



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government



Scottish Government
Riaghaltas na h-Alba
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Official controls undertaken by the Competent Authority in relation to animal welfare in transport

Background

1. We are currently seeking views on intended changes to legislation relating to the official controls conducted by the Competent Authority¹ regarding animal welfare during transport.
2. The protection of animals during their transport within Great Britain, from Great Britain to third countries and on their arrival from third countries, and the official controls to verify compliance with these requirements, are set out in the following retained EU law:
 - Retained EU Regulation 1/2005 on the protection of animals during transport and related operations (Regulation 1/2005).
 - In GB the retained Regulation is implemented by the Welfare of Animals (Transport) (England) Order 2006, the Welfare of Animals (Transport) (Wales) Order 2007 and the Welfare of Animals (Transport) (Scotland) Regulations 2006
 - Retained EU Regulation 2017/625 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 (Official Controls Regulation – the OCR).
3. The aim of the OCR is to provide an integrated and uniform approach to official controls across the agri-food supply chain covering food and feed law and rules on animal health and welfare, plant health and plant protection products and to ensure a consistent approach to official controls and official activities across these sectors. Many of the provisions in the OCR already apply to official controls and official activities performed by competent authorities in relation to the welfare in transport rules. However, Article 154 of the OCR originally delayed the introduction of the specific provisions on

¹ In Great Britain the Competent Authority is in relation to England, the Secretary of State, in relation to Wales, the Welsh Ministers and in relation to Scotland, the Scottish Ministers

official controls for welfare in transport which were intended to replace the provisions on official controls in Regulation 1/2005 to a long-stop date of 14 Dec 2022. Article 154(2) of the retained version of the OCR now provides for these provisions to be commenced by regulations on a date that the Appropriate Authority² chooses.

Proposed Changes

4. We intend to commence the remaining provisions in Article 21 on official controls in relation to the welfare in transport rules as soon as possible, which in practice will be early in 2023. It is our view that this will ensure a consistent regime of official controls for both animal health and welfare in place of the current dual controls and will not result in any changes to the nature of the checks currently conducted by the Animal and Plant Health Agency (APHA) to ensure compliance with Regulation 1/2005.
5. In addition, we intend to make some amendments to Annex II of Regulation 1/2005, which currently sets out the obligations of transporters, organisers and keepers in relation to journey logs. The requirement for an approved journey log applies to livestock and unregistered horses for journeys over 8 hours between Great Britain and third countries.
6. A journey log must cover the entirety of the journey and its purpose is to ensure that the journey is properly planned in advance and that it will comply with Regulation 1/2005. APHA currently checks all journey logs in advance for compliance and approves them prior to the journeys commencing. Compliance checks are also conducted on the returned journey log when the journey has been completed. These compliance (pre and post journey) checks will continue. We intend to update Annex II to provide clarity on APHA's compliance checks on journey logs, the process for approval of journey logs and the role of the organiser in the preparation and completion of journey logs.
7. In particular, we intend to clarify the process and the role of the organiser by making the organiser responsible for:
 - Preparing and submitting the journey log for approval within 2 working days of departure – we intend to clarify the definition of 2 working days
 - Ensuring that non-GB based keepers sign the relevant sections of the journey log.
 - Ensuring that all transporters involved in the journey complete the journey log as required.

² The appropriate authority for the purposes of these regulations will be the Secretary of State with the consent of the Welsh Ministers and the Scottish Ministers.

- Ensuring that a copy of the correctly completed journey log is returned to APHA within 30 days of the completion of the journey, for audit purposes
- Where the journey log is a paper copy then the organiser must retain the original for 3 years.

8. It will also be necessary to make consequential amendments to the domestic implementing legislation in each country of Great Britain³.

Next Steps

9. Whilst it is our view that our proposed changes will have minimal impact on businesses, we would value views from key stakeholders so that we can mitigate any risks or unintended impacts.

10. As measures will be applicable throughout Great Britain this engagement exercise is being undertaken on behalf of the UK, Welsh and Scottish Governments.

11. We have set out key questions at the link below to enable stakeholders to respond with any opinions or concerns. Responses are required by 21st October 2022

Thank you very much for your time –

<https://consult.defra.gov.uk/animal-welfare-in-transport/985e7e5b>

³ The Welfare of Animals (Transport) (England) Order 2006, The Welfare of Animals (Transport) (Wales) Order 2007, The Welfare of Animals (Transport) (Scotland) Regulations 2006