

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 764 final.

Brussels, 16 January 1979.

PROPOSAL FOR A
COUNCIL DIRECTIVE

establishing measures for the implementation
of Directive 77/489/EEC on the protection of animals
during international transport

(submitted to the Council by the Commission)

COM(78) 764 final.

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Subject : Proposal for a Council Directive establishing measures for the implementation of the Council Directive of 18 July 1977 on the protection of animals during international transport (77/489/EEC)

Article 7 of the Council Directive of 18 July 1977 on the protection of animals during international transport (77/489/EEC) provides for the adoption of measures necessary for the implementation of the Directive.

The present proposal lays down certain provisions for application of that Article, and in particular the provisions necessary for the implementation of point 1(d) of the Annex to the Directive.

In addition, proposals are made to meet requirements relating to certification where the Commission has found it necessary to establish a document in addition to the health certificate to ensure that the entire duration of international transport is covered.

The proposal also includes provisions designed to permit the gradual development of Community measures in this field of animal protection specifically related to land, water and air transport. To speed up the development and adoption of these measures and to enable their practical application,

it is proposed that pursuant to Article 155 of the EEC Treaty the Commission be empowered to lay down the rules for the application of the Directive, in accordance with the procedure of the Standing Veterinary Committee.

PROPOSAL FOR A
COUNCIL DIRECTIVE

establishing measures for the implementation of Directive
77/489/EEC on the protection of animals
during international transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and
in particular Articles 43 and 100 thereof,

Having regard to Council Directive 77/489/EEC of 18 July 1977 on the protection of
animals during international transport⁽¹⁾, and in particular Article 7 thereof,

~~Having regard to the proposal from the Commission,~~

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee;

Whereas the Council provided in Article 7 of Directive 77/489/EEC for the
adoption of the provisions necessary for the implementation of that Directive;

Whereas Directive 77/489/EEC will not have the desired effects as long as
disparities exist between the Member States as to the application of certain
provisions on the protection of animals during international transport;
whereas Community provisions should therefore be adopted in this field;

Whereas the abovementioned Directive provides that the best means of ensuring
that domestic animals of the bovine, ovine, caprine and porcine species and
domestic solipeds are transported without cruelty is to provide for an inter-
national transport certificate to be issued in respect of such animals; whereas to
that end the certificate must accompany the animals to their final destination
and contain details of the conditions of transport at every stage;

(1) O.J. No L 200, 8.8.1977, p. 10.

Whereas it is necessary to lay down the procedure referred to in Article 7 of the abovementioned Directive whereby in certain specific cases Member States may be authorized at their request not to apply point 1 of Chapter I of the Annex to the Directive; whereas such exemption must, however, be subject to guarantees relating to conditions of transport, where appropriate by providing for a special certificate to be issued; whereas the advisability and conditions of exemption should be determined by a Community procedure under which there is close and effective cooperation between the Member States and the Commission;

Whereas pursuant to Article 7 of the said Directive and to ensure the general implementation of the Directive, provision should be made for laying down detailed requirements for each type of transport, in accordance with the abovementioned procedure,

HAS ADOPTED THIS DIRECTIVE :

Article 1

1. Without prejudice to Article 2, Member States shall authorize the international transport of animals referred to in Chapter I of the Annex to Directive 77/489/EEC by land, water or air only on presentation of a certificate conforming to the specimen at Annex I to this Directive, made out by an official veterinarian.

Such certificate shall:

- be issued on the day on which the animals are loaded for consignment to the country of destination;
- be drafted in at least one of the official languages of the exporting country, the country or countries of transit and the country of destination;
- accompany each consignment of animals transported to their final destination;
- be valid for 14 days;
- consist of a single sheet of paper.

2. Member States shall ensure that the attestations required in the certificate provided for in paragraph 1 regarding loading, transport, arrival at destination, feeding and watering of the animals are completed, as appropriate, by an official of the competent authority, by the owner or by his authorized agent.

The certificate shall be submitted to the competent authority of the Member State of destination within 24 hours after arrival at destination and shall be kept by that authority for at least three months.

Article 2

1. Member States may, on application and in accordance with the procedure laid down in Article 4, be authorized not to apply points 1(a), (b) and (c) of Chapter I of the Annex to Directive 77/489/EEC in respect of certain categories of animals such as pure-bred breeding animals, or animals transported for shows or sporting competitions.

Applications shall be submitted to the Commission and shall specify the categories of animal concerned and the reason exemption is required from one or more of the provisions in question.

2. For exemption to be granted, guarantees shall be provided to ensure at least that:

- the animals are spared any cruel treatment or unnecessary suffering;
- the other general and specific provisions of Directive 77/489/EEC are observed;
- the duration of the journey is not excessive.

3. The decision to grant exemption may be made conditional on the issue of a certificate. In such case Member States shall ensure that a certificate, conforming to the specimen at Annex II, is issued by the competent authority. such certificate shall:

- be issued on the day on which the animals are loaded for consignment to the country of destination;
- be drafted in at least one of the official languages of the exporting country, the country or countries of transit and the country of destination;
- accompany each consignment of animals transported to their final destination;
- be valid for 14 days;
- consist of a single sheet of paper.

Article 3

The rules for implementing Directive 77/489/EEC relating to animals transported by land, water and air shall take into account in particular :

- the biological, physiological and ethological requirements of the animals before, during and after the journey;
- the means of transport and the method of loading and unloading;
- the care of the animals by those in charge of them during the journey.

Such rules shall be adopted in accordance with the procedure laid down in Article 4.

Article 4

1. Where the procedure laid down in this Article is to be followed, the matter shall without delay be referred by the chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter referred to as 'the Committee'), set up by the Council Decision 68/361/EEC.
2. Within the Committee the votes of the Member States shall be weighted as laid down in Article 148 (2) of the Treaty. The chairman shall not vote.
3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on these measures within a time limit set by the chairman having regard to the urgency of the questions under examination. Opinions shall be delivered by a majority of 41 votes.
4. The Commission shall adopt the measures and shall implement them immediately where they are in accordance with the opinion of the Committee. Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If the Council has not adopted any measures within three months of the date on which the matter is referred to it, the Commission shall adopt the proposed measures and shall implement them immediately.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on

They shall forthwith inform the Commission thereof.

Article 6

This Directive is addressed to the Member States.

ANNEX I

INTERNATIONAL ANIMAL TRANSPORT CERTIFICATE (1)

A. Transport of domestic solipeds and domestic animals of the bovine, ovine, caprine, and porcine species.

Health certificate reference number

Exporting country

Competent authority

I. Number of animals

II. Description of animals (2)

III. Destination of animals

The (insert number) animals will be sent
from
(place of loading)

to
(country and place of final destination)

by railway wagon (3), lorry (3), aircraft (3), boat (3).

IV. I, the undersigned, certify that the animals described above have been inspected and in my opinion are fit for international transport.

Stamp : Date

Signed
Official veterinarian

This certificate has a validity of 14 days from the date of issue.

B. V. Loading Attestation

The animals described in I and II were loaded under arrangements approved by the official veterinarian for international transport at
(place of loading)

on (date) at (time)(4)

Stamp

Signed
Official of competent authority

C. VI. Journey Attestation

(a) First control post

Arrival - Date Time

Departure - Date Time

Stamp

Signed
Official of competent authority

(b) Second control post (5)

Arrival - Date Time

Departure - Date Time

Stamp

Signed
Official of competent authority

(c) Third control post (5)

Arrival - Date Time

Departure - Date Time

Stamp

Signed
Official of competent authority

D. VII. a. Change of destination (6)

The (insert number) animals will be sent
to
(country and place of final destination)

b. Change of means of transport (6) (7)

railway wagon (3) lorry (3) aircraft (3) boat (3)

E. VIII. Feeding and Watering Attestation (8)

I, the undersigned, declare that the animals described in I and II above
were fed and watered at -

Address of premises

Date

Signed
Owner or authorized agent.

Arrival - Date Time

Departure - Date Time

F. IX. Destination Attestation

Address of destination premises
Arrival of animals, date time

Signed
Owner or authorized agent

G. X. After completion of the journey this completed certificate must be submitted to the Competent Authority⁽⁹⁾ within 24 hours by the owner or authorized agent at the place of destination.

NOTES

1. A certificate must be issued in respect of each consignment of animals transported in one and the same railway wagon, lorry, aircraft or boat from one and the same holding to one and the same consignee.
2. The description should include breed, age and sex of animals.
3. For railway wagons and lorries the registration number should be given, for aircraft the flight number and for boats the name.
4. Time G.M.T. when the last of the animals was loaded.
5. Information to be entered if animals transit a Member State.
6. If a consignment of animals is divided into smaller groups, a copy of the certificate with Section D.VII completed must accompany each group to its final destination.
7. In the case of transfer of a consignment from one vehicle to another the welfare certificate or copy must remain with the consignment to its final destination.
8. Information is required if journey has been longer than 18 hours and feeding and watering carried out in accordance with point 4(d) of the Annex to Directive 77/489/EEC.
9. Competent authority for

BELGIUM
DENMARK
FRANCE
GERMANY
IRELAND
ITALY
LUXEMBOURG
NETHERLANDS
UNITED KINGDOM

ANNEX II

CERTIFICATE⁽¹⁾ FOR THE PROTECTION OF ANIMALS TRANSPORTED
IN ACCORDANCE WITH CONDITIONS OF EXEMPTION OF
COMMISSION DECISION

For transport of domestic solipeds and domestic animals of the bovine, ovine, caprine, and porcine species.

Health Certificate reference No.
Certificate No.

Exporting country

Competent authority

Railway wagon (2) lorry (2) aircraft (2) boat (2)

I. Number and species of animals ⁽³⁾.....

II. I, the undersigned, hereby certify that the animals described above are travelling in accordance with the conditions laid down by Commission Decision.....

Date

Signed
Official of Competent Authority

This certificate has a validity of 14 days from the date of issue.

NOTES

1. A welfare certificate must be issued in respect of each consignment of animals transported in one and the same railway wagon, lorry, aircraft or boat from one and the same holding to one and the same consignee.
2. For railway wagons and lorries the registration number should be given, for aircraft the flight number and for boats the name.
3. In the case of cattle, state cow, bull, bullock, heifer or calf. In the case of horses, state mare, stallion, gelding or foal.