COUNCIL DIRECTIVE

of 18 July 1977

on the protection of animals during international transport

(77/489/EEC)

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 the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas most Member States have ratified the European Convention for the protection of animals during international transport; whereas an additional Protocol enabling the Community as such to accede to the said Convention is currently being prepared;

Whereas, however, Community measures on the subject should be adopted without delay;

Whereas general provisions on the protection of animals should not have a direct effect on the functioning of the common market;

Whereas, however, there exist between the national laws at present in force in the field of animal transport disparities affecting the functioning of the common market;

Whereas, in order to eliminate the resultant technical barriers to trade in live animals, the laws of the Member States should be harmonized; whereas that would accordingly enable action to be taken at Community level to protect animals from cruel treatment during transport,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the international transport of:

(a) domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species (Annex, Chapter I);

(b) domestic birds and domestic rabbits (Annex, Chapter II);

(c) domestic cats and domestic dogs (Annex, Chapter III);

(d) other mammals and birds (Annex, Chapter IV);

(e) cold-blooded animals (Annex, Chapter V).

Article 2

This Directive shall not apply to Greenland.

If the Commission finds that the exclusion of Greenland is no longer justified, it shall submit appropriate proposals to the Council.

Article 3

1. For the purposes of this Directive:

(a) 'official veterinarian' means the veterinarian designated by the competent central authority of the Member State;

(b) 'means of transport' means those parts of motor vehicles, rail vehicles and aircraft set aside for loading and the holds of ships or containers for land, sea or air transport;

(c) 'international transport' means any movement of animals effected by a means of transport which involves the crossing of a frontier. Frontier traffic shall, however, be excluded.

2. For international transport of animals mentioned in Chapter I of the Annex, the official veterinary officer must certify that these animals are fit for transport within the meaning of this Directive.

Article 4

Each Member State shall ensure that, in the case of a consignment to or from another Member State or of exports to or imports from third countries or in the case

(1) OJ No C 257, 10. 11. 1975, p. 38.
(2) OJ No C 286, 15. 12. 1975, p. 22.

of transit, the international transport of animals within its territory is effected in accordance with the conditions laid down in the Annex to this Directive.

They shall in particular take all necessary measures to avoid or reduce to a minimum the suffering of animals when strikes or other unforeseeable circumstances in their territory impede application of this Directive.

Article 5

If in the course of international transport it is found that the provisions of this Directive are not, or are no longer, complied with, the competent authority of the Member State in the territory of which such a situation arises shall take the appropriate action to remedy the situation, as far as is possible.

Nevertheless, without prejudice to the implementation of any animal health measures, a consignment of animals shall be detained only when it is strictly necessary for the welfare of the animals.

Article 6

1. Where a Member State considers that, during the international transport of animals from another Member State, the provisions of this Directive are not, or are no longer, complied with in the latter Member State, it shall inform that Member State accordingly and the latter shall take all necessary measures and shall inform the other Member State of the decisions taken and the reasons for such decisions.

If that other Member State fears that the necessary measures have not been taken or are inappropriate, it shall inform the Commission accordingly, whereupon the Commission may seek the opinion of one or more veterinary experts.

2. Veterinary experts must be nationals of a Member State other than those involved in the dispute.

3. After consulting the Member States, the Commission shall lay down detailed rules for the application of this Article, in particular as regards the appointment of veterinary experts and the procedure to be followed as regards delivery by them of an opinion.

Article 7

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, shall adopt the provisions necessary for the implementation of this Directive.

In particular it shall within one year of the date of adoption of this Directive adopt the provisions necessary for the implementation of point 1 (d) of the Annex hereto and shall at that time lay down detailed rules of application to be adopted by the Commission and the procedure for the adoption of such rules.

Article 8

Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive on 1 August 1978.

They shall forthwith inform the Commission thereof.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 18 July 1977.

For the Council

The President

A. HUMBLET

ANNEX

CHAPTER I

DOMESTIC SOLIPEDS AND DOMESTIC ANIMALS OF THE BOVINE, OVINE, CAPRINE AND PORCINE SPECIES

A. General provisions

1. (a) Before animals are loaded for international transport they shall be inspected by an official veterinarian of the exporting country who shall satisfy himself that they are fit for transportation.

   (b) Loading shall be carried out under arrangements approved by an official veterinarian.

   (c) The official veterinarian shall issue a certificate which identifies the animals, states that they are fit for transportation and, where possible, records the registration number of the means of transport and the type of vehicle used.

   (d) In certain specific cases, Member States may be authorized, at their request and in accordance with the procedure provided for in Article 7, not to apply the provisions of this point.

2. Animals likely to give birth during carriage or having given birth during the preceding 48 hours shall not be considered fit for transportation.

3. The official veterinarian of the exporting country, country of transit, or importing country may prescribe a period of rest, at a place determined by him, during which the animals shall receive the necessary care.

4. (a) Animals shall be provided with adequate space and, unless special conditions require to the contrary, room to lie down.

   (b) The means of transport and containers shall be constructed so as to protect animals against inclement weather conditions and marked differences in climatic conditions. Ventilation and air space shall be adapted to the conditions of transport and be appropriate for the species of animals carried.

   (c) Containers in which animals are transported shall be marked with a symbol indicating the presence of live animals and a sign indicating the upright position. Containers shall be easy to clean, escape-proof and shall be so constructed as to ensure the safety of the animals. Containers shall also allow for the inspection and care of the animals and shall be stowed in a way which does not interfere with ventilation. During transport and handling, containers shall always be kept upright and shall not be exposed to severe jolts or shaking.

   (d) During transport animals shall be offered water and appropriate food at suitable intervals. Animals shall not be left more than 24 hours without being fed and watered. This period may, however, be extended if the journey to the destination where the animals are unloaded can be completed within a reasonable period.

   (e) Solipeds shall wear halters during transport. This provision need not apply to unbroken animals.

   (f) When animals are tied the ropes or other attachments used shall be strong enough not to break during the transport under normal conditions, and long enough to allow the animals, if necessary, to lie down and to eat and drink. Bovines shall not be tied by the horns.

   (g) Solipeds, unless in individual stalls, shall have their hind feet unshod.

   (h) Bulls over 18 months should preferably be tied. They shall be fitted with a nose-ring for handling purposes only.

5. (a) When animals of various species travel in the same truck, vehicle, vessel or aircraft, they shall be segregated according to species. Furthermore special measures shall be taken to avoid ad-