Market Advisory Council

# Advice

# Legislative proposal on the protection of animals during transport and related operations: considerations on the EU market of fishery and aquaculture products

Brussels, 8 July 2025

## 1. Background

Council Regulation No 1/2005[1] establishes rules on the protection of animals during transport and related operations. The rules cover the transport of live vertebrate animals transported in connection with an economic activity. While there are no specific welfare requirements for aquatic animals, the general principles and some administrative procedures apply.

As announced under the Farm to Fork Strategy[2], on 7 December 2013, the European Commission published a legislative proposal to revise the mentioned rules[3]. The proposal foresees additional specific provisions on aquatic animals, which, for the purpose of the Regulation, means fish, cephalopods and decapods. The proposal excludes ornamental fish, direct deliveries of aquatic animals to food businesses supplying the final consumer, zoos, and CITES listed animals. Animals imported from third countries must meet equivalent standards to those set out in the Regulation.

The Market Advisory Council (MAC) recognises the importance of rules to enhance animal welfare, including aquatic animals, during transport and of common rules in the internal market.

[1] Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending

[2] European Commission, Communication on "A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system" (20 May 2020)

[3] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023PC0770



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In respect of the areas of competence of the Advisory Councils, as outlined in Annex III of the Common Fisheries Policy Regulation, the present advice focuses on the perspective of the market of fishery and aquaculture products, particularly on the transport of aquatic animals between different parts of the supply chain[4].

## 2. Scope (Article 2)

### 2.1. Live embryos, larvae, and eggs of aquatic animals

The scope of the regulation should make it clearer that it is not applicable to live embryos, larvae and eggs of aquatic animals, for example through an explicit exemption in Article 2.

### 2.2. Transport by farmers of their own animals

The foreseen scope of 50km should be adjusted to 100km, as it is common that aquaculture companies operate / consist of several farming sites spread in distances higher than 50km[5].

### 2.3. Transport by food businesses supplying the final consumer

Paragraph 3 of Article 2 exempts "direct deliveries of aquatic animals to food businesses supplying the final consumer" from the provisions of the regulation. In the view of the MAC, the article should also clearly exempt own transportation in their supply activities by food companies that sell to the final consumer. It is important to take into account the use by small retailers of their own vans for the transport of supply.

Therefore, companies that, as part of their commercial activity, transport live animals for subsequent sale in their establishments, when it is marginal, localised, and restricted in relation

[4] In the past, the Aquaculture Advisory Council (AAC) adopted a recommendation about fish welfare in live fish transport (March 2022).

[5] In the case of the fisheries sector, the same issue applies to companies operating on spread out fishing areas.



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to the main activity, should be exempt from the application for transporter authorisation for short journeys foreseen in Article 7.

### 2.4. Transport by vessels engaged in primary production

Some fish farming techniques require, once caught, that the fish is transported from their fishing ground to the farms (i.e. crustaceans and some fish stocks), either onboard the fishing vessel in live wells, either in cages or in open waters towed by the fishing vessel (i.e. bluefin tuna).

The scope of the regulation should make it clear that the transport of aquatic animals by vessels engaged in primary production, vessels used in aquaculture and extractive fishing, farming vessels and well-boats is excluded.

### 2.5. Third countries

To ensure a level-playing-field in the single market, in the case of imported fishery and aquaculture products, there should be further clarity on how third countries will be required to demonstrate compliance with the new animal welfare requirements.

## 3. Definition of “aquatic animals” (Article 3)

According to Article 3 of the legislative proposal, for the purposes of the Regulation, “aquatic animals” means fish, cephalopods and decapods. In the view of the MAC, due to their specific characteristics, bivalve molluscs should not be covered by the proposed requirements. Nevertheless, in the context of EU legislation, definitions of “aquatic animals” should include bivalve molluscs.

## 4. Definition of “well-boats” (Article 3)



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Under Article 3, a definition of "well-boats" should be added to the regulation to avoid confusion, as has happened on previous occasions, with the "livestock vessels" intended to transport terrestrial animals in trucks on the boats. Livestock vessels are under the scope of the Regulation, while well-boats are not. A valid definition for "well-boat" would be "a vessel with a well or tank for transporting live fish".

## 5. Decapods

Under point j) of paragraph 2 of Article 4 of the legislative proposal, any person transporting animals or causing animals to be transported shall ensure that "aquatic animals are provided with water in sufficient volume and quality".

### 5.1. Trade

In 2023, imports of live lobster into the EU accounted to 10 million Kg. The imports came mainly from Canada and the USA. The main importing Member States are France, Italy, Belgium, and Spain. Economically valuable lobster species are mostly marine, benthic, nocturnal animals. These species prefer dark, colder circumstances with possibilities to create burrows for shelter.

The export of live brown crab (*Cancer pagurus*)[6], especially to China, is important for several Member States, particularly the Netherlands, Ireland, France, and Portugal. In 2022, over 2 million Kg of live brown crab was exported to China. The transportation of live brown crab within the EU also happens quite frequently.

### 5.2. Biological characteristics

Due to their biological characteristics, lobsters and crabs are capable of an adaptation that allows their metabolism to switch from an aerobic to anaerobic state as long as a certain amount of

[6] Joint NWWAC/NSAC/MAC Advice on Brown Crab (22 September 2023)



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moisture surrounds their gills. In cold, dark environments lobsters and crabs enter a state which is called torpor. This is a dormant state, like hibernation, in which their metabolism and their need for food decreases, thereby reducing their need for oxygen and the production of wastes such as ammonia[7].

### 5.3. Transportation

Presently, transportation of decapods can take place via air, ocean, or land freight. In some cases, transportation takes place with the use of water, as there are live mobile systems that allow the storing of lobsters and crabs for 21 days[8], which is a useful option for transportation via ocean freight. On other cases, transportation takes place via boxes with moist air (due to the inclusion of a cloth dampened with seawater) in low temperature (due to specifically designed frozen gel packs at the bottom of the box), replicating the intertidal conditions of their habitats[9]. The latter option is particularly relevant for air freight, as, in general, airlines do not allow the transport of freight containing water due to the risk of leakage, and for land transport.

Considering the diverse physiological requirements and varying industry practices, the regulation should not prescribe a single transport method. The food business operator should be allowed to select their transport method, as long as these demonstrate a due level of respect for animal welfare.

[7] A. R. Danford, R. F. Uglow, and J. Garland, "Effect of Long-Haul International Transport on Lobster Hemolymph constituents and nitrogen metabolism," Seattle, Nov. 1999. Accessed: Apr. 11, 2024

[8] Grete Lorentzen, Federico Lian, Sten Ivar Siikavuopio, Live holding of snow crab (Chionoecetes opilio) at 1 and 5 °C without feeding — Quality of processed clusters, Food Control, Volume 114, 2020

[9] S. Lorenzon, P. G. Giulianini, S. Libralato, M. Martinis, and E. A. Ferrero, "Stress effect of two different transport systems on the physiological profiles of the crab Cancer pagurus," *Aquaculture*, vol. 278, no. 1–4, pp. 156–163, Jun. 2008, A. Danford, L. Hagerman, and R. Uglow, "Effects of emersion and elevated haemolymph ammonia on haemocyanin - oxygen affinity of Cancer pagurus," Mar Biol, vol. 141, pp. 1019–1027, Dec. 2002, and D. A. Hosie, "Aspects of the physiology of decapod crustaceans with particular reference to the live marketing of Cancer pagurus and Necora puber," University of Hull, 1993



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## 6. Applicability of requirements to aquatic animals

### 6.1. Monitoring of CO2 and ammonia during transport (Annex II)

In accordance with Article 3.2 of Annex II, operators would be required to ensure the monitoring and maintenance of several water parameters within the limits according to the species-specific needs during the whole journey. Nevertheless, the foreseen requirements should be adjusted to reflect the existing operational best practices and farming knowledge.

Presently, the continuous monitoring of CO2 and ammonia during the transport of aquatic animals is not always possible. Generally, transport vehicles are not equipped with a system for continuous monitoring of water parameters in the pools. In the case of multiple-pool depots, such a system is significantly expensive. Under current operational practices, during transport, drivers and operators use handheld devices to check the temperature and oxygen levels in the pools at control stops. Additionally, each pool water oxygenation system is equipped with a reading of the level of oxygen fed to the fish pools. Such an approach adequately ensures safe conditions for transporting fish, meeting the objectives of the legislation.

In the case of salmon and trout, there are private certification standards that foresee the measurement of oxygen and CO2 during transport of smolt on vessels and vehicles, as more recent systems allow for remote monitoring of gas and temperature.

### 6.2. Supervision by veterinarians (Articles 17 and 25)

The legislative proposal foresees that several operations shall be supervised by veterinarians, such as the loading of animals on means of transport (Article 17), and the obligations at the place of destination (Article 25). In practice, there are not enough veterinarians available to meet such requirements. Fish farmers, which are generally small enterprises, may load small quantities of



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fish several times a day and load it many times a day. Alternatively, in the view of the MAC, the legislation should require supervision by operators with knowledge and experience.

### 6.3. Certificate of competence (Article 38)

The legislative proposal foresees that, under Article 38, the competent authority shall grant a certificate of compliance in TRACES. As the transport of aquatic animals tends to occur over very short distances, it will be very difficult for many operators to meet the requirements. Therefore, in the view of the MAC, aquatic animals should not be covered.

## 7. Financial costs

The European Commission and the Member States should provide further clarity on the expected financial impact of the new rules, including the average additional production costs for fish farmers, the average extra cost per kilo of aquatic animals produced in the EU, and the expected impact on the prices of the fishery and aquaculture products placed on the EU market.

## 8. Recommendations

The MAC believes that, in the context of the interinstitutional negotiations on the legislative proposal on the protection of animals during transport and related operations, the European Commission and the Member States should:

a) Amend the provisions on scope, including the explicit lack of applicability of live embryos, larvae and eggs of aquatic animals, the explicit lack of applicability to vessels engaged in primary production aquaculture and extractive fishing, farming vessels and well-boats, the adjustment of the distance of transport by farmers of their own animals, and clarity of the exemption for own transportation by food companies that sell to the final consumer;



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b) Provide further clarity on how third countries will be expected to demonstrate compliance with the new animal welfare requirements;

c) Concerning decapods, based on the understanding that diverse physiological requirements and varying industry practices exist, ensure that the provisions on transport methods provide for a flexible, performance-based approach rather than prescribing a single, specific transport method;

d) Adjust the applicable requirements on aquatic animals, including on the control of CO2 and ammonia during transport, the supervision on means of transport and on the obligations at place of destination, and on applicability of certificates of competence;

e) Provide further clarity on the expected financial impact of the new rules, including production costs and impacts on prices.



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