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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**laying down rules on the recording, storing and sharing of written records of official controls performed on livestock vessels, on contingency plans for livestock vessels in the event of emergencies, on the approval of livestock vessels and on minimum requirements applicable to exit points**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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**laying down rules on the recording, storing and sharing of written records of official controls performed on livestock vessels, on contingency plans for livestock vessels in the event of emergencies, on the approval of livestock vessels and on minimum requirements applicable to exit points**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97<sup>1</sup>, and in particular Article 30(2) thereof,

Whereas:

- (1) Article 20(1) of Regulation (EC) No 1/2005 requires Member States' competent authorities to inspect livestock vessels before any loading of domestic animals. In particular, the competent authorities are to verify that vessels are built and equipped for the number and the type of animals to be transported and the equipment referred to in Chapter IV of Annex I to that Regulation remains in good working order.
- (2) Member States' competent authorities currently record the certifications of the approval of livestock vehicles in their own electronic databases, to which other Member States' competent authorities do not have access. While a documentary check cannot replace the physical inspection of the vessel itself, an examination, as part of an official control, of the certification details held in a vessel's certificate of approval, can provide some information on the vessel's compliance with the requirements of Chapter IV, Section 1, of Annex I to Regulation (EC) No 1/2005. Therefore, the uploading and storage of the certificates of approval along with any certification details in a common electronic database should allow competent authorities to access this information to reduce administrative burden and facilitate their work when carrying out an official control.
- (3) The certification details, which Member States' competent authorities record in the single electronic database, should include the expiry date of the certificates, information concerning the maximum surface area available for the animals and the type of animals the vessels can transport. That should allow competent authorities performing official controls to assess whether the approval is valid at the time of the control and whether the vessel is fit for transporting the animals in question.

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<sup>1</sup> OJ L 3, 5.1.2005, p. 1.

- (4) Regulation (EU) 2017/625 of the European Parliament and of the Council<sup>2</sup> integrates into a single legislative framework the rules applicable to official controls on animals to verify compliance with Union agri-food chain legislation.
- (5) Article 13(1) of Regulation (EU) 2017/625 requires competent authorities to draw up records of every official control performed on paper or in electronic form. It also lists the information that these records are to include. The inspections required by Article 20(1) of Regulation (EC) No 1/2005 before loading domestic Equidae and domestic animals of bovine, ovine, caprine or porcine species on livestock vessels should therefore be recorded.
- (6) Article 9(1) of Regulation (EU) 2017/625 requires competent authorities to perform official controls taking account of, amongst other things, the operators' past record as regards the outcome of official controls and their compliance with Union rules, including Regulation (EC) No 1/2005. Competent authorities do not have access to the outcome of official controls performed by other Member States' competent authorities. These records are however necessary to make well-informed decisions when carrying out inspections for the purposes of Article 20(1) of Regulation (EC) No 1/2005. It is therefore necessary, for the proper implementation of Article 20(1) of Regulation (EC) No 1/2005, to establish a common electronic database that collects and shares the outcome of the inspection history of livestock vessels. It is therefore necessary, for the proper implementation of Article 20(1) of Regulation (EC) No 1/2005, to establish a common electronic database that collects and shares the details of the certificates of approval of livestock vessels and the outcome of their inspection history. This should allow competent authorities to rapidly access this information, reduce administrative burden and facilitate their work when carrying out an official control.
- (7) Pursuant to Directive 2009/16/EC of the European Parliament and of the Council<sup>3</sup>, all Member States with maritime ports are to carry out port State control inspections of the ships which call at their ports. The results of the port State control inspections are objective and verifiable, and may be relevant for the inspections required by Article 20(1) of Regulation (EC) No 1/2005, such as detected deficiencies relating to watertightness, ventilation, buoyancy or fire-fighting equipment. It is therefore necessary to include the relevant publicly available results of port State control inspections in the common electronic database.
- (8) The Commission has carried out a series of audits on Member States' official control systems to protect the welfare of animals during transport by sea to third countries using livestock vessels. Following the detection of weaknesses in Member States' systems of official controls on the authorisation of sea transporters as a result of these

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<sup>2</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 93, 7.4.2017, p. 1).

<sup>3</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

audits, competent authorities should make sure that the contingency plans presented by transporters pursuant to Article 11(1), point (b)(iv), of Regulation (EC) No 1/2005 are adapted to handle the main emergencies they may face during the journey concerned.

- (9) In order to have sufficient time to assess the information contained in the documentation received from an applicant for a certificate of approval provided for in Article 19(1) of Regulation (EC) No 1/2005, to prepare for a thorough physical inspection of a livestock vessel and to check whether a livestock vessel complies with the requirements for the granting of a certificate of approval, the applicant should submit to the competent authorities the application for approval at least 20 days prior to the date of inspection of the livestock vessel.
- (10) Based on their experience of the transport of animals by livestock vessels, Member States' experts, including national contact points for the protection of animals during transport, developed in 2014 a network document<sup>4</sup>, to provide guidance for official controls of animal welfare during export by livestock vessels, as required by Regulation (EC) No 1/2005 ('the network document'). The guidelines in the network document were updated in January 2020 in the light of the experience gained in applying the network document and of Commission's audits.
- (11) Inspectors from the competent authorities that carry out inspections on livestock vessels are mostly official veterinarians. Veterinary competency alone is not sufficient to check the functioning of the mechanical and management systems of livestock vessels that may have an impact on the welfare of the animals being transported. As proposed in the network document, the teams performing inspections for the purpose of granting a certificate of approval, provided for in Article 19 of Regulation (EC) No 1/2005, should consist of official veterinarians and maritime experts with appropriate expertise on those mechanical and management systems and practical experience of the operation of livestock vessels.
- (12) Prior to the approval of a livestock vessel provided for in Article 19(1) of Regulation (EC) No 1/2005 or the renewal of such approval, an official veterinarian should be on board the first journey with consignments of animals to check that the mechanical and management systems of the livestock vessel are not detrimental to the welfare of the animals on board during the journey.
- (13) In order to ensure that animals transported either from other Member States or on long road journeys from their place of departure to exit points at seaports can be unloaded safely and be fed, watered and rested, at least one control post referred to in Article 1(1) of Council Regulation (EC) No 1255/97<sup>5</sup> should be available at the exit points at seaports, or within a two-hour distance by road from the exit point concerned.
- (14) In order for Member States to allocate staff and resources to the new tasks and obligations laid down in this Regulation, to ensure a smooth and seamless adaptation to the new rules, and to ensure that Member States have sufficient time to build control posts at exit points, if needed, Article 10 of this Regulation, concerning the presence of a veterinarian on board, and Article 11 of this Regulation, concerning the control posts at exit points, shall only apply from 1 January 2024.

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<sup>4</sup> Network Document on Livestock Vessels, available at <https://circabc.europa.eu/ui/group/f41c4e1d-22a1-4e7b-aa31-cd16f126037d/library/d1bdd5a7-2e73-4f9a-97e2-c0975fc713a1/details>.

<sup>5</sup> Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC (OJ L 174, 2.7.1997, p. 1).

- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Subject matter and scope**

This Regulation:

- (a) sets out detailed rules necessary for the performance of inspections provided for in Article 20(1) of Regulation (EC) No 1/2005;
- (b) specifies the content of the contingency plans referred to in Article 11(1), point (b)(iv), of Regulation (EC) No 1/2005 when these refer to livestock vessels.

*Article 2*

**Definitions**

For the purposes of this Regulation, ‘port State control inspection’ means an inspection carried out by port State in accordance with Directive 2009/16/EC<sup>6</sup>.

*Article 3*

**Electronic database**

1. The Commission shall develop and ensure the functioning, maintenance, support and any necessary updating or further development of an electronic database.
2. The electronic database shall contain the information necessary for the inspections required by Article 20(1) of Regulation (EC) No 1/2005, including:
  - (a) the certification details of the certificates of approval of livestock vessels in a manner enabling Member States’ competent authorities to rapidly identify the livestock vessels;
  - (b) records of past inspections carried out by Member States’ competent authorities on livestock vessels for the purposes of Article 20(1) of Regulation (EC) No 1/2005;
  - (c) publicly available information on the outcome of port State control inspections.
3. The Commission shall give Member States’ competent authorities access to the electronic database for the purposes of Articles 4, 5 and 6.
4. Member States’ competent authorities shall each designate at least one national administrator and communicate that designation and its contact details to the Commission. They shall inform the Commission immediately of any changes with respect to national administrators.
5. Member States’ competent authorities shall be responsible for the data and documents they insert or produce in the database.

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<sup>6</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57–100).

#### *Article 4*

##### **Recording of the certifications of the approval of livestock vessels**

1. Member States' competent authorities shall record the certifications of the approval of livestock vessels referred to in Article 19(4) of Regulation (EC) No 1/2005 in the electronic database referred to in Article 2 of this Regulation.
2. The certifications referred to in paragraph 1 shall include the expiry date of the certificates, information concerning the maximum surface area available for the animals per deck and the type of animals the vessels can transport.

#### *Article 5*

##### **Recording of inspections**

1. Following an inspection, Member States' competent authorities shall record, without undue delay, the inspections carried out on livestock vessels pursuant to Article 20(1) of Regulation (EC) No 1/2005 in the electronic database referred to in Article 2 of this Regulation.
2. The records of the inspections referred to in paragraph 1 of this Article shall contain the elements set out in Article 13(1), second subparagraph of Regulation (EU) 2017/625.

#### *Article 6*

##### **Access to certifications of the approval of livestock vessels and previous inspection records**

1. The Commission shall ensure that the electronic database referred to in Article 2 of this Regulation makes it possible to retrieve any relevant data recorded by the Member States' competent authorities for the purpose of monitoring the implementation of Articles 19 and 20 of Regulation (EC) No 1/2005.
2. Member States' competent authorities shall have access to all the information recorded in the electronic database necessary to:
  - (a) verify that livestock vessels have a valid certificate of approval;
  - (b) carry out well-informed decisions when inspecting livestock vessels during loading for the purposes of Article 20 of Regulation (EC) No 1/2005.

#### *Article 7*

##### **Contingency plans in the event of emergencies for livestock vessels**

Contingency plans in the event of emergencies, submitted by transporters intending to transport animals by sea using livestock vessels pursuant to Article 11(1), point (b)(iv), of Regulation (EC) No 1/2005, shall include a risk analysis of the most likely animal welfare hazards related to such journeys.

#### *Article 8*

##### **Application for approval of livestock vessels**

The applicant shall send to the relevant competent authorities or body designated by a Member State the application for the certificate of approval for a livestock vessel in accordance with Article 19(1) of Regulation (EC) No 1/2005 at least 20 working days prior to the date of inspection referred to in Article 19(1), point(c), of that Regulation.

#### *Article 9*

##### **Teams of inspectors for livestock vessels**

1. The competent authorities shall ensure that inspections for the purpose of granting a certificate of approval, provided for in Article 19 of Regulation (EC) No 1/2005, are performed by a team of inspectors.
2. A team of inspectors shall include at least:
  - (a) an official veterinarian; and
  - (b) a maritime expert authorised by Member States' maritime authorities.
3. The maritime expert referred to in paragraph 2, point (b), shall meet, as a minimum, one of the following requirements:
  - (a) appropriate qualifications from a marine or nautical institution recognised by the Member States and relevant seagoing experience as a certificated ship officer holding a valid certificate of competence STCW II/2 or III/2 provided for in the International Convention on Standard of Training, Certification and Watchkeeping for Seafarers (STCW) and which is not limited as regards the operating area, propulsion power or tonnage;
  - (b) completed examination as a naval architect, mechanical engineer or an engineer related to the maritime field, which is recognised by the responsible maritime authorities, and worked in that capacity for at least five years; or
  - (c) relevant university degree or equivalent degree from a tertiary institution, within a relevant field of engineering or science, recognised by the Member State.

#### *Article 10*

##### **Official controls by an official veterinarian on board livestock vessels**

1. An official veterinarian shall carry out official controls on board a livestock vessel during the first journey of the vessel with consignments of animals following the approval of the livestock vessel provided for in Article 19(1) of Regulation (EC) No 1/2005 and prior to the renewal of such approval.
2. The approval of the livestock vessel shall be suspended unless:
  - (a) the controls referred in point 1 demonstrate that the construction and equipment of the livestock vessel are not detrimental to the welfare of the animals on board; and
  - (b) effective corrective measures are taken by the transporter if the results of the controls referred to in paragraph 1 identify any other deficiencies.
3. For the performance of the controls referred to in paragraph 1, the official veterinarian shall complete a report of the controls performed on board during the journey, in accordance with the model set out in the Annex.

#### *Article 11*

##### **Minimum requirements for control posts at the exit points at seaports**

When operations involve transport of animals by road from other Member States or long journeys by road from the place of departure to seaports, the competent authorities shall ensure that control posts approved for the relevant categories of animals, in accordance with

Article 3(1), first subparagraph, of Regulation (EC) No 1255/97, are available at exit points at seaports or are within a two-hour journey by road from the exit point concerned.

*Article 12*  
**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 10 and 11 shall apply from 1 January 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*