

PROPOSED REPLACEMENT EU ACT INITIAL ASSESSMENT OF IMPACT

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Proposed Replacement EU Act

Proposal for a Regulation of the European Parliament and of the Council on the Protection of Animals during Transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005 – [COM/2023/770](#)

This Regulation would [replace Council Regulation \(EC\) No 1/2005 of 22 December 2004](#) on the protection of animals during transport and related operations, which is included in the Windsor Framework.

Summary of the Act

The proposal is intended to put in place revised European legislation, which utilises the latest scientific evidence, to protect the welfare of vertebrate animals, including fish (but excluding ornamental fish), cephalopods, and decapods, when they are being transported, in connection with an economic activity, within the European (EU) Union, from the EU to third countries or on their arrival in the EU from third countries.

The draft Regulation focuses on 7 specific objectives: reduce travel times, increase minimum space allowances, reinforce rules for the transport in extreme temperatures, address the specific needs of vulnerable animals, improve enforcement through digitalisation, improve conditions of transport of animals exported from the EU, and expand EU rules for the transport of dogs and cats.

It is proposed that the draft regulation will apply 2 years after the date of entry, with many of the requirements being implemented via additional transition periods ranging from 3-5 years, to allow sufficient time to adapt to the new requirements.

Department(s) Responsible

The lead department for the Regulation will be the Department of Agriculture, Environment and Rural Affairs (DAERA)

Initial Assessment of Impact

Does it appear likely that the application of the proposed replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

The proposal, if implemented, will have an impact on any persons undertaking the transport vertebrate animals, including fish (but excluding ornamental fish), cephalopods, and decapods, within Northern Ireland, from Northern Ireland to an EU member state, to Great Britain or Third Countries or on their arrival in Northern Ireland from an EU member state, Great Britain or Third Countries, when that journey is in connection with an economic activity.

The proposal must undergo further discussion and refinement through the EU legislative processes: it is not possible to assess likely impacts at this stage.

Does it appear likely that not applying the proposed replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

The proposal must undergo further discussion and refinement through the EU legislative processes; it is not possible to assess likely impacts at this stage.

UK Government Explanatory Memorandum

The proposed Regulation is intended to deliver a higher level of animal welfare in transport by taking forward a series of reforms, which are broadly as follows:

- **Maximum journey times** – currently, permitted maximum journey times vary between species but are applied uniformly, regardless of the purpose of the journey. Under the proposed regulation, journeys for slaughter will be limited to 9 hours for terrestrial animals other than rabbits and domestic birds and there can be no repeat of journey cycles.

For terrestrial animals other than rabbits and domestic birds, the proposal is for journeys for any purpose other than slaughter to be limited to a maximum of 21 hours, followed by a 24-hour rest, and then a final maximum journey time of an additional 21 hours.

For all journeys, poultry will have a maximum journey time of 12 hours, including loading and unloading time, and end of lay hens will have a maximum journey time of 10 hours, and there can be no repeat of journey cycles.

- **Vulnerable animals** - currently, unweaned animals can be transported for up to 19 hours before a 24-hour rest, and this cycle can be repeated indefinitely. Pregnant animals at more than 90% of the gestation period cannot be transported.

Under the proposed Regulation, journey times of unweaned animals will be limited to 8 hours, without repeat, except where the vehicle is fitted with a specialist feeding mechanism to provide milk replacement. Pregnant animals at more than 80% of the gestation period cannot be transported.

- **Transport in extreme temperatures** – currently, requirements only apply when moving horses, cattle, sheep, goats or pigs for journeys over 8 hours and are based on the internal temperature of the vehicle being maintained between 5°C and 30°C, with a +/- 5°C tolerance. Under the proposed regulation, requirements will be based on external temperature and humidity and apply to all journeys. The proposal will not prohibit transport during extreme temperatures but seeks to mitigate associated risks. For example, when temperatures are forecasted below -5°C, journey times should not exceed 9 hours, and for forecasts above 30°C, journey times will be restricted to overnight periods.
- **Space Requirements** - there will be new, specified headroom requirements for cattle, sheep, equine, domestic birds and slaughter rabbits.
- **Aquatic Animals** - The current Regulation applies to live vertebrate animals only, however, the proposed Regulation will also apply to decapods and cephalopods. For these animals, there will be specific requirements for the design and maintenance of the vehicle, handling, water quality, fitness for transport, and loading and unloading practices. Ornamental fish will be excluded from the proposed Regulation.
- **Cats and Dogs** - In relation to commercial movements of dogs and cats, the proposed Regulation includes specific protections on the minimum age of transport, watering and feeding intervals, temperature and humidity monitoring within the vehicle and conditions that must be maintained in the animal compartment.
- **Journey logs** - The proposed Regulation will make Journey Logs a requirement for all species, and for all journeys to third countries, regardless of duration.
- **Enforcement** - The proposed Regulation will also make changes which are intended to improve enforcement by revising the definition of economic

activity and definition of a long journey. The regulation will expand the need for Certificates of competence to encompass all drivers and attendants transporting all species transported by road or rail while the regulation proposes that the Journey Log process will be digitised. The regulation also proposes that a Competent Authority should be able to access real-time information on long journeys being undertaken through the use of a vehicle positioning system.

The requirements in the proposed Regulation would apply to journeys:

- Between Great Britain and the EU;
- Northern Ireland and the EU;
- movements within Northern Ireland; and
- movements between Great Britain and Northern Ireland.

The Explanatory Memorandum notes that the European Commission proposals sit alongside the UK Government's own efforts to improve animal welfare during transport. In late 2020, the then UK Government and Welsh Government consulted on improvements to animal welfare in transport and that consultation covered many of the issues set out in the proposed EU Regulation, including maximum journey times, space allowances and temperature ranges.

It is understood that the UK Government will engage with the Commission on this proposed Regulation as normal for other proposed EU Law.

(Full text available via this link [20240515_COM_2023_770.pdf](#))

Analysis by the European Commission on its Impact Assessment

The impact assessment addresses six measures: journey times and space allowance, exports to third countries, transport of vulnerable animals, transport in hot temperatures, new technologies for monitoring and controls, and transport of cats and dogs.

Journey Times

The Commission says a limitation of journey times will have a high positive impact on animal welfare. They say this will arise from limits of the journey duration and because of the limitation of the frequency of unloading and reloading, which is associated with stress and welfare problems.

The Commission says that shortened journey times will not have a major economic impact on animals transported for slaughter, since relatively few

journeys above 9 hours are performed in the EU. Within the EU, the journey times proposed for animals transported for fattening and production would impact 1.4% of bovines and 0.2% of pigs. The journey times proposed for animals transported for breeding would impact between 9% and 16% of cows, goats, pigs and sheep moved between Member States. This Commission says that this is also expected to have limited economic impacts on operators.

Space Allowances

This is expected to bring significant animal welfare benefits but is likely to result in additional costs for transporters due to the necessity to buy additional trucks, as the new rules are expected to result in an increase in the number of transport hours and costs.

The data provided by the Commission suggest at an EU level, the yearly net aggregated costs will vary depending on the animal species and categories transported, ranging from €35 million for the transport of laying hens to €1.069 million for the transport of beef cattle. The majority of these costs comes from increased space allowance and fall on transporters. The Commission data says this may correspond to an increase of production costs of 1.4 cents per kilo of meat, milk, or eggs produced.

Export of live animals

Regarding maritime transport, the average cost of training of an animal welfare officer per person per year is estimated to be €241. An increase of the enforcement costs associated with the option of upgrading standards for livestock vessels could be expected.

Transport of Vulnerable Animals

Maximum journey times and minimum age and weight of transported animals would improve the welfare of unweaned calves, considered vulnerable animals especially exposed to welfare and health risks during transport.

Technological developments in establishing an effective system for feeding the calves on the trucks are well advanced but are not yet in general use. Where feeding systems are deployed this would allow for the transport of calves up to 19 hours and would mitigate the negative economic impacts of a maximum journey times of 8 hours. A transition period of 5 years is proposed, as Member States impacted by this measure need time to restructure their sector.

The cost for installing a feeding system in an existing truck is estimated to be between €25,000 and €30,000 while a new truck equipped with such a feeding

system is estimated to cost around €500,000. Due to the higher age of the calves, the current three-decked trucks will need to be transformed into two-decked trucks, which will incur limited costs for transporters.

The new requirements are estimated to increase the cost for dairy farmers of keeping the animals longer on farms. However, the selling price of the calves would be higher since they are stronger. An improved health status and reduced mortality of calves upon arrival due to increased resilience is also beneficial for fattening farms. Therefore, overall the impact is expected to be positive for most farmers.

Transport in hot temperatures

The option would improve the welfare of the animals as it would allow them to avoid heat stress.

Many Member States do not approve long journeys during the day when temperatures above 30°C are forecasted at present.

The Commission believes that transporters may see an increase in their costs due to higher wages for night-time driving but also higher administrative costs when inspections and checks have to be performed during the night. A limited impact is also expected on farmers and slaughterhouses.

New technologies

Real-time tracking systems will make it possible to better target and perform more efficiently official controls with the help of the central EU database, resulting in improved animal welfare. Since more than 77% of the current transport trucks are already equipped with a tracking system, the operators' costs for meeting the new standards would be marginal.

The administrative burden for transporters is expected to decrease substantially with the use of an automated tracking system and IT platform.

Better protection of cats and dogs transported for commercial purposes

The measure is expected to improve the welfare of cats and dogs transported in connection with an economic activity.

Additional veterinary health checks of the cats and dogs may cost between €10 and €40 per animal. The economic impact of the new requirements for feeding and watering are expected to be limited, since relatively similar rules apply already.

Additional costs for transporters may also be expected, related to the improvement or replacement of their current vehicles to meet the new standards. A commercially available new dog trailer without air conditioning but properly designed is estimated to cost between €1,000 and €3,000 for two to four dogs.

(Full text available at this link: [e4e762eb-bdd5-4540-baa5-15d5c0badb21_en](#))

Departmental Engagement

DAERA officials engage regularly with Defra officials on the development of the proposed Regulation.