae (see section 2 of this guidance on **General Conditions for the Transport of Animals**).
- Anyone transporting Equidae on journeys of over 65km must apply for and be granted a transporter authorisation (see section 3 of this guidance on **Transporter Authorisations**).
- Vehicles and containers transporting domestic Equidae on long journeys (over eight hours) must be inspected and approved (see section 5 of this guidance on **Transportation by Road**).
- Anyone transporting domestic Equidae over 65km must be competent to do so. Drivers and attendants must hold a valid certificate of competence (see section 4 of this guidance on **Training and Competence Certification**).
- Equidae being transported must be accompanied with either an Animal Transport Certificate or a journey log (see section 8 of this guidance on **Travel Documentation**).

Transporting other species

- Must comply with technical rules on fitness to travel, means of transport and transport practices (see section 2 of this guidance on **General Conditions for the Transport of Animals**).

- Anyone transporting other species on journeys of over 65km must apply for and be granted a transporter authorisation (see section 3 of this guidance on **Transporter Authorisations**).
- Vehicles and containers transporting other species on export journeys over eight hours must be inspected and approved if it is a condition of any of the EU Member States involved in the journey (both transiting and destination) (see section 5 of this guidance on **Transportation by Road**).
- Vehicles and containers transporting other species on journeys of over 12 hours must be inspected and approved. This also applies where other species are carried in containers within the vehicle (see section 5 of this guidance on **Transportation by Road**).

Operators of assembly centres and markets/keepers of animals

- All personnel handling livestock at assembly centres and markets must receive training on the technical requirements of the Regulation (see section 2 of this guidance on **General Conditions for the Transport of Animals** and section 4 of this guidance on **Training and Competence Certification**).
- Keepers of animals at the place of departure, transfer or destination should ensure the technical requirements of the regulation are met, and for long journeys comply with the provisions of the journey log (see section 2 of this guidance on **General Conditions for the Transport of Animals** and section 8 of this guidance on **Travel Documentation**).

Transporting by sea

- There are specific requirements on anyone transporting animals by sea (see section 6 of this guidance on **Transportation by Sea**).

Transporting by air

- There are specific requirements on anyone transporting animals by air (see section 7 of this guidance on **Transportation by Air**).

2. General conditions for the transport of animals

Protection of animals

2.1 The Regulation imposes a statutory obligation that anyone engaged in the handling and transport of animals must do so in a way that does not or is not likely to cause injury or undue suffering to them. Transport, handling, loading and unloading may be stressful to some animals as a result of unaccustomed and unfamiliar surroundings. It is important, therefore, that everyone involved in these operations is aware of the correct action to take to minimise adverse effects in handling and transport and of the effects on the animals if these procedures are not followed properly.

2.2 Specific requirements appropriate to the loading, unloading and handling of specific species are set out in Chapter II of the Regulation. Technical guidance notes on standards for road, sea and air transport of farm livestock and Equidae have been produced but at the time this guidance note was published these documents were under review.

Fitness to travel

2.3 The Regulation requires that an animal must be fit for the intended journey before the journey starts *and must remain sufficiently fit throughout the journey*. This means the animal should be healthy enough to tolerate the entire journey it is about to make (including loading, unloading and any journey breaks) with no or very little adverse effect on it; the journey should not cause the animal any suffering or injury. Detailed guidance on fitness to travel has been produced but at the time this guidance note was published this document was under review.

Means of transport

2.4 The Regulation requires that means of transport are designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of the animals (*Chapters II, IV & VI*). This includes, among other things, requirements for cleansing and disinfecting, anti-slip flooring and lighting. These standards also extend to include minimum comfort criteria for the transportation of young animals of certain species (see sections 5-7 of this guidance on **Transportation by Road, Sea and Air**).

Water and feeding intervals, journey times and resting periods

Cattle, sheep, pigs, goats and unregistered domestic Equidae

2.5 The requirements on journey times in the Regulation **do not** differ from those previously applied under WATO 1997, other than new restrictions on transporting young animals (covered in paragraphs 2.34 to 2.36).

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

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

Dogs, cats and other species

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

Poultry, domestic birds and domestic rabbits

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

2.10 For journeys involving poultry, we advise that a more pragmatic approach is to exclude loading and unloading times from the overall journey time, with the journey time beginning from the moment the last crate is loaded on to the vehicle and being complete once the first crate is unloaded at the final destination. The application of this pragmatic approach is dependent on the journey being undertaken in compliance with the general obligations in Article 3 of the Regulation (minimising the length of the journey and carrying out transport without delay) and in a way which minimises welfare risks and, as such, will be at the discretion of the local authority/Animal Health. For example, transporters must ensure that the journey commences immediately after loading, and that

unloading is completed without delay upon arrival. Failure to do this could result in enforcement action.

Table – Journey times and rest periods for farm livestock and unregistered domestic equidae

| | |
|--|--|
| Unregistered domestic Equidae, cattle, sheep, goats and pigs. | Must not be transported for more than eight hours, unless additional requirements for vehicles carrying out long journeys are met (see section 5 of this guidance on Transportation by Road). |
| If long journey provisions are met then the following journey times apply. | |
| Unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets. | After a maximum of nine hours of travel, must be given a rest period of at least one hour (sufficient in particular for them to be given liquid and if necessary fed). After this rest period, they may be transported for a maximum of a further nine hours. |
| Pigs. | May be transported for a maximum period of 24 hours. During the journey, they must be offered water at appropriate intervals and afforded an adequate opportunity to drink. |
| Cattle, sheep, and goats. | After 14 hours of travel, must be given a rest period of at least one hour sufficient for them in particular to be given liquid and if necessary fed. After this rest period, they may be transported for a further 14 hours. |
| Unregistered domestic Equidae. | May be transported for a maximum period of 24 hours. During the journey they must be given liquid and if necessary fed every eight hours. |

If after these journey times animals have not reached their destination, they must be unloaded, fed and watered and be rested for a minimum of **24** hours at an EU approved control post.

2.11 These are **maximum** journey times. For journeys on ‘higher standard vehicles’¹ this maximum applies to each leg of a journey which includes a mid-journey rest. Thus the mid-journey rest must commence no longer than (in the case of adult cattle, for example) 14 hours after starting to load the animals at the place of departure, and the last animal must be unloaded no longer than 14 hours after the end of the mid-journey rest. The mid-journey rest does not count against the total journey time. Only one such rest is allowed to be excluded from the journey time in this way. Therefore, to continue the example for cattle, there is up to 28 hours actual journey time (including the time it takes to load and unload the animals) interrupted by a mid-journey rest. This requirement for a mid-journey rest does not apply to journeys with pigs or domestic Equidae, where there is an overall 24 hour limit on the duration of the journey regardless of any stops for rest, food or water.

2.12 On longer journeys on higher standard vehicles, a mid-journey rest must be taken if the time limit for the first leg of the journey is reached before the animals arrive at their destination. Animals may be given their mid-journey rest on or off the vehicle. The mid-journey rest must be at least one hour long, and always long enough for animals to be given liquid and, if necessary, fed. Food and liquid should be in a form to which the animals are accustomed, and presented in a way with which they are familiar. A supply of appropriate feed should be carried.

2.13 Journey times do not take account of statutory restrictions on drivers’ hours. Therefore, delays or other stoppages (e.g. as a result of drivers’ rest periods) other than the mid-journey rest must be regarded as counting against the total permitted journey time.

2.14 Where a journey is frustrated (for example when the animals have been loaded and transported to a cross channel ferry but the sailing has been cancelled and the animals have had to be returned to the loading point or a lairage near the port) it must be treated as any other journey when considering journey times. Therefore, if returning the animals to the loading point or lairage makes use of the second leg of the journey, the animals will then need to be unloaded and rested for a minimum of 24 hours at an EU approved control post. If the animals are to be moved again as part of a new journey then they will need to be rested for a minimum of 48 hours at the place of departure.

2.15 When the journey time exceeds the maximum permitted for the species concerned, cattle, sheep, pigs, goats and unregistered domestic Equidae must rest for a minimum of 24 hours at an EU approved control post where food and liquid will be provided before their journey may continue.

¹ ‘Higher standard vehicles’ are those that have been approved (under the vehicle approval scheme) for journeys in excess of eight hours either within the UK or to other Member States. Depending on the type of approval, these vehicles will be required to carry a degree of additional equipment e.g. systems of mechanical ventilation and temperature monitoring.

Registered domestic Equidae

2.16 Registered domestic Equidae transported for competition, races, cultural events or breeding (not transported to markets and slaughterhouses) are **exempt** from the need for journey logs and the Regulation's requirements in relation to watering and feeding interval, journey times/rest periods and satellite navigation (tracking) systems onboard vehicles.

2.17 This is because they should be transported in conditions of a higher standard than the minimum conditions set by the EU designed to protect domestic Equidae being moved as food animals. All other provisions laid down in the Regulation apply (including the requirement to offer liquid and food before a journey begins). To be able to take advantage of this exemption the transporter should be able to produce written evidence of the registered status of the Equidae on demand by an inspector.

2.18 Registered domestic Equidae are those registered, for the purposes of EU zootechnics legislation (Directives 90/426/EEC and 90/427/EEC), with a recognised breed society or companies like the British Horse Database at Wetherby's. A full list of recognised societies can be obtained from our Equine ID & Zootechnics Branch. **Registered domestic Equidae does not simply mean those with Horse Passports.**

2.19 In addition, because the exemption is not restrictive, domestic Equidae which travel under a passport issued by the Fédération Equestre Internationale or the International Equestrian Federation, should be considered to be registered for the purposes of the Regulation, as should domestic Equidae transported for the purposes of competition, such as show-jumpers, eventers, polo ponies etc. The latter categories will require proof of their registered status (with the appropriate organising Society or Club, such as a Polo or Pony Club, the British Show Jumping Association or the British Endurance Riding Society) to accompany the animals during transport, and to be made available to an inspector on demand. The onus is on the owner to provide proof of registration.

Journey times – transport by sea

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

Journey times – transport by air

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

Journey times – transport to and from shows and other events

2.22 The Regulation requires that animals are rested for at least 48 hours prior to any journey. However, for some journeys (such as those returning from an agricultural show/equestrian event or taking home unsold animals from market) this may not be practicable. When considering what action to take in relation to non-compliance, local authorities consider the circumstances of the breach and take a pragmatic and proportionate view to enforcement. In this instance, our advice is that a pragmatic approach would be to consider the journey time as the combined time getting to and from the event (effectively a “continuous journey”). The time animals spend at the event is not included in the continuous journey time calculations. It should be noted that a continuous journey whose two combined legs result in exceeding either the eight or twelve hour thresholds, would change a transporter’s status within the Regulation. For example, where the total journey time of a continuous journey is in excess of eight hours, a Type 2 authorisation, vehicle approval and an over eight hour journey competence certificate would then be needed. The same is also true if the combined journey distance is over 65 kilometres, in which case the transporter will need to be authorised (see Article 6.7 of the Regulation) and meet the requirements for competency laid down in the EU legislation.

2.23 The above applies where a journey is undertaken for economic purposes. It **does not** apply to journeys undertaken by hobbyists (see paragraph 1.15).

Separation

2.24 Chapter III of the Regulation states: “Animals should be handled and transported separately in the following cases:

- a) Animals of different species.
- b) Animals of significantly different sizes or ages.
- c) Adult breeding boars or stallions.
- d) Sexually mature males from females.
- e) Animals with horns from animals without horns.
- f) Animals hostile to each other.

g) Tied animals from untied animals.”

Points a, b, c and e do not apply where animals have been raised in compatible groups or are accustomed to each other or where separation would cause distress or where females are accompanied by dependant young.

Control posts

What are control posts and what is their purpose?

2.25 When the maximum permitted travelling time stipulated in Annex I, Chapter V of the Regulation for cattle, sheep, goats, pigs and domestic Equidae (other than registered domestic Equidae) has expired but the journey is incomplete the animals must be unloaded, fed and watered and rested for the time stipulated in Chapter V, 1.5 or 1.7(b) of the Regulation. However, animals may also be rested at control posts if the maximum journey times have not been reached. For road transport the minimum rest period is 24 hours. For the very limited circumstances where rest is stipulated for sea transport at the port of destination and where the animals are not unloaded from road vehicles on Roll-on/Roll-off (RO-RO) vessels the rest period is 12 hours. This rest, if a journey log is required, must be taken at premises approved as control posts. These must meet the specified requirements of Council Regulation (EC) No 1255/97 (Regulation 1255/97) as amended by Article 36 of the Regulation.

2.26 Control posts must:

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

How is approval of premises as control posts obtained?

2.27 Potential control post operators should request approval of premises by their local Animal Health Regional Operations Director who will arrange inspection of the premises by a Official Veterinarian (OV) within 10 days of receipt of the application for consideration of approval, by means of the combined application and report form downloadable from our website at:

<https://www.gov.uk/government/publications/welfare-of-animals-transport-order-2006-application-for-inspection>

2.28 The appointment of OVs for the day to day requirements of the control post and the associated costs will be the responsibility of the control post operator. If the premises are considered to be satisfactory the control post operator should be notified in writing within five days of the inspection. The approval will be for one year only and include a unique number and will be notified to the European Commission who will make contact details available to all EU Member States.

2.29 Annual visits for re-approval of premises as control posts will be made. If the criteria and other relevant provisions contained in the Regulation are not properly complied with then approval may be suspended or withdrawn.

2.30 Once approved, any changes to the structure of the premises or the operational regime, including the appointed OV, must be notified to the appropriate authority.

Requirements of premises to be approved as control posts

2.31 The Regulation requires that control posts are used exclusively to receive, feed, water, rest, accommodate, care for and dispatch animals passing through.

2.32 Previously approved assembly centres may be approved as control posts providing:

- they satisfy the relevant requirements of Directive 64/432/EEC and the requirements of the Regulation and Regulation 1255/97;
- that use of such facilities is exclusively reserved as control posts; and
- they are not used for the purchase or sale of animals covered by the Regulation.

2.33 The detailed criteria are contained in Annex I to Regulation 1255/97, as amended by the Regulation and self explanatory criteria on health and hygiene measures, construction and facilities, and operation have been set out in separate guidance on control posts. At the time this guidance note was published this document was under review.

Additional requirements for specific categories of animals

Domestic Equidae

2.34 The Regulation contains a number of additional requirements that are specific to the transportation of domestic Equidae. These are:

- domestic Equidae older than eight months must wear halters during transport – except for unbroken domestic Equidae;

- all Equidae must not be transported in multi-deck vehicles except if they are loaded on the lower deck without the upper deck being used and the minimum height of the compartment is at least 75cm higher than the height of the withers of the highest animal;
- all Equidae, except mares travelling with their foals, must be transported in individual stalls when the vehicle is loaded on to a RO-RO vessel;
- unbroken domestic Equidae **must not** be transported in groups of more than four animals;
- registered domestic Equidae are exempt from the ban on transporting pregnant females beyond 90% of their gestation period and transporting with their registered mares newly born foals where the navel has not completely healed if: (a) the journey is to improve the health and welfare conditions of birth and (b) if accompanied throughout the journey by a dedicated attendant;
- adult breeding stallions should be transported separately, except if raised in compatible groups or if they are accustomed to each other, or where separation would cause distress.

And if transporting domestic Equidae on long journeys the following requirements apply:

- except if accompanied by their mother, long journeys are only permitted for unregistered domestic Equidae over four months old;
- unbroken domestic Equidae **must not** be transported on long journeys (over eight hours).

Young animals

2.35 The Regulation contains a number of additional requirements that are specific to the transportation of young animals. Fitness to travel requirements prevent the transportation of some categories of young animals. The following specific requirements apply:

- piglets of less than three weeks, lambs of less than one week and calves of less than ten days of age can only be transported up to a maximum distance of 100km;
- dogs and cats under eight weeks old cannot travel unless accompanied by their mother.

2.36 Unless accompanied by their mother, young animals can only undertake journeys of over eight hours if they are:

- foals older than four months (except registered domestic Equidae);
- calves older than 14 days;

- pigs heavier than 10kg.

2.37 Young animals unaccompanied by their mother must be provided with adequate quantities of a bedding material appropriate to the species to ensure their thermal comfort and adequately absorb urine and faeces. The Regulation (*Annex I, Chapter II, 1.5*) requires that piglets of less than 10kg, lambs of less than 20kg, calves of less than six months and foals (including registered foals) less than four months be provided with bedding material on all journeys these classes of stock are permitted to take. In addition, national legislation² requires pigs up to 30kg to be provided with bedding when undertaking long journeys of between eight and 12 hours where the journey is operating in accordance with the derogation for road journeys up to 12 hours. This particularly affects journeys where livestock housed outdoors are accustomed to sub zero temperatures.

Unweaned animals

2.38 The Regulation does not provide a definition for unweaned animals. However, the European Commission has advised that for practical purposes, calves and lambs are to be considered as unweaned under the age of 60 days, and can therefore only be subjected to the shorter journey times permitted by the Regulation (i.e. 9 hours journey – 1 hour rest – 9 hours journey). Animal Health will not approve journey logs with individual legs exceeding nine hours for calves younger than 60 days old.

2.39 The Commission also recommends other points, which all Member States are required to give effect to. Whilst these are recommendations, details of non-compliances may be relied on as evidence to support a case for infringements of the Regulation. We therefore suggest that these requirements should be adhered to by all those involved in transporting unweaned calves on long journeys:

- before and during the transport, arrangements must be made to ensure that animals are offered electrolytes or milk substitutes, during any mandatory rest periods;
- metal nipples or troughs alone are not considered as being a suitable delivery system to provide liquids to unweaned animals. Only vehicles equipped with pails and flexible teats are considered acceptable for that purpose. Vehicles carrying unweaned animals which don't provide flexible teats or pails may be treated as a breach of Annex I, Chapter III, para 2.7 on the grounds the transporter hasn't given regard to the need of unweaned animals to become accustomed to the drinking facilities on board, unless the transporter is able to prove otherwise;

² Article 16(2) of WATEO 2006 states "...where the temperature falls below 0 ° C, pigs weighing less than 30kgs and unaccompanied by their mother must be provided with adequate quantities of a bedding material appropriate to the species to ensure their thermal comfort".

- the transport of unweaned animals over long journeys should not go ahead if the outside temperature during the journey is likely to be below 0°C.

2.40 The second of these three recommendations is linked to vehicle approval. Therefore, in the event that the transporter is authorised in another Member State and has their vehicle(s) approved there, Defra will inform the relevant competent authority so that they can take the appropriate action in conjunction with their vehicle approval authority.

Laboratory animals

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

3. Transporter authorisations

3.1 Anyone transporting vertebrate animals on journeys of over 65km (approximately 40 miles) as part of an economic activity must hold a valid transporter authorisation to do so.

3.2 There are two types of authorisation:

- a. **short journey** (Type 1) authorisation for journeys **over 65km and up to eight hours** duration;
 - b. **long journey** (Type 2) authorisation **for journeys over eight hours**. This authorisation covers both long and short journeys.
- Transporters must either carry their transporter authorisation or a copy of it whenever transporting animals.
 - Authorisations are issued in England, Scotland and Wales by Animal Health and in Northern Ireland by the Department for Agriculture and Rural Development.
 - An authorisation will last for five years unless revoked or suspended, or it may have conditions imposed upon it anytime within this period if there are infringements of any requirement of the Regulation or the relevant Welfare of Animals (Transport) Order/Regulation.
 - Anyone requiring an authorisation will need to submit an application. The following guidance explains who requires an authorisation, what conditions they have to meet, and how to apply. Anyone completing the application form should read the notes on the application form. They explain what information is required in each section.

Short journey or long journey authorisation?

3.3 There are two types of authorisation depending upon the distance and the duration animals will be transported:

- short journey (Type 1) authorisation for journeys over 65km and up to, and including, eight hours duration;
- long journey (Type 2) authorisation for journeys over eight hours duration. This authorisation will include short journeys also, so you only need to apply for one authorisation. Additional conditions will need to be met if applying for a long journey authorisation.

3.4 A journey is defined as the time from when the **first** animal is put onto a means of transport at the premises of departure until the **last** animal is unloaded at the final destination (see paragraph 2.10 for more information on journey times)

for poultry). The distance of 65km is defined as the travelled distance, and not 'as the crow flies'.

Conditions applicable to all authorisations

3.5 In order to be eligible for an authorisation, transporters must meet the following criteria:

- transporters must be established in Great Britain (transporters based in Northern Ireland should apply to the Department of Agriculture and Rural Development NI). Transporters based in other EU Member States are expected to be authorised in their respective EU Member State. Transporters from outside the EU may apply for an authorisation if they are represented in Great Britain);
- a transporter may hold only one authorisation (an authorisation is valid throughout the European Union so a transporter may only hold an authorisation from one EU Member State);
- transporters must demonstrate that they and their staff (if others are employed) have the appropriate equipment and operational procedures in place to transport animals in compliance with the Regulation;
- all new applications for Type 2 authorisations need to be accompanied by generic contingency plan information (see paragraphs 3.13 to 3.15).
- someone acting as the transporter, must be trained and competent to transport animals. If others are employed to move animals, they must be trained and competent to do so;
- a transporter, or anyone likely to be involved in transporting animals under the authorisation, must have no record of a serious animal welfare conviction or a Home Office Simple or Conditional Caution in the three years preceding the date of the application (see guidance notes on completing the application form for further details – these are part of the application forms).

Additional conditions for long journey authorisation

Vehicle Approval

3.6 The following indicates the types of journey that do and do not require vehicles and/or containers to be inspected and approved. For further details, see section 5 of this guidance on **Transportation by Road**.

Requires approval

- Vehicles carrying cattle, sheep, pigs, goats or domestic Equidae on all journeys of over eight hours.

- Vehicles carrying other species (including animals in containers) on journeys of over eight hours (but under 12 hours) going *outside of the UK* if it is a condition of any of the EU Member States involved in the journey (transiting or destination).
- Vehicles carrying all species of animals (including those in containers) on all journeys of over 12 hours.
- Containers carrying cattle, sheep, pigs, goats or domestic Equidae on all journeys of over eight hours.

Does not require approval

- Vehicles carrying other species (including animals in containers), on domestic only journeys (i.e. no part of the journey occurs outside of the UK) that are *under 12 hours*.

3.7 An authorisation will only be valid if accompanied by an appropriate vehicle approval certificate during transport. Animal Health does not issue vehicle approval certificates. For further details, see section 5 of this guidance on **Transportation by Road**.

Tracking vehicles during journeys

3.8 Holders of long journey authorisations must have in place procedures that enable them to trace and record the movement of their vehicles and be able to contact their drivers. As a minimum, it is expected that the driver can be contacted at any time by mobile phone and, where transport regulations require it, that there is a properly functioning tachograph in the vehicle.

3.9 Transporters are required to demonstrate that vehicles used to transport farm livestock and unregistered domestic Equidae on journeys in excess of 12 hours within the UK or eight hours going outside the UK, are equipped with a satellite navigation(tracking) system (*Chapter VI*). Such a system should record:

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

3.10 This has been a requirement for all *new* vehicles in service since 5 January 2007 **and as of 1 January 2009 it has applied to all vehicles in service**. Applicants are required to confirm that they meet the minimum requirements in the declaration section of the application form. We have applied a derogation here for vehicles undertaking journeys of up to 12 hours in order to reach their final destination (see section 5 of this guidance on **Transportation by Road**).

Certificates of competence

3.11 Applicants transporting cattle, sheep, pigs, goats, domestic Equidae or poultry by road over 65km are required to hold valid certificates of competence for drivers and attendants of road vehicles. Authorisations issued before 5 January 2008 (when this element of the Regulation came into force) continue to be valid provided drivers or attendants holding relevant certificates of competence carry them (see section 4 of this guidance on **Training and Competence Certification**). N.B. copies of all competence certificates must be submitted with applications for long journey authorisations.

3.12 Transporters of species **other than** cattle, sheep, pigs, goats, domestic Equidae and poultry **do not** require certificates of competence.

Contingency plans

3.13 Holders of Type 2 (long journey) authorisations must have in place contingency plans to deal with emergencies that can arise during a journey such as animals falling ill or injured, unforeseen delays, breakdowns or accidents. The Regulation requires transporters to document their contingency plans in case of emergencies **and to make these available to the competent authority on request. All new applications for Type 2 authorisations need to be accompanied by generic contingency plan information.** This is form WIT 27.

3.14 **Journey organisers are required to submit a contingency plan with each new application for a journey log. This is not required for repeat journeys.** In the case of multiple pick-ups/drop-offs only one contingency plan is required per journey to cover the whole journey. In instances where loads are split e.g. at a control post before onward travel to the destination on separate vehicles, only one contingency plan is required but it separate instructions may be needed following the consignment being split. Transporters without a current generic contingency plan will be asked to submit this with their first application for a new journey log. This is form WIT 28.

3.15 A third template has been created to facilitate submission of contingency plans for use by transporters who are transporting animals on journeys of over eight hours where an Animal Transport Certificate (or equivalent documentation) is required and not a journey log. This is form WIT 29.

3.16 The contingency plan forms can be downloaded from our website at: <https://www.gov.uk/government/publications/contingency-plan-template-for-type-2-transporters> Further information on contingency plans can be obtained from Animal Health's WIT team on 0845 603 8395 or wit@animalhealth.gsi.gov.uk

Ships

3.17 All ship operators carrying vertebrate animals should apply for a long journey authorisation as they may carry animals on journeys where the total duration (including the sea leg) may exceed eight hours. Operators of livestock vessels (where animals are kept in pens with bedding, food and liquid) must have their vessels inspected and approved. There is no requirement for RO-RO vessels to be inspected and approved (see section 6 of this guidance on **Transportation by Sea**).

Aircraft

3.18 Aircraft operators should apply for a Type 2 (long journey) authorisation as they carry animals on journeys where the total duration (including the air leg) may exceed eight hours. There is no requirement for aircraft to be inspected and approved.

Scope of authorisations

3.19 Authorisations permit transporters to carry all species. Transporters should be competent (and be in possession of a certificate of competence if required) to transport the species of animals being carried. Authorisations may be made species specific if deemed necessary.

3.20 As transporters tend to operate only one mode of transport applicants will be asked to specify which mode of transport they wish to be authorised for (e.g. road, sea or air). Transporters may apply to be authorised for more than one mode of transport if they wish. It is not necessary for road transporters exporting on a vessel to apply for a separate 'sea' authorisation. That is the responsibility of the vessel operator.

Previous authorisations

3.21 All previous authorisations granted under WATO 1997 expired on 5 January 2007.

How to apply

3.22 Application forms for both short journey and long journey authorisations are available online on our website at:
<https://www.gov.uk/government/publications/application-for-a-united-kingdom-animal-transporter-authorisation-for-type-1-authorisations-valid-for-journeys-over-65km-and-up-to-8-hours>
and <https://www.gov.uk/government/publications/application-for-a-united-kingdom-animal-transporter-authorisation-for-type-2-authorisations-valid-for-all-journeys-including-over-8-hours>

or from:

Animal Health
Welfare in Transport Team
Central Operations Unit
Hadrian House
Wavell Drive
Rosehill Industrial Estate
Carlisle
CA1 2TB

Telephone: 0845 603 8395
Fax: 01228 591900
E-mail: wit@animalhealth.gsi.gov.uk

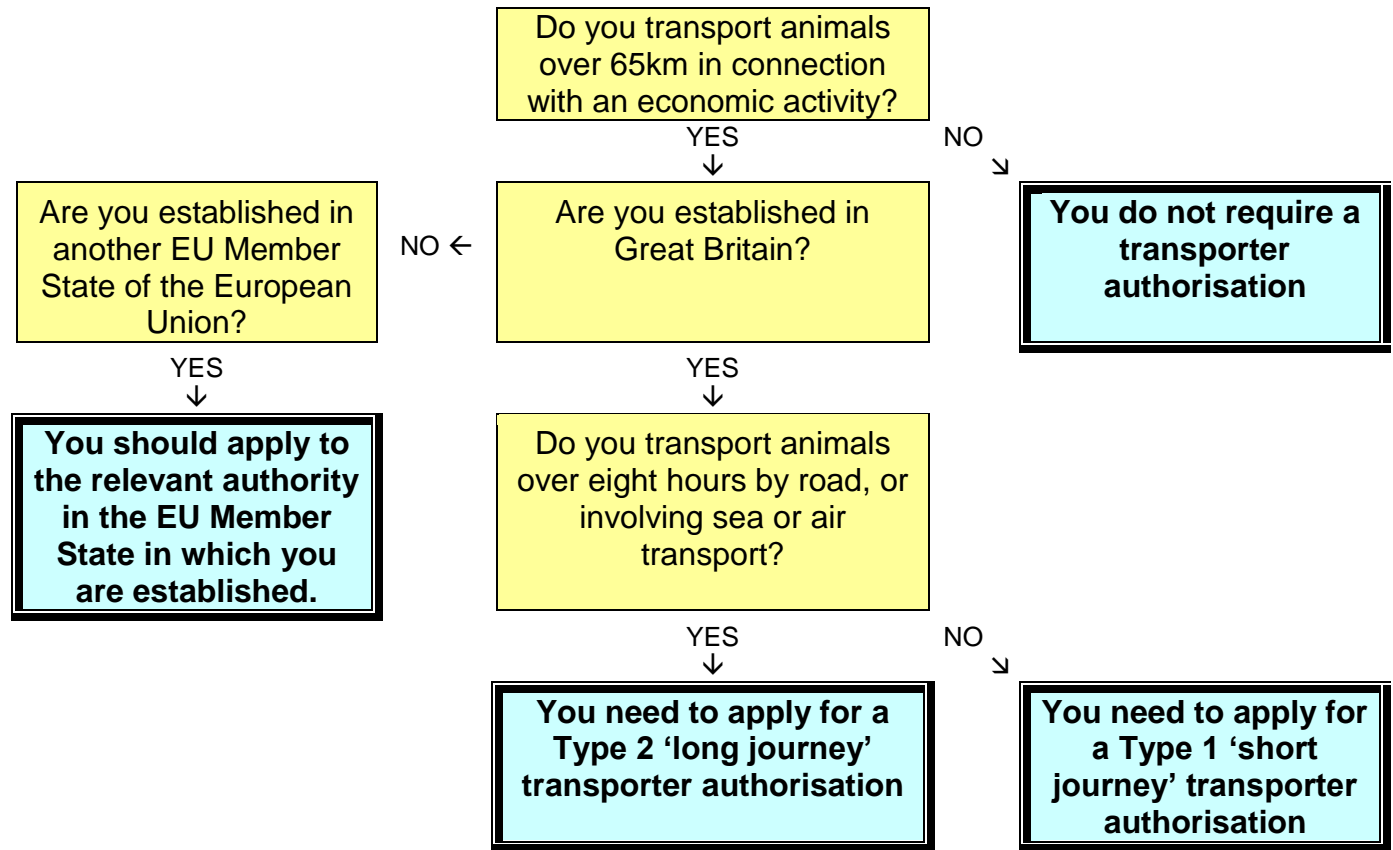
What if my circumstances change?

3.23 If the information provided in your application needs to be changed, you are required to write to the Welfare in Transport Team within 15 working days of the date of change.

Is there a charge for authorisations?

3.24 At the time this guidance was issued, processing and issuing authorisations is free of charge. However, a charging regime may be introduced at some point in the future.

DO I NEED A TRANSPORTER AUTHORISATION?



4. Training and competence certification

Introduction

4.1 The Regulation requires transporters of vertebrate animals in connection with an economic activity and market and assembly centre staff handling animals to be trained in the relevant technical provisions of the Regulation. For transporters this covers: fitness for travel; means of transport; use of its facilities; loading, unloading and handling; watering and feeding intervals, journey times and rest periods; space allowances; and documentation. For market and assembly centre staff: fitness, handling and separation.

4.2 The Regulation additionally requires that those transporting **cattle, sheep, goats, pigs, domestic Equidae or poultry by road on journeys over 65km** in connection with an economic activity must be independently assessed in their competence and in possession of a competence certificate. **This requirement applies to both drivers and attendants.**

Training

4.3 Drivers and attendants must be trained in the relevant parts of the technical rules set out in Annexes I and II of the Regulation. These cover the criteria for: fitness for travel; the means of transport; use of its facilities; loading, unloading and handling; watering and feeding intervals, journey times and rest periods; space allowances and documentation.

4.4 The precise format and who may provide training is not specified in the Regulation. Thus, we consider that training may be undertaken by means of on-the-job instruction combined with practical experience or by formal methods such as those leading to standards equivalent to National Vocational Qualifications (NVQ) accredited into the National Qualifications Framework (NQF) at levels 2 and 3 as provided by industry, agricultural colleges, transport businesses and commercial providers. Some qualifications may need to be modified to ensure full coverage of any additional competences required under the Regulation. The frameworks of competences set out in the appendices to our guidance on training and assessment for competence and should be used in consideration of the suitability of training received whether this is by formal qualification or on-the-job instruction.

Competence certification

4.5 As mentioned above, drivers and attendants transporting cattle, sheep, goats, pigs, domestic Equidae and poultry by road on journeys over 65km in connection with an economic activity are required to be independently assessed in their competence. Those assessed as competent are granted a certificate of competence in the format set out in the appendices to our guidance on training

and assessment for competence. This is issued by the competent authority or a body designated by the EU Member State. The certificate must be submitted with applications for long journey (Type 2) transporter authorisations and made available to enforcement officials on request.

4.6 The certificate will be specific to the role the driver or attendant is charged with, the length of journeys to be undertaken and the species to be transported:

- assessment of those involved in **journeys over 65km and up to eight hours** is made by means of a theory test;
- assessments of those involved in **journeys over eight hours** also includes practical assessment of their competence including animal handling (and if opted for) driving skills.

Assessment for competence is a one-off requirement. Certificates do not have a defined period of validity.

Competences to be assessed

4.7 The elements on which competence is required are set out in the Regulation. However to clarify these, draft frameworks of competences have been prepared and agreed in consultation with stakeholders. Those for cattle, sheep, goats, pigs, domestic Equidae and poultry are set out in separate, dedicated guidance on competence assessment. At the time this guidance note was published this document was under review.

How to obtain a certificate of competence

4.8 Assessment and certification is carried out by independent, industry awarding bodies designated by us and the other competent authorities. Transporters will need to contact the awarding bodies themselves for detailed information on how assessments are undertaken. Contact details for the bodies designated at the time this guidance was issued are shown below together with indication of the species they assess for competence in.

| | |
|--|---|
| British Driving Society Mrs. T Styles - Executive Secretary 83 New Road Helmingham Stowmarket Suffolk IP14 6QA <i>Domestic Equidae only</i> | Tel: 01473 892 001 Fax: 01473 892 005 Email: email@britishdrivingsociety.co.uk Web: www.britishdrivingsociety.co.uk |
|--|---|

| | |
|---|---|
| <p>British Horseracing Education and Standards Trust Suite 16, Unit 8, Kings Court Willie Snaith Road Newmarket Suffolk CB8 7SG</p> <p><i>Domestic Equidae only</i></p> | <p>Tel: 016 3856 0743 Fax: 016 3866 0932 Email: info@bhest.co.uk Web: www.bhtb.co.uk</p> |
| <p>Lantra Awards Lantra House Stoneleigh Park Warwickshire CV8 2LG</p> <p><i>Cattle, sheep, pigs, goats, domestic Equidae and poultry (including game birds)</i></p> | <p>Tel: 024 7641 9703 ext 212 Fax: 024 7641 1655 Email: lesley.barr@lantra-awards.co.uk Web: www.lantra-awards.co.uk</p> |
| <p>City & Guilds (NPTC) Building 500 Abbey Park Stareton Warwickshire CV8 2LY</p> <p><i>Cattle, sheep, pigs, goats, domestic Equidae and poultry (including game birds)</i></p> | <p>Tel: 024 7685 7300 Fax: 024 7669 6128 Email: information@cityandguilds.com Web: www.nptc.org.uk</p> |
| <p>Scottish Skills Testing Service Skills Testing Centre Young Farmers Centre Ingliston Edinburgh EH28 8NE</p> <p><i>Cattle, sheep, pigs, goats, domestic Equidae and poultry (including game birds)</i></p> | <p>Tel: 0131 333 2040 Fax: 0131 335 0108 Email: sstsadmin@sayfc.org Web: www.sayfc.org/ssts/</p> |

In addition, it has been agreed that Scottish Food Quality Certification (SFQC) will act as a service provider for those seeking assistance in obtaining a certificate of competence. SFQC's contact details are: Tel: 0131 335 6641, Fax: 0131 335 6601, Email: info@sfqc.co.uk Details of subsequently designated bodies will be

shown in updated versions of this guidance note on the welfare in transport pages of our website at:

<https://www.gov.uk/animal-welfare#animal-welfare-during-transport>

Transporters or attendants already holding transport qualifications or independent certification

4.9 Although there are no ‘grandfather rights’ permitted under the Regulation, as an alternative to being assessed fully under the requirements of the Regulation those holding certain formal qualifications recognised under WATO 1997 may be issued with certificates of competence by the original awarding body (if they have been designated to award certificates under the Regulation) and as long as all aspects of the framework of competences have been covered. As these qualifications will certainly not cover references to the Regulation, holders must demonstrate knowledge of the Regulation’s requirements before any certificate can be issued. This may involve a short assessment. Qualifications recognised under WATO 1997 were:

- certificates issued by independent bodies approved by Ministers such as the NPTC;
- S/NVQ Level 2 in Transporting of Goods by Road (within the context of livestock haulage), Units 5,6 and 7;
- S/NVQ Level 3 in Racehorse Care and Management - maintain the health and well being of horses during transportation, Unit 3.04;
- S/NVQ Level 3 in Horse Care and Management - maintain the health and well being of horses during transportation, Unit 3.04.

4.10 Transporters of poultry were not required under WATO 1997 to formally demonstrate competence by qualification or certification so they must obtain competence certificates as described.

Nomination of awarding bodies for certificates of competence

4.11 Together with NAW, SGRD, and DARDNI, we nominate awarding bodies for certification subject to their meeting specific standards in terms of scope, competencies to be assessed, independence, accountability and audit requirements. Awarding bodies are required to maintain adequate records of certificates issued and to respond to requests for information from enforcement authorities within one working day.

4.12 Determining whether applicant bodies can meet the required standards is carried out by recognised organisations expert in this field; namely: the United Kingdom Accreditation Service (UKAS); the Office of the Qualifications and Examinations Regulator (OFQUAL) in England and parallel bodies operating in Scotland, Wales and Northern Ireland.

4.13 Potential awarding bodies should submit their proposals and evidence of meeting the required standards to either UKAS or the relevant OFQUAL body and to the relevant competent authority:

in England to – Department for Environment, Food and Rural Affairs (Defra), Transport and Markets Team, Area 8B, 9 Millbank c/o Nobel House, 17 Smith Square, London SW1P 3JR;

in Wales to – Welsh Assembly Government (WAG), Office of the Chief Veterinary Officer, Cathays Park, Cardiff CF10 3NQ;

in Scotland to – Scottish Government Rural Directorate (SGRD), P Spur, Saughton House, Broomhouse Drive, EDINBURGH, EH11 3XD; and

in Northern Ireland to – Department for Agriculture and Rural Development in Northern Ireland (DARDNI), Room 728, Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

4.14 If proposals are judged to be robust and meeting the required standard, the relevant competent authority will nominate as awarding bodies:

- organisations holding the necessary UKAS accreditation covering certification of personnel. These bodies could include independent assessors, new providers, specific species/sector representative bodies or industry quality assurance schemes;
- examining bodies for new or existing vocational qualifications accredited into the NQF at levels 2 or 3.

Competent authority designations allow the relevant bodies to operate throughout the UK.

Staff handling animals at assembly centres and markets

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

Training

4.16 The required level of knowledge and training at assembly centres and markets depends on whether or not the premises are approved under Community veterinary health legislation and so can be used to group together animals to form consignments. The criteria contained in the Regulation's Annex I for fitness, handling and separation must however be fully understood by staff at all premises.

EU approved premises

4.17 Staff handling animals at assembly centres and markets that are approved in accordance with Community veterinary health legislation (EU approved) must have received training on the relevant aspects of the Regulation.

4.18 The format of training required is not specified in the Regulation. Training may be provided in-house by the assembly centre/market operator or a third party training provider or by formal qualification such as a Level 2 NVQ in livestock droving. An assembly centre or market, which is approved to Assured British Meat standards or equivalent will also be seen to be complying, providing that all staff handling animals hold a Level 2 NVQ in livestock droving for the assembly centre or market in gaining such approval. However, knowledge of the relevant parts of the new Regulation will still need to be obtained by holders of existing qualifications.

4.19 The training must cover the relevant technical rules set out in the Regulation's Annex I, which are outlined in the competence framework.

4.20 The Regulation does not require assembly centre and market staff to hold a certificate of competence.

Other premises

4.21 The Regulation does not specify that staff must be trained but they clearly must have knowledge of the relevant aspects of the Regulation in order to comply. It is therefore recommended that operators of the premises arrange at least some in-house training on the requirements or encourage staff to take other training.

5. Transportation by road

5.1 This section provides guidance on transporting animals by road, focussing on vehicle standards. It cannot be read in isolation and the other sections in this guidance must also be referred to, for example, that on transporter authorisations.

5.2 The Regulation lays down specific standards and rules for transporting animals by all means of transport which is defined as road or rail vehicles, vessels and aircraft. A vehicle is a means of transport fitted with wheels which is propelled or towed, it therefore includes trailers. There are also rules applying to containers used to carry animals on a separate means of transport³.

5.3 The general requirement for means of transport is that they are “*designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of animals*” (Article 3). That article also says that loading and unloading facilities must also be similarly designed etc. and that sufficient floor area and height is provided for the animals (see section 2 of this guidance on the **General Conditions for the Transport of Animals**).

5.4 Article 6.3 requires transporters to transport animals in accordance with technical rules set out in Annex I of the Regulation. Chapter I of the Annex deals with fitness for transport. Chapter II contains a list of requirements that need to be met both for all means of transport and some additional provisions for road transport. There are also chapters detailing transport practices, watering, feeding, journey times, resting periods, space allowances and additional provisions for long journeys. Many of these conditions are self explanatory and reflect rules that applied under previous legislation. However, Parts 2B-E in this guidance contain advice on interpreting some of the specifications for road vehicles and trailers.

Ramps

5.5 In describing practices relating to loading and unloading animals (*Annex I, Chapter III*), the Regulation says that ramps shall not be steeper than:

- for pigs, calves and domestic Equidae - an angle of 20 degrees, that is 36.4% to the horizontal (equivalent to a vertical rise of four over a distance of 11);
- for sheep and cattle other than calves - an angle of 26 degrees 34 minutes, that is 50% to the horizontal (equivalent to a vertical rise of four over a distance of eight).

³ ‘Container’ is defined in the Regulation as ‘any crate, box, receptacle or other rigid structure used for the transport of animals which is not a means of transport’.

5.6 Formerly, we had advised that vehicles built before and in use before 5 January 2007 could be exempt from the ramp angle requirements up to a deadline of 4 January 2012. This decision has now been legally challenged by the EU Commission. Therefore, as of 1 January 2011, any vehicle found on inspection for enforcement purposes to be non-compliant with the Regulation's ramp angle specifications could be subject to enforcement action.

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

5.8 It is recognised that it is difficult to measure accurately the slope angle of a ramp, particularly when the vehicle is on uneven ground.

Long journeys by road – road vehicle (and container) approval

Summary of requirements

5.9 Means of transport (road vehicles), and containers, used for transporting animals on 'long journeys' (those in excess of eight hours) must be inspected and approved by the competent authority of a EU Member State or a body designated by a EU Member State (*Articles 7 and 18*). Approval criteria for containers differs from that for road vehicles (paragraph 5.15 refers).

5.10 Compulsory inspection and approval in relation to animal welfare is a departure from previous requirements. This section describes how it should be carried out.

5.11 Approvals are dependent on those vehicles (and containers) meeting specific requirements of the Regulation (*Annex I, Chapters II & VI*) covering:

- basic construction requirements (for all species);
- equipment for loading and unloading;
- additional requirements for long journeys involving domestic cattle, sheep, pigs, goats or domestic Equidae – roof, partitions, water/feed equipment, ventilation and satellite navigation (tracking) systems (excluding registered equidae).

5.12 Inspection can, of course, only relate to the vehicle as seen on that day. It is important to note therefore that a certificate issued for a road vehicle after inspection will not be taken as guaranteeing that the vehicle reaches the standards required for the duration of its validity (up to a maximum of five years). It will remain the transporter's responsibility that such vehicles continue to meet

the required standards. If subsequent checks by enforcement bodies (such as local authorities or the Animal Health Agency acting on our behalf) find that a vehicle no longer meets the required standards then certificates may be suspended or revoked or other enforcement action taken.

5.13 As required by the Regulation, approvals are recorded on an electronic database for ease of exchanging information between enforcement agencies.

5.14 The Regulation includes a provision for EU Member States to grant derogations from the requirement for vehicle approval for journeys not exceeding 12 hours in order to reach the final place of destination. We have taken up certain derogations and details of those being applied are described at paragraph 5.18.

5.15 Container approval is required for all journeys over eight hours where domestic cattle, sheep, goats, pigs or domestic Equidae are being carried (*Article 7.3*). The derogations permitted under Article 18.4 of the Regulation do not extend to these journeys.

5.16 For most species other than domestic cattle, sheep, goats, pigs and domestic equidae (referred to for the purposes of the Regulation as 'other species'), transport will be in a container often carried in a non-specialist road vehicle such as a car or van. The Regulation is clear that inspection and approval of containers carrying 'other species' is not required (but see paragraph 5.18i below concerning the transport of fish). However, under some circumstances vehicles used to transport the containers will need to be approved. Paragraphs 5.19 and 5.20 refer.

5.17 Certificates issued on behalf of other competent authorities in the UK or other EU Member States will be valid across the UK and such vehicles do not require further inspection and approval. Indeed, Article 18 does not allow a competent authority or designated body to grant approval for vehicles that are subject to an application submitted to or an approval issued by another such authority. So, for example, if a vehicle has been inspected and approved by the authorities in France, that vehicle neither needs nor can be re-approved here in the UK.

UK derogations

5.18 As permitted by Article 18(4) of the Regulation, the following derogations have been applied in the UK from the requirement for certificates of approval for road vehicles used on journeys of up to 12 hours in order to reach their final destination:

- i **road vehicles transporting animals *other* than cattle, sheep, goats, pigs or domestic Equidae within the UK for a journey time of up to 12**

hours, do not require vehicle inspection and approval (paragraph 5.20 refers). This derogation extends to road vehicles transporting containers carrying poultry and fish, which are not therefore required to be inspected and approved for journeys of up to 12 hours within the UK. The derogation does not apply to journeys undertaken in purpose built, 'bespoke' road vehicles carrying fish. This type of vehicle is essentially a large fish tank on wheels. Vehicles of this type undertaking all journeys of over eight hours will need inspection and approval to the Regulation's basic criteria as set out in Annex I, Chapter II. Vehicles transporting 'other species' on journeys of over eight hours (but less than 12 hours) going outside of the UK will need to hold a vehicle approval certificate if any of the EU Member States involved in the journey (transiting or destination) require one. Transporters may be asked for evidence that the requirements of transiting and destination EU Member States have been ascertained. All vehicles transporting any species of animal on journeys of over twelve hours must be inspected and approved (paragraph 5.20 refers);

ii **pigs do not require continuous access to water during transportation** (*Annex I, Chapter V, 1.1.4(b)*); however they must be offered water at appropriate intervals and afforded an adequate opportunity to drink. Veterinary advice is that having water constantly available is bad for welfare because pigs do not drink in a moving vehicle but play with the drinkers resulting in water flooding the vehicles. It is, however, essential that water can be made available to pigs when necessary;

iii **insulated roofs are not required** (*Annex I, Chapter VI, paragraph 1.1*);

iv **temperature on a means of transport by road may fall below 0°C during a journey** (*Annex I, Chapter VI, paragraph 3.1*):

- up to the time when the means of transport by road is first moved at the place of departure; and
- during any unloading and loading occurring at intermediate points in the journey.

v **ventilation, temperature monitoring, and warning systems are not required** (*Annex I, Chapter VI, paragraph 3*);

vi **satellite navigation (tracking) systems are not required for journeys up to 12 hours within the UK** (*Annex I, Chapter VI, paragraph 4*).

5.19 Although the derogations granted mean that approval is not required in the UK for road vehicles carrying other species of animal in containers (on journeys of up to 12 hours), this does not release transporters from ensuring the vehicles used to transport containers meet the criteria for approval laid down in the Regulation's Annex I, Chapter II. Nor does it exempt them from general obligations relating to the transport of animals. It does, however, remove a regulatory burden that inspecting and approving such vehicles would impose.

What requires inspection and approval?

5.20 It should be made clear that inspection and approval is required for **all species carried in road vehicles where journeys exceed 12 hours** as this is beyond the scope of the derogations granted and therefore the Regulation's full inspection and approval provisions must apply.

Requires approval

- Vehicles carrying cattle, sheep, pigs, goats or domestic Equidae on all journeys of over eight hours.
- Vehicles carrying other species (including animals in containers) on journeys of over eight hours (but under 12 hours) going *outside of the UK* if it is a condition of any of the EU Member States involved in the journey (transiting or destination).
- Vehicles carrying all species of animals (including those in containers) on all journeys of over 12 hours.
- Containers carrying cattle, sheep, pigs, goats or domestic Equidae on all journeys of over eight hours.

Does not require approval

- Vehicles carrying other species (including animals in containers), on domestic only journeys (i.e. no part of the journey occurs outside of the UK) that are *under 12 hours*.

Vehicle approval equipment requirements

| VEHICLE EQUIPMENT | TRAVEL TIME | | |
|---|-----------------|------------------|---------------------|
| | 8 - 12 Hours UK | Over 12 Hours UK | Over 8 Hours Europe |
| Insulated Roof | X | ✓ | ✓ |
| Feeding Equipment | ✓ | ✓ | ✓ |
| Partitions | ✓ | ✓ | ✓ |
| * Water Supply | ✓ | ✓ | ✓ |
| Ventilation and Temperature Control Equipment | X | ✓ | ✓ |
| Temperature Monitoring Equipment | X | ✓ | ✓ |
| + Securing Points | ✓ | ✓ | ✓ |

| | | | |
|---|---|---|---|
| Loading and Unloading Equipment | ✓ | ✓ | ✓ |
| Satellite Tracking, Data Recording and Transmission Equipment | X | ✓ | ✓ |

* Please refer to paragraph 5.18ii with regards to the transport of pigs up to 12 hours.

+ When transported on a RO-RO vessel.

Non-compliances and re-inspection

5.21 On 1 September 2010, a new procedure was introduced requiring the re-inspection of vehicles or containers which upon inspection by Animal Health (AH) and/or Local Authority (LA) Inspectors, are found to have one or more serious non-compliances in terms of the Regulation's requirements. This is to satisfy the EU Commission that the UK is fully complying with the obligations imposed on all EU Member States by the Regulation.

5.22 For the purposes of this new procedure, a serious non-compliance relates to the absence or malfunctioning of major equipment on vehicles or containers travelling over 12 hours in the UK or over eight hours if exporting abroad. In this context, major equipment means any equipment which is legally required for long journeys as set out in Chapter VI of Annex I to the Regulation, and ramp angle requirements made under Chapter III, which are applicable to all vehicles undertaking journeys of any length. For ease of reference, these are as follows:

- A satellite navigation (tracking) system.
- Water supply and delivery equipment.
- Ventilation systems.
- Temperature monitoring equipment (with sensors and a data recorder).
- Regulation 1/2005 compliant ramp angles.

5.23 A serious non-compliance may also be, in the view of AH and/or LA inspectors, any fixture or fitting on board the vehicle or container, which could compromise the welfare of the animals being transported.

5.24 Vehicles or containers found at the initial approval inspection to have major non-compliances must be subject to a compulsory re-inspection before an approval certificate is awarded and before any journeys can be undertaken. Vehicle approval bodies may set a deadline for a partial re-inspection of equipment fitted to correct the non-compliance. Failure to meet this deadline could result in a full re-inspection of the vehicle being required. Lesser non-compliances will continue to be treated as they are now (i.e. approval granted upon receipt of confirmation to the satisfaction of the approval body that the

problem has been rectified by the vehicle owner supported by copies of receipts/photographic evidence etc.).

5.25 If any major non-compliances are identified by AH and/or LA inspectors during the course of their normal enforcement duties (e.g. at loading, at market, during road checks and at ports) then the vehicle or container will be prohibited from transporting further consignments of animals until the deficiencies have been rectified and the vehicle or container has been subject to satisfactory full re-inspection by one of the designated awarding bodies and received re-approval.

5.26 In the case of lesser non-compliances, identified by AH and/or LA inspectors during the course of their normal enforcement duties, these will continue to be subject to the necessary proportionate enforcement action.

Who carries out inspection and approval?

5.27 The competent authorities have established a scheme setting out the rules and procedures under which vehicle inspection and approval will be carried out. The scheme states that the bodies designated by competent authorities to fulfill the approval process are:

- any body that can demonstrate to the United Kingdom Accreditation Service (UKAS) that it has the capability and competence to deliver the scheme;
- Animal Health in England, Wales and Scotland;
- the Department of Agriculture and Rural Development in Northern Ireland (DARDNI).

5.28 Animal Health and DARDNI are empowered to carry out this function only where necessary, for example, where a UKAS recommended body is not available or perhaps not able to assess a vehicle engaged in non routine transport such as carrying wild animals.

5.29 At the time this guidance note was published, the following bodies were designated to inspect and approve vehicles and containers:

| | |
|--|---|
| Freight Transport Association Hermes House St John's Road Tunbridge Wells Kent TN4 9UZ | Tel: 01892 552235 E-mail: twells.admin@fta.co.uk |
|--|---|

| | |
|---|---|
| <p>NSF Certification Hanborough Business Park Long Hanborough Oxford OX29 8SG</p> | <p>Tel: 01993 885610 E-mail: certificationuk@nsf.org</p> |
| <p>SAI Global/EFSIS P O Box 165 Winterhill House Snowdon Drive Milton Keynes MK6 1PB</p> | <p>Tel: 01908 249973 Fax: 01908 249965 E-mail: fabbl@efsis.com</p> |
| <p>Scottish Food Quality Certification Royal Highland Centre 10th Avenue Ingliston Edinburgh EH28 8NF</p> | <p>Tel: 0131 335 6600 E-mail: info@sfqc.co.uk</p> |

Competent authority designations allow the relevant bodies to operate throughout the UK.

Details of the scheme and technical requirements

5.30 Further information on vehicle inspection and approval, including the scheme and details of the technical requirements for vehicles such as satellite navigation systems, ventilation and monitoring equipment, can be found in the approval scheme guidance note that can be found on our website at: <https://www.gov.uk/government/publications/welfare-of-animals-during-transport-road-vehicle-and-container-certification-in-the-uk> Hard copies are available from the Transport and Markets Team (contact details on inside cover of this guidance note).

6. Transportation by sea

6.1 This section gives guidance on transporting animals by sea. It cannot be read in isolation and the other sections in this guidance must also be referred to, for example, that on transporter authorisations.

6.2 The Regulation lays down specific standards and rules for transporting animals by all means of transport including vessels. The Regulation differentiates between livestock vessels and Roll-on Roll-off (RO-RO) vessels in its provisions.

6.3 Livestock vessels are defined as: *“a vessel which is used or intended to be used for the carriage of domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species – other than a roll-on roll-off vessel, and other than a vessel carrying animals in moveable containers” (Article 2 (l)).*

6.4 A RO-RO vessel is defined as *“a sea-going vessel with facilities to enable road or rail vehicles to roll on and roll off the vessel” (Article 2 (v)).*

6.5 The general requirement for means of transport is that they are *“designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of animals” (Article 3)*. This Article also says that loading and unloading facilities must also be similarly designed etc. and that sufficient floor area and height is provided for the animals.

6.6 Livestock vessels require prior inspection and approval (valid for up to five years) by the competent authority (*Article 19*) for any voyage from a European Community port which exceeds 10 nautical miles and where domestic Equidae and/or cattle, sheep, pigs and goats are to be carried (*Article 7.2*). The relevant authorities of EU Member States will grant a certificate of approval on application if the vessel is, in summary, operated from that EU Member State; is not subject to an application to another EU Member State; and the vessel has been inspected and meets Annex I, Chapter IV, Section 1, of the Regulation.

6.7 Livestock vessels that have been successfully inspected and approved will receive a certificate with a unique number in each EU Member State. Certificates issued in the UK are in English and are valid for five years. They become invalid if the vessel is modified or refitted in any way that affects the welfare of the animals.

6.8 In Great Britain, inspection and approval is carried out by Animal Health.

6.9 Livestock vessels should also be inspected by the competent authority before any loading of animals to verify the provisions laid down in Article 20.1 of the Regulation.

6.10 Detailed guidance was drawn up 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. At the time this guidance note was published, these documents were under review. Once the review has been completed the revised versions will be made publicly available.

7. Transportation by air

7.1 This section gives guidance on transporting animals by air. It cannot be read in isolation and the other sections in this guidance must also be referred to, for example, that on transporters authorisations.

7.2 The Regulation lays down few specific rules for transporting animals by air but those that relate to all means of transport (which includes aircraft) apply.

7.3 The general requirement for means of transport is that they are: “*designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the safety of animals*” (Article 3). Article 3 also states that loading and unloading facilities must also be similarly designed etc. and that sufficient floor area and height is provided for the animals.

7.4 Aircraft are not required to be inspected and approved for transporting animals on long journeys (unlike road vehicles and livestock vessels). However, the Regulation requires compliance with the rules and standards laid down by the International Air Transport Association (IATA) Live Animals Regulations. Failure to comply with the relevant IATA rules would therefore be an offence under EU law.

7.5 Detailed guidance was drawn up on air transport standards in order to assist with uniform and practical application of the Regulation. At the time this guidance note was published, this document was under review. Once the review has been completed the revised version will be made publicly available.

8. Travel documentation

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

For cattle, sheep, pigs, goats and unregistered domestic Equidae

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

For all other species (including registered domestic Equidae)

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

Animal Transport Certificate

8.2 The main purposes of the Animal Transport Certificate (ATC) are to help transporters and inspectors ensure journeys are within the maximum journey times for the animals and to inform the appropriate vehicle standards of vehicle being used. It also reflects the requirements of the Regulation's Article 4.1.

8.3 The information required on an ATC is as follows:

- origin and ownership of the animals;
- place of departure and destination;
- date and time of departure;
- expected duration of the journey.

8.4 There is no prescribed format in which information required on an ATC be kept. An ATC template has been produced, which it is suggested that you use, but any other document containing the required information such as a delivery note or an Animal Movement Licence may be used if preferred. The ATC template is shown here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/166167/wit6-atc.pdf.pdf

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

8.6 The ATC must be kept by the transporter for six months after each journey.

Journey log

8.7 The purpose of the journey log is to ensure journeys over eight hours to other EU Member States or third countries are properly planned in advance to ensure maximum journey times (see section 2 of this guidance on **General Conditions for the Transport of Animals**) are not exceeded and that any necessary rest stops are taken to care for the animals during their journey.

8.8 The journey log comprises five sections:

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

Journey log – before the journey starts

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

- organisers must plan their journeys carefully and fully complete Section 1 of the journey log;
- organisers must give each journey log a unique number and stamp that reference on every page. The original of the whole of this journey log should then be sent for checking to:

Welfare in Transport Team
Central Operations Unit
Hadrian House
Wavell Drive
Rosehill Industrial Estate
Carlisle CA1 2TB

Telephone: 0845 603 8395
Fax: 01228 591900
E-mail: wit@animalhealth.gsi.gov.uk

- the (original) log should be submitted with the corresponding application for health certification – a recommended five working days before the intended journey. Journey logs will be processed if submitted later but may not be issued in time if the necessary checks cannot be made in time or if the planned journey does not meet the requirements of the Regulation and needs to be amended and resubmitted;
- if the route is a new one the log will be checked to ensure that the proposed journey is realistic and in compliance with the Regulation;
- only when everything is in accordance with the Regulation will the journey log be signed, dated and stamped and returned to the transporter.

Journey log – action during journeys

8.10 Transporters must complete each part of section 4 at the relevant stage of each journey so that any Inspector checking the journey log at any point in the journey can verify, or otherwise, that the journey is being conducted within the rules at that time.

8.11 Any differences between the planned and actual journey must be explained and the number and reason for any animal deaths during the journey must be declared.

Journey log – action after journeys have been completed

8.12 Section 4 must be signed by the driver(s) and transporter(s) and the complete journey log (all five sections, including the anomaly report) returned to the WIT Team in Carlisle **within one month of the end of the journey**.

8.13 Copies must also be retained by the transporter and the keeper at the place of destination for three years.

Data use

8.14 Information from the journey logs will be passed to appropriate Animal Health or Local Authority staff 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. Any non-compliance will be recorded against the transporter's unique authorisation and may also be made available to enforcement agencies or others to aid any investigations or prosecutions.

Contingency plans

8.15 Journey organisers are required to submit a contingency plan with each new application for a journey log. This is not required for repeat journeys. In the case of multiple pick-ups/drop-offs only one contingency plan is required per journey to cover the whole journey. In instances where loads are split e.g. at a control post before onward travel to the destination on separate vehicles, only one contingency plan is required but it separate instructions may be needed following the consignment being split. Transporters without a current generic contingency plan will be asked to submit this with their first application for a new journey log. Further information on contingency plans can be found in section 3 of this guidance on Transporter Authorisations.

9. Enforcement

Who carries out enforcement work?

9.1 Primary responsibility for enforcement of the Regulation rests with Local Authorities (LAs). LAs enforce a range of legislation relating to the health and welfare of farmed animals, including animals being transported and livestock and horses at markets and shows. They carry out routine checks of vehicles and transport and have a presence at shows and markets. They carry out welfare checks on animals and means of transport 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 Animal Health also carries out enforcement work at a variety of places such as, markets, ports, roadside checks and supervised loadings of export consignments. Animal Health enforces compliance with export journey times of livestock and unregistered domestic Equidae through checking journey logs before and after journeys and taking appropriate follow up action. Unlike LAs, Animal Health does not generally prosecute offenders but works closely with local authorities when serious non-compliances are identified.

What enforcement powers are there?

9.3 LAs have several options open to them in their role as enforcers. They may advise or warn transporters verbally if this is the best way to treat a minor infringement. An inspector may also issue notices (under section 24 of WATEO 2006 and similar provisions in the equivalent national legislation for Wales, Scotland and Northern Ireland). Notices may require a transporter:

- not to transport a particular group of animals;
- to fulfil special conditions for transport;
- to complete a journey or return animals to their place of departure by the most direct route;
- to hold animals in a particular location pending the resolution of a problem;
- to have an animal humanely slaughtered;
- require a means of transport or container to be repaired before it can be used, or replaced.

9.4 The above list is not exhaustive. Notices are designed to address the immediate welfare needs of the animals, whatever those needs may be. Inspectors may also decide that a single incident is so serious that proceedings to prosecute need to be initiated straight away.

9.5 In the event of repeated infringements against the Regulation, or any other infringement which involves serious suffering to animals, a transporter authorisation may be revoked, suspended or have conditions attached to it. This is done by Animal Health's Welfare in Transport (WIT) team.

9.6 In the case of vehicle approval certificates issued by the vehicle approval body, for road vehicles transporting animals over eight hours, infringements could result in the certificate being revoked, suspended or other enforcement action being taken.

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

What is the approach to enforcement?

9.8 The Regulation has common objectives with the legislation that it has replaced that have not changed – animals must not be caused any unnecessary suffering, animals must be fit for their intended journey, vehicles must be suitable and the same journey time limits and space allowances apply. Given this, the types of compliance checking are much the same. LAs decide how to deliver their services according to local risks and needs, and with consideration of the Animal Health and Welfare Framework.

9.9 The intention is that enforcement is sensible, consistent and proportionate, particularly during the initial period of adjustment, focusing on education and advice where appropriate. In addition, the focus of enforcement action should be targeted on situations where animal welfare has, or is likely to, suffer rather than technical breaches of the Regulation.

9.10 Local authority enforcement of welfare during transport legislation is fair and proportionate, in line with the statutory Regulators Compliance Code <http://www.berr.gov.uk/files/file45019.pdf> When considering what action to take in relation to non-compliance, local authorities consider the circumstances of the breach and the course of action most likely to achieve compliance. This may include giving consideration to the intent of transporters to comply with the rules.

Monitoring compliance checks and enforcement activity use of data

9.11 Compliance checks, non-compliances found and enforcement action taken is recorded on the Animal Movement Enforcement System (AMES) database. The information is used to target monitor areas of non compliance, make reports to Parliament and the European Commission as well as being used in considering whether to grant, revoke, suspend or put conditions on authorisations.

Information may be made available to enforcement authorities to assist investigations or prosecutions.

Offences and penalties

9.12 Penalties relating to any breach of WATEO 2006 are set at Level 5 (i.e. a fine of up to £5,000 and/or six months imprisonment on summary conviction).