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**COUNCIL DIRECTIVE 95/29/EC**

**of 29 June 1995**

**amending Directive 91/628/EEC concerning the protection of animals during transport**

(OJ L 148, 30.6.1995, p. 52)

Corrected by:

► **C1** Corrigendum, OJ L 282, 15.10.1997, p. 36 (95/29)



**COUNCIL DIRECTIVE 95/29/EC**  
**of 29 June 1995**  
**amending Directive 91/628/EEC concerning the protection of**  
**animals during transport**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Article 13 (1) of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport <sup>(4)</sup> requires the Commission to submit a report, possibly accompanied by proposals, on maximum journey times, feeding and watering intervals, resting periods, space allowances and standards to be met by means of transport as regards the transport of certain types of animal;

Whereas the report from the Commission, based on an opinion from the Scientific Veterinary Committee, shows that standards can be established on the abovementioned matters in respect of certain types of animal, based on scientific knowledge and well established experience;

Whereas some Member States have rules on journey times, feeding and watering intervals, resting periods and space allowances; whereas these rules are, in some cases, extremely detailed and are used by some Member States to restrict intra-Community trade in live animals; whereas persons involved in the transport of animals need clearly defined criteria to enable them to operate on a Community-wide basis without coming into conflict with differing national provisions;

Whereas, in order to eliminate technical barriers to trade in live animals and to allow the market organizations in question to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned, it is necessary in the context of the internal market to modify the rules of Directive 91/628/EEC with a view to harmonizing travelling times and resting periods, feeding and watering intervals, and space allowances, for certain types of animal;

Whereas Member States should further be authorized to lay down stricter conditions for journey times for animals destined for slaughter where the animals are to be transported between a place of departure and a place of destination situated in their territory whilst complying with the general provisions of the Treaty,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 91/628/EEC is hereby amended as follows:

1. Article 1 (2) (a) shall be replaced by the following text:
  - ‘(a) — to transport which is not of a commercial nature or to any individual animal accompanied by a natural person who has responsibility for the animal during transport,
  - to the transport of pet animals accompanying their owner on a private journey.’

<sup>(1)</sup> OJ No C 250, 14. 9. 1993, p. 12.

<sup>(2)</sup> OJ No C 20, 24. 1. 1994, p. 68.

<sup>(3)</sup> OJ No C 127, 7. 5. 1994, p. 32.

<sup>(4)</sup> OJ No L 340, 11. 12. 1991, p. 17. Directive as amended by Decision 92/438/EEC (OJ No L 243, 25. 8. 1992, p. 27).

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2. In Article 2 (2):
  - (a) in point (e), the words ‘and accommodated for at least 10 hours’ shall be replaced by the words ‘and accommodated for 24 hours’;
  - (b) the following subparagraphs shall be added:
    - ‘(h) “rest period”, a continuous period in the course of a journey during which animals are not being moved by a means of transport;
    - (i) “transporter”, any natural or legal person transporting animals
      - on his own account, or
      - for the account of a third party, or
      - by providing a third party with a means of transport of animals,
 where such transport is of a commercial nature and carried out for the purpose of gain;’
3. In Article 3 (1), the following subparagraph shall be inserted:
  - ‘(aa) — space allowances (loading densities) for animals at least comply with the figures laid down in Chapter VI of the Annex, in respect of the animals and the means of transport referred to in that Chapter,
  - travelling times and rest periods and feeding and watering intervals for certain types of animals comply with those laid down in Chapter VII of the Annex, in respect of the animals referred to in that Chapter, without prejudice to the provisions of Regulation (EEC) No 3820/85 (\*);’
4. Article 5 shall be replaced by the following:

*Article 5*

A. Member States shall ensure that:

1. any transporter:

(a) is:

- (i) registered in a manner enabling the competent authority to identify the person rapidly in the event of failure to comply with the requirements of this Directive;
- (ii) covered by an authorization valid for all transport of vertebrate animals carried out in one of the territories referred to in Annex I to Directive 90/675/EEC, granted by the competent authority of the Member State of establishment or, if an undertaking established in a third country is concerned, by a competent authority of a Member State of the Union, subject to a written undertaking by the person in charge of the transport undertaking to comply with the requirements of the Community veterinary legislation in force.

This written undertaking shall in particular state that:

- the transporter referred to in point 2 has taken all the measures necessary to comply with the requirements of this Directive as far as the place of destination and, more particularly where export to third countries is concerned, as far as the place of destination as defined by Community legislation,
- without prejudice to the provisions of Chapter 1A (6) (b) of the Annex, the staff referred to in subparagraph (a) of point 2 have received specific training, either within the undertaking or from a training body, or have equivalent practical experience qualifying

(\*) OJ No L 370, 31. 12. 1985, p. 1.

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them to handle and transport vertebrate animals and to administer, if necessary, appropriate care to the animals transported;

- b) does not transport any animal, or cause any animal to be transported, in a way which is likely to cause injury or undue suffering to that animal;
- c) uses, for the transport of animals referred to in this Directive, means of transport that will ensure compliance with Community requirements concerning welfare during transport, and in particular the requirements laid down in the Annex and those to be laid down in accordance with Article 13 (1);

2. the transporter:

- (a) entrusts the transport of the live animals to staff who possess the necessary ability, professional competence and knowledge laid down in subparagraph (a) of point 1;
- (b) for the animals referred to in Article 1 (1) (a) which are to be traded between Member States or exported to third countries, and in cases where the journey time exceeds eight hours, draws up a route plan in accordance with the specimen in Chapter VIII of the Annex, which will be attached to the health certificate during the journey, and also indicates any staging and transfer points.

A single route plan will have to be drawn up in accordance with point (c) to cover the whole period of the journey;

- (c) submits the route plan referred to in (b) to the competent authority so that it can draw up the health certificate, after which, the number or numbers of such certificates must be marked on the route plan and it must be stamped by the veterinarian of the place of departure, who will also give notice of the existence of the route plan through the Animo system;

(d) ensures:

- (i) that the original copy of the route plan referred to in (b)

- is duly drawn up and completed by the appropriate persons at the appropriate time,
- is attached to the health certificate accompanying the consignment throughout the journey;

- (ii) that the staff in charge of the transport

- state in the route plan the times and places at which the animals transported have been fed and watered during the journey,
- where animals are being exported to third countries and the travelling time within Community territory, exceeds eight hours, have the route plan certified, after checking, by the competent authority of the authorized crossing point or of the point of exit designated by a Member State (stamps and signature), after the animals have been checked and judged by the official veterinarian to be fit to continue their journey.

Member States may specify that expenses incurred by the abovementioned veterinary check shall be borne by the operator exporting the animals,

- on their return, send back the route plan to the competent authority of the place of origin.

However, where animals are being exported to third countries by sea and the travelling time exceeds eight hours, the same provisions shall apply;

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- (e) keeps, for a period fixed by the competent authority, a second copy of the route plan referred to in (b) which may, if required, be submitted on request to the competent authority for verification;
  - (f) demonstrates, according to the species transported and where the length of the journey entails compliance with Chapter VII (4), that steps have been taken to meet the animals' needs for food and water during the journey, even where the route plan is changed or where the journey is interrupted for reasons beyond his control;
  - (g) ensures that the animals are transported without delay to their place of destination;
  - (h) without prejudice to compliance with the provisions in Chapter III of the Annex, ensures that animals of species not referred to in Chapter VII of the Annex are suitably fed and watered at appropriate intervals during transport;
3. that the staging points, agreed upon in advance by the person in charge referred to in point 2, are regularly checked by the competent authority which must also satisfy itself that the animals are fit to continue their journey;
  4. that the costs of meeting animals' feeding, watering and rest requirements are borne by the operators referred to in point 1.

B. Any procedures for application which result from this Article shall be adopted in accordance with the procedure provided for in Article 17.'

## 5. Article 8 shall read as follows:

*Article 8*

Member States shall ensure that, in accordance with the principles and rules of control laid down in Directive 90/425/EEC, the competent authorities check that the requirements of this Directive have been complied with, by carrying out non-discriminatory inspections of:

- (a) means of transport and animals during transport by road;
- (b) means of transport and animals arriving at their place of destination;
- (c) means of transport and animals at markets, at places of departure, at staging points and at transfer points;
- (d) the particulars on the accompanying documents.

Such inspections must be carried out on an adequate sample 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 competent authority in each Member State shall submit to the Commission an annual report stating the number of inspections carried out in the preceding calendar year in respect of each of the points (a), (b), (c) and (d) and including details of any reported infringements and the action taken as a result by the competent authority.

Furthermore, where the competent authority of a Member State has information leading it to suspect an infringement, checks may also be carried out during the transport of animals on its territory.

This Article shall not affect checks carried out as part of tasks conducted in a non-discriminatory manner by authorities responsible for the general application of laws in a Member State.'

6. The following shall be added as third subparagraph to Article 9 (1):  
'Any measure taken pursuant to the second subparagraph shall be notified by the competent authority by the Animo network according to the procedures, including financial procedures, to be established according to the procedure provided for in Article 17.'