

APHA's role in implementing welfare of animals during transport regulations

APHA statement

Regulations governing the welfare of live animals during transport throughout the European Union and to third countries require competent authorities to carry out regular non-discriminatory checks on an adequate proportion of animals transported each year within their territory. APHA, as Defra's delivery agents, is legally required to carry out these checks fairly and impartially.

APHA takes its responsibilities for implementing rules governing the welfare of animals during transport regulations extremely seriously. All supportable claims of illegality or poor practice impacting on the welfare of the animals or suggesting non-compliance with the welfare in transport legislation are investigated and appropriate action taken.

What the law requires

Whilst the Government recognises that the long distance transport of live animals is a matter of public concern, it is committed to reducing the regulatory burden on legitimate trade. The transport of live animals is a legal trade and as such those involved in the trade can expect to be able to pursue their business without unjustified impediment.

The Government cannot unilaterally ban the long distance transport of animals as this would contravene EU rules regarding free trade. This position has been confirmed by two rulings by the European Court of Justice and several cases heard by the high court.

European Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations establishes the criteria which those involved in the commercial transport of animals throughout the European Union and to third countries, must meet. This regulation is supplemented by the Welfare of Animals (Transport) (England) Order 2006, and similar legislation in Wales and Scotland.

The manner in which the requirements of EC 1/2005 must be applied are established under Council Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with food and feed law, animal health and welfare rules and which, amongst others, requires that the competent authorities undertake checks with impartiality. It further requires that the frequency of checks must be regular and proportionate to the risk.

This legislation requires that:

- Animals are fit to travel and are not transported in a way likely to cause them injury or undue suffering.

- Journey times are kept to a minimum.
- Those handling animals have been trained and are competent.
- The vehicle and its loading and unloading facilities are designed, constructed and maintained to avoid injury and suffering and to ensure the safety of the animals.
- Water, feed and opportunity to rest are made available to the animals as appropriate and sufficient floor space and headroom is available in the transport.

All those involved in the commercial transport of animals have to be authorised and drivers have to pass a competency test which focuses on the care of the animals being transported.

For long journeys (over eight hours), vehicles must be inspected by independent approved assessors working to accredited standards to demonstrate that they meet statutory standards.

The following maximum journey times* (hours) apply:

Species	Basic standard vehicle	Higher standard vehicle		
		Travel	Rest	Travel
Sheep / cattle	8	14	1	14
Unweaned lambs / calves / piglets	8	9	1	9
Pigs	8	24		

* Notes:

- Journey time is from first animal loaded to last animal unloaded.
- Time spent on Roll-on/Roll-off (RO-RO) vessels counts towards the journey time.
- Transporters must ensure that they have contingency plans in case of emergencies are in place.
 - Annex I, Chapter V, paragraph 1.7(b) makes it clear that in cases where sea crossings on roll-on, roll-off ferries between two geographic points within the Community cannot be completed within the permitted journey times established under the Regulation (as per the table above), the crossing may still be undertaken. However, in such cases the animals, once disembarked, must be rested for 12 hours in the immediate vicinity of the destination port, unless the final leg of the journey to destination can be completed within 2 hours.

Ventilation and temperature monitoring

Vehicles used to transport cattle, sheep, pigs, goats and domestic equidae for export journeys over eight hours or journeys over 12 hours must have special ventilation

and temperature monitoring equipment. The functionality of this equipment must include:

- sensors to monitor and record the temperature within the animal compartment, positioned where conditions are likely to be worst
- the ability to maintain the temperature within the animal compartment between 5°C and 30°C (+/- 5°C)
- a warning system to alert the driver if the temperature in the animal compartment reaches the maximum or minimum limit
- a ventilation system with a minimum airflow of nominal capacity of 60 cubic metres per hour per kilo Newton of payload that can operate independently of the vehicle engine for at least four hours

Regulation EC/1/2005 requires that:

The competent authority shall check that the requirements of this Regulation (EC/1/2005) have been complied with, by carrying out non-discriminatory inspections of animals, means of transport and accompanying documents. Such inspections must be carried out on an adequate proportion of the animals transported each year within each Member State, and may be carried out at the same time as checks for other purposes. The proportion of inspections shall be increased where it is established that the provisions of this Regulation have been disregarded.

APHA's role

The Animal and Plant Health Agency (APHA), an executive agency of Defra, is responsible for operational delivery in this area. This includes monitoring compliance with the law and, where necessary, the application of non-judicial regulatory action.

Pre-export checks (at port) form one element of the protection measures applied by APHA to monitor compliance with the transport Regulation throughout a journey. Transporters are required to submit detailed proposals (known as 'journey logs') for approval prior to a journey commencing, to demonstrate that it can be completed in compliance with the Regulation and unsatisfactory (non-compliant) journey logs will not be approved.

Prior to an export journey commencing all animals involved are inspected by an official veterinary surgeon to ensure that they are fit to transport. APHA also undertake supervised loadings at departure premises as well as portal checks.

On completion of a journey transporters must return approved journey logs recording any variances from the proposed journey, to demonstrate that the journey was completed in compliance with the Regulation.

Although inspections are proportionate, APHA inspectors are present at every sailing from Dover and Ramsgate involving the export of live animals destined for slaughter. Where breaches in the legislation are identified APHA can and do take regulatory

action to ensure compliance, protect the welfare of the animals and to achieve ongoing compliance.

Summary of measures undertaken by APHA:

1. Vehicles and drivers

- Issue transporter authorisations
- Checks on vehicle approval and driver competency certification.

2. Journey times and routes

- Approval of journey logs. For long journeys transporters must apply to APHA for approval of the proposed journey route to ensure that it is realistic and complies with the provisions of EC 1/2005.
- The journey logs have to be updated by the transporter as the journey progresses and returned once the journey is completed, and checks by the APHA then establish whether the actual journey complied with the provisions established under the Regulation.

3. Health and welfare checks

- Ensuring the health and fitness to travel of animals involved in export – this includes issuing Export Health Certificates (EHCs) and Intra Trade Animal Health Certificates (ITAHCs).
- Risk-based checks on consignments, either when the animals are loaded at the point of departure or on arrival at the port of departure. Inspections prior to loading will check that animals are fit to travel and that the consignment is compliant in areas such as journey times, stocking densities (on-board space allowances), on-board ventilation and access to water and feed where necessary.
- APHA uses a risk based approach to identify consignments to be inspected. This enables consideration to be given to factors such as received intelligence, previous compliance record and other factors to target resources to maximise effectiveness.
- All supportable claims of illegality or poor transport practices impacting on the welfare of the animals are investigated.
- A dedicated team of APHA inspectors operate at the Port of Dover.

4. Enforcement actions

- In the event that non-compliances are identified, officers are empowered to issue statutory notices to ensure that any measures necessary are taken to safeguard the welfare of the animals. If appropriate APHA can suspend or revoke a GB transporter's authorisation to transport animals or withdraw their vehicle approval certificate, or in the case of transporters authorised outside of GB

temporarily prohibit them and / or their vehicles from operating within GB.

- Serious infringements of the law will be referred to the relevant local authority for consideration of further enforcement action (which could lead to prosecution).

Further information on APHA's policy on the enforcement of welfare of animals during transport regulations can be found at:

<https://www.gov.uk/farm-animal-welfare-during-transportation>