



Brussels, **XXX**
SANTE/6835/2020 CIS
(POOL/G5/2022/6835/6835-EN
CIS.docx)
[...] (2022) **XXX** draft

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 and on contingency plans**

(Text with EEA relevance)

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 and on contingency plans

(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 1255/97¹, and in particular Article 30(2) thereof,

Whereas:

- (1) Article 20(1) of Regulation (EC) No 1/2005 requires that Member States' competent authorities inspect livestock vessels before any loading of domestic Equidae and domestic animals of bovine, ovine, caprine or porcine species. In particular, that the vessel is built and equipped for the number and the type of animals to be transported, and that the equipment referred to in Chapter IV of Annex I to that Regulation remains in good working order.
- (2) Article 19(4) of Regulation (EC) No 1/2005 requires Member States' competent authorities to record the certifications of the approval of livestock vessels in an electronic database, in a manner enabling them to be rapidly identified. Member States are currently recording the certifications they issue in their own electronic databases, to which other Member States do not have access. While a documentary check cannot replace the physical inspection of the vessel itself, an inspection, as part of an official control, of the certification details held in a vessel's certificate of approval can already provide some information on the vessel's compliance with the requirements of Section 1 of Chapter IV of Annex I of Regulation (EC) No 1/2005. The uploading and storage of the certificates of approval along with any certification details in a unique electronic database would allow Member States to record the certificates of approval and other Member States to access this information as and when needed to reduce the administrative burden and facilitate the work of the Member States' competent authorities carrying out these controls.
- (3) The certification details Member States are recording should include the expiry date and information concerning the maximum surface area available for the animals and the type of animals the vessel can transport to allow competent authorities performing inspections to assess whether the approval is valid at the time of the inspection, and the vessel is fit for transporting the animals in question.

¹ 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, OJ L 3, 5.1.2005, p. 1–44.

- (4) Regulation (EU) 2017/625² of the European Parliament and of the Council (the Official Controls Regulation) integrates into a single legislative framework the rules applicable to official controls on animals to verify compliance with Union agri-food chain legislation.
- (5) The inspections required by Article 20(1) of Council Regulation (EC) No 1/2005 on livestock vessels before loading domestic Equidae and domestic animals of bovine, ovine, caprine or porcine species on livestock vessels are carried out as part of an official control in accordance with Articles 14(b)(i) and 21(1) of the Official Controls Regulation. Article 13(1) of the Regulation (EU) 2017/625 requires Member States to keep records of every official control performed, in paper or electronic form. It also lists the information that these records must include. The pre-loading inspections of livestock vessels are therefore to be recorded.
- (6) Most livestock vessels call frequently at several EU ports situated in different Member States to load animals for export. Article 9(1)(c) of Regulation (EU) 2017/625 requires Member States' competent authorities to perform official controls taking account of the operators' past record as regards the outcome of official controls performed on them and their compliance with EU rules, including Regulation (EC) No 1/2005. Member States keep records of the inspections they perform on the livestock vessels for the purposes of Article 20(1) of Regulation (EC) No 1/2005 but do not have access to the outcome of these inspections performed by the other Member States' competent authorities on the same vessels. 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. Requesting all other Member States to collect and send copies of these controls whenever a livestock vessel calls at a port would cause a lengthy administrative burden on the Member States and unnecessarily lengthen the journeys of the animals waiting at the port, to the detriment of their welfare. 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 carried out by all Member States.
- (7) Article 9(1)(e) of Regulation (EU) 2017/625 also requires that Member States' competent authorities' official controls take into account any information that may indicate non-compliance of the operators. Under Directive 2009/16/EC on port State control³, all EU Member States with maritime ports carry out port State control inspections of foreign merchant vessels which call at their ports. These results of the port State control inspections are objective and verifiable, and some may be relevant for the inspections required to be carried out by Article 20(1) of Regulation (EC) No 1/2005, such as detected deficiencies relating to (for example) water-tightness, ventilation, buoyancy or fire-fighting equipment. It is therefore necessary to include the relevant publicly available results of these port State control inspections in the common electronic database to become part of the information Member States can access from a unique source.
- (8) The Commission has carried out a series of audits ('Commission audits') on the compliance strengths and weaknesses of the Member States' systems to protect the welfare of the European Union's farm animals during their transport to third countries where part of the journey involves the use of livestock vessels. These audits show that many competent authorities at the place of departure approve journey logs without

² OJ L 93, 7.4.2017, p. 3.

³ OJ L 131, 28.5.2009, p. 57–100.

considering the pertinence of the specific contingency plans, required for long journeys transporter authorisations in Article 11 of Regulation (EC) No 1/2005. For this reason, competent authorities at the place of departure should make sure that the contingency plans presented by the transporters are adapted to handle the main emergencies they may face during the whole of the long journey concerned.

- (9) *[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

Purpose and scope

The purpose of this Regulation is:

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

Article 2

Establishment of the electronic database

1. The Commission shall develop, ensure the functioning, maintenance, support and any necessary updating or development of an electronic database to which all Member States shall be connected and which shall contain all the information necessary for the implementation of the inspections required by Article 20(1) of Council Regulation (EC) No 1/2005, including:
 - (a) the certification details of the certificates of approval of livestock vessels in a manner enabling Member States 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 Council Regulation (EC) No 1/2005;
 - (c) publicly available information on the outcome of controls carried out under Directive 2009/16/EC that is relevant for these inspections.
3. The Commission shall give Member States' competent authorities access to this electronic database for the purposes of Articles 3, 4 and 5 of this Regulation.
4. Member States shall each designate at least one national administrator and communicate that designation and its contact details to the Commission contact point. They shall inform the Commission contact point immediately of any changes in this respect.
5. Each Member State shall be responsible for the data and information its users acting under its responsibility have inserted or produced in the database.

Article 3

Recording the certifications of certificates of approval

1. Member States shall record the certifications of certificates of approval of livestock vessels in the electronic database referred to in Article 2.

2. The details of the certifications referred to in paragraph 1 shall include expiring date of the certificate, information concerning the maximum surface area available for the animals and the type of animals the vessel can transport.

Article 4

Keeping of inspection records

1. Following an inspection, Member States shall record without undue delay the official controls carried out on livestock vessels pursuant to Article 20(1) of Council Regulation (EC) No 1/2005 in the database referred to in Article 2 for electronic keeping.
2. The records of the official controls referred to in paragraph 1 shall contain the details required by Article 13(1) of Regulation (EU) 2017/625.

Article 5

Port State control inspections

In order to carry out well-informed decisions when inspecting livestock vessels during loading and unloading for the purposes of Article 20(1) of Regulation (EC) No 1/2005, competent authorities shall take into account the relevant publicly available results of port State control inspections.

Article 6

Access to certifications of the certificates of approval and previous inspection records

1. The Commission shall ensure that the electronic database referred to in Article 2 makes it possible to retrieve any relevant data recorded by the Member States for the purpose of monitoring the implementation of Articles 19 and 20(1) of Regulation (EC) No 1/2005.
2. Member States shall have access to all the information recorded in the electronic database necessary to:
 - (a) verify that the livestock vessel has a valid certificate of approval;
 - (b) carry out well-informed decisions when inspecting livestock vessels during loading and unloading for the purposes of Article 20(1) 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 for livestock vessels, provided for in Article 11(1), point (b)(iv), of Regulation (EC) No 1/2005, shall include a rational risk analysis of the most likely animal welfare hazards related to the planned long journey.

Article 8

Entry into force and application

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

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