



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels
MARE.C.3/NG

Subject: Recommendations of the Market Advisory Council concerning the legislative proposal on the protection of animals during transport and related operations.

Dear Ms Bermudez,

Thank you for the Market Advisory Council (MAC) advice dated 8 July 2025 in relation to the proposal for a Regulation of the European Parliament and of the Council on the protection of animals during transport and related operations (COM(2023) 770 final) ⁽¹⁾.

DG MARE welcomes MAC's recognition of the importance of rules to enhance animal welfare, including aquatic animals, during transport, which are included in the Commission's proposal referred above. DG SANTE is in the lead for this proposal and has provided the following response to the MAC advice:

- 1. 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;*

The Commission is willing to support the clarification of the definitions by the co-legislators, amongst others concerning the types of transport that are excluded from the scope. Regarding the provision of transport by farmers of their own animals using their own means of transport for a distance no more than 50 km from the holding in which they are kept, this is unchanged compared to the current Regulation (EC) No 1/2005 on the protection of animals during transport and related operations ⁽²⁾ which has been applied for more than 20 years. Similarly, direct deliveries of aquatic animals to food businesses

⁽¹⁾ [EUR-Lex - 52023PC0770 - EN - EUR-Lex](#)

⁽²⁾ [Regulation - 1/2005 - EN - EUR-Lex](#)

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supplying the final consumer are excluded from the scope of the proposal as this transport is mostly local and therefore short distance.

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

According to Article 35 of the proposal, it would be the responsibility of the transporter of animals for the purpose of the import to the EU to ensure compliance with the EU rules on protection of animals during transport. In the same way as for the transport within the EU, a journey log would have to be registered in TRACES and approved by the competent authority in the place of departure. In addition, the official health certificate accompanying animals entering the EU from third countries and territories would contain an attestation from the competent authority at the place of departure certifying that the planning of the journey complies with requirements at least equivalent to these of this Regulation.

3. *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;*

The Commission is aware of the diversity of aquatic animals and the consequent species-specific welfare needs and industry practices concerning their transport (e.g. transportation of certain live decapods without the need of them being immersed in water) and will be supporting amendments which aim to clarify that. The legislative proposal also includes specific transport criteria for the transport of aquatic animals and allows for the possibility to develop tertiary legislation with species-specific provisions for different aquatic animals when more science is available at a later stage.

4. *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;*

The Commission is aware that the checking and monitoring of some water parameters would require specific laboratory conditions. Therefore, the Commission is open to discussing with the co-legislators a more focused approach for the monitoring of key water parameters to ensure a good level of animal welfare during transport while ensuring feasibility for the sector to comply with the rules.

While the Commission proposal includes the requirement on the presence of veterinarians during loading and unloading for the purpose of ensuring compliance with the rules on protection of animals, the discussion on this measure by both co-legislators revealed potential problems with availability of veterinarians and other logistic issues with the proposed measure. It is therefore very likely that this measure will be subject to amendments in the ongoing ordinary procedure to allow for a more achievable solution to the challenge of supervising loading and unloading operations of animal transports. The provision on the certificate of competence is applicable for all drivers and attendants that are entrusted with handling of animals during transport to ensure the welfare of these animals.

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

The proposed annex with the technical requirements of the transport of aquatic animals are based on the international standards of the World Organisation for Animal Health (WOAH) which have been applied at the global level for a long time. The Commission

study on common animal welfare practices on transport and killing of fish ⁽³⁾ dating from 2017 concluded that no further equipment would be needed to ensure compliance with the WOA standards. Considerable financial impacts of the proposed rules on the industry and consumer prices are therefore not envisaged.

Since its adoption, the Commission proposal is being thoroughly discussed by the European Parliament and the Council, as co-legislators. I am confident that collectively we will be able to identify good compromises that improve animal welfare while ensuring the feasibility of the new rules for the sector.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox (MARE-AC@ec.europa.eu).

Yours sincerely,

Charlina VITCHEVA

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⁽³⁾ European Commission: Directorate-General for Health and Food Safety, VetEffect, Wageningen University, Braak, K. v. d., Schrijver, R. et al., *Welfare of farmed fish – Common practices during transport and at slaughter – Final report*, Publications Office, 2017, <https://data.europa.eu/doi/10.2875/172078>