

# **SCOTTISH AND WELSH GOVERNMENT RESPONSE TO FAWC'S OPINION ON THE WELFARE OF ANIMALS IN TRANSPORT**

## **Introduction**

**This response to the FAWC Opinion on the Welfare of Animals in Transport has been issued jointly by the Scottish and Welsh Governments as FAWC is a GB expert advisory body and the FAWC Opinion was commissioned by Defra in 2018 with the support of the Scottish and Welsh Governments. Animal welfare policy is devolved but ideally we would wish to have consistent legislation as far as possible to aid understanding and enforcement as there are many routine movements of animals for various purposes to and from all parts of GB.**

The Scottish and Welsh Governments welcome FAWC's Opinion on the Welfare of Animals during Transport. The current legislation on the welfare of animals during transport is Council Regulation (EC) No 1/2005, which applies to all vertebrate animals that are transported in connection with an economic activity. We have discussed potential improvements to the Regulation once the UK has left the EU and agree that, although we will wish as a minimum to keep pace with future EU transport legislation, there is an opportunity to strengthen the welfare of animals during transport regime to reflect the latest scientific and veterinary evidence.

As a first step in reviewing the current welfare in transport regulation, Defra and the Devolved Administrations launched a Call for Evidence in 2018 to seek views and gather further evidence on controlling live exports for slaughter and other improvements to animal welfare during transport. The Call for Evidence sought factual information about the transport of live animals, views on how well current regulatory requirements protect animal welfare in transport and what reforms could be justified in terms of animal welfare.

In parallel to the Call for Evidence, a systematic review on the welfare of animals during transport was commissioned by Defra on behalf of Defra and the Devolved Administrations. This research was conducted by Scotland's Rural University College (SRUC) and University of Edinburgh (UoE). Evidence and information from the Call for Evidence and the systematic review fed into FAWC's Opinion. The systematic review presented scientific literature which indicated which welfare improvements could be made for animals during transport. A copy of the full FAWC report and its recommendations is available at (link when published).

The following responses to FAWC's recommendations have been agreed jointly by the Scottish and Welsh Governments. We jointly welcome FAWC's report and recommendations and believe they provide a strong foundation for strengthening welfare in transport. In terms of taking reforms forward, this will be subject to future public consultation. Reforms to the animal welfare in transport regime will be subject to consideration of views and evidence presented via this consultation exercise.

**Where the following responses to FAWC's recommendations say 'we agree', this therefore should be read as 'we agree to subject this to future consultation' rather than a commitment to implement the recommendation directly without further consideration of the practical consequences.**

## **RESPONSE**

### **Principles**

FAWC provides 10 principles for animal welfare during transport (see Annex), which should be applied during any journey. Application of these principles should help ensure that the welfare of animals before, during and after transport is given due consideration.

We are committed to maintaining our high standards of animal welfare and to enhancing them sustainably. As part of doing so we wish to develop and improve our current high standards of welfare in transport, and FAWC's proposed principles provide an excellent foundation for doing so.

In particular we agree that all journeys have impacts on the welfare of animals and the three Rs approach should apply – can journeys be replaced, i.e. avoided; can they be reduced; and can they be refined. This includes minimising the amount of loading and unloading. We agree that journeys should be well planned, including where appropriate with rest stops and contingency arrangements; that animals should be fit for the journey and in a fit state when they arrive; that the specific requirements of different species should be taken into account; that those responsible for animal transport should possess the appropriate skills and competences; and that effective compliance and enforcement arrangements and practices should apply. We agree that journeys which are likely to have negative impacts on animals need to be justified, and that exports should only take place for animals which will continue to be subject to at least equivalent welfare standards at their destination to those they experience domestically. Commercial export journeys may take place for various legitimate purposes, including movements of farm livestock, horses and other animals for breeding or production, sport or conservation reasons.

### **Recommendations**

#### **1. General**

- 85a. FAWC recommends that industry and academic institutions should aim to provide the latest species specific and subgroup-specific (young, juvenile, adult or end of life, weight, shorn/ unshorn, breed) scientific research findings for all animals (livestock, equine and companion animals). Any new scientific findings should be used to inform areas of concern when transporting animals. There are a number of knowledge gaps that have been identified and that these knowledge gaps should be considered as research priorities, as these could have significant implications for the welfare of animals. More funding should be made available to academia to fund independent research (i.e. no conflict of interest) to fill these knowledge gaps and to adequately understand the welfare issues that animals may experience during transport.
- 86a. FAWC recommends that data is collected from experiments before, during and for at least two weeks post transport to assess any long term implications to the health, morbidity and mortality of the animals after transport. This recommendation should apply to all animals (livestock, poultry, equine and companion).

We strongly support evidence-based policy making as a way of helping to ensure reforms are effective, achieve their objectives, work in the ways intended, and do not generate adverse unanticipated consequences. We agree that evidence and research findings should be shared where possible to help build the knowledge base and to inform sound policy making and implementation decisions. We support the continued development of knowledge, understanding and the science base, noting that funding is subject to the consideration of other priorities, and we wish improved regulations to be based on the latest science and wider evidence. In taking this forward we agree that FAWC's specific technical recommendations relating to data collection should be taken into account.

## **2. Live animal exports**

- 87a. FAWC recommends that animals are only transported if it is absolutely necessary and that the most welfare considerate route is chosen; which is a combination of journey quality, including the type of transport, duration and suitability. Therefore, animals should not be transported longer distances if suitable alternatives are available. Transporters intending to export animals to be slaughtered or further fattening in a different country should apply to APHA for consent to do so, indicating reasons why alternative arrangements have not been made.
- 87b. FAWC recommends that there is a review of the availability of abattoirs related to the points of production and particularly mindful of end of life requirement. This will identify where abattoirs need to be sited in order to meet the needs of farmers and to minimise journey times and thereby meet the welfare needs of animals.
- 87c. FAWC recommends further research into the feasibility of the economics, design and use of mobile slaughter facilities so as to reduce the need to transport animals over long distances particularly with regard to sea crossings.

FAWC's recommendations provide a strong and credible foundation for considering future reforms. We much prefer to see long distance transport of meat rather than live animals, and we agree with FAWC that, other things being equal, animals should only be transported when necessary, journey times should be minimised, animals should be slaughtered at the nearest suitable abattoir where possible and the most welfare considerate route should be chosen. We agree with the principle that prior permission should be obtained from the relevant UK authority for some journeys. We agree that permission should only be granted if the reasons for not undertaking a shorter alternative journey are justified, and that sufficient reassurance should be provided about how animals being transported are being sufficiently protected. However, future arrangements need to recognise the particular geographical constraints that apply in remote areas, for example the Scottish Islands where innovative solutions have been found to transport animals long distances where this is justified.

We take note of FAWC's recommendation on reviewing abattoir location and the proximity of abattoirs animal populations and in particular the impact this may have on end of life animals. This is something the meat industry should consider when reviewing location of their facilities. We will also consider how government policy and retailers might better enable regional supply chains and support essential infrastructure like abattoirs. We agree that further research regarding mobile slaughterhouses would be welcome, noting that government research funding is subject to the consideration of other research priorities and that this research could also be funded by industry. The Scottish Government recently funded a study on the economics of mobile abattoirs. We also await results from the Sustainable Food Trust's feasibility study into mobile slaughterhouses.

### **3. Fitness for transport**

- 88a. FAWC recommends that guidance such as the EU "Animal Transport Guides" should be applied and promoted by the industry and government. These best practices guides have been researched and designed to improve the welfare of animals during transport and have so far been provided for: cattle, sheep, pigs, poultry and horses. Other guides exist for: goats, cats and fish.
- 89a. FAWC recommends that a more specific definition of fitness to transport should be created, and the industry/ levy boards could act to promote improved dialog and understanding regarding criteria fitness for transport and suitable transport conditions. Tools such as videos, posters, leaflets and written guides could all be used using the information based on best practice guides (as suggested in paragraph 86). More training should be provided to enable owners/ farmers/ transporters to identify animals that are not fit for transport. This recommendation should apply to all livestock, poultry and equine animals.
- 89b. FAWC recommends that current penalties to deter people from transporting animals in breach of the Regulation should be reviewed. Understanding why people breach the regulation could influence future penalties such as fixed term notices or to resource additional support for transporters/ farmers to make informed decisions when transporting animals in the future. More research is warranted to understand the human behaviours of transporting animals.

We wish to support owners, transporters and farmers to understand fully how to provide for high standards of welfare in transport and how to comply effectively with requirements. We agree that well-developed and well-designed best practice guides can play an important role here, and we agree that they could be applied and promoted by the industry and government, including by levy boards. We support the use of a wide variety of tools and channels to convey helpful information in timely and user-friendly ways, as part of raising awareness, supporting compliance, and improving dialogue and understanding. Industry training also plays an important role in ensuring those responsible for the welfare of animals in transport possess the necessary skills, knowledge and competences.

We agree that guidance and other supporting material should reflect the latest understanding and best practice, and should be sufficiently detailed. As recommended by FAWC we agree the current definition of fitness for transport could be reviewed with the aim of developing an improved and more specific version.

Effective enforcement and the timely application of suitable penalties plays an important role in preventing poor and harmful practice and in incentivising compliance. We note FAWC's recommendations here and will respond to them as part of responding to FAWC's later recommendations on enforcement. The Scottish Government recently consulted on introducing fixed penalty notices for a wider variety of animal welfare offences, and has a Bill currently before the Scottish Parliament which is raising the maximum available penalties and which might also be used to allow fixed penalty notices for transport offences where appropriate in future.

90a. FAWC recommend that horses should not be classified as either registered or unregistered in any proposed Regulation. Instead, the terms registered or unregistered should be removed altogether from transport legislation and that all horses should be reclassified solely as "horse(s)". This would ensure that all horses are covered under the same Regulation and that the highest welfare standards are applied.

We agree in principle that all horses should be afforded the same minimum level of protection regardless of the horse's classification and purpose of the journey.

The reasons for classifying horses as registered or unregistered is related to registered horses voluntarily being subject to high animal health standards (and often such horses are of high value). We note that the same incentives might not apply in relation to lower value registered horses and this is a risk to welfare that FAWC has highlighted. We recognise that statutory regulation should be applied in a proportionate and risk-based way, taking into account the owners and transporters involved, and their ability to provide for welfare needs during transport. We agree that we should consider applying animal welfare in transport regulations to all horses alike, both registered and unregistered.

#### **4. Means of transport**

91a. FAWC recommends that all vehicles that are used to physically transport livestock, poultry and horses (i.e. lorries, trailers, horse boxes) should be inspected by Vehicle Approval Bodies, regardless of journey length. It is anticipated that these requirements will be rolled over several years due to the number of vehicles that are used for transporting these animals. All vehicles that are used to transport animals will be issued with a certificate. Whereas, vehicles which transport other vehicles containing animals i.e. trains or ships should follow similar guidance laid out by the International Air Transport Association (IATA) Live Animals Regulations.

91b. FAWC recommends that accelerometers should be retro-fitted to all vehicles that are used to transport livestock, poultry and horses and acceleration,

braking, cornering and uneven road surfaces should be recorded by these devices. The recordings of these devices, should be submitted to the LA or APHA on request; for example, if there are increased levels of lameness, bruising or dead on arrival animals noted at the slaughterhouse.

We consider that a proportionate and risk-based approach towards the application of statutory regulation should also apply in relation to vehicle approval, certification and inspection. Currently inspections are required for vehicles transporting livestock on long commercial journeys of over eight hours. We agree that in relation to livestock, poultry and horses we could reconsider where the boundaries of statutory regulation of vehicles should lie, and what those specific risk-based and proportionate regulatory requirements should be. This could include considering to what extent different requirements should apply to commercial journeys and to other journeys. We agree that a suitable transition period should apply to any changes.

We agree that the quality of a journey can affect the welfare of animals during transport and that accelerometers can provide useful additional data and evidence relating to journey quality. We consider that accelerometers could be treated as one aspect of vehicle specification, along with the possibility of extending the requirement for GPS tracking devices to be fitted (currently this only applies if the journey is over 12 hours in the UK or over 8 hours for an export journey). The case for fitting GPS devices and accelerometers (either to new vehicles or also retro-fitting to existing vehicles) should be covered by the consideration outlined above of what risk-based and proportionate statutory regulation should apply to vehicles transporting animals.

## **5. Handling at Markets**

- 92a. FAWC recommends that further scientific work is needed to determine what improvements can be made regarding handling, including loading and unloading in markets.
- 92b. FAWC recommends that markets should require an animal welfare licence in addition to the animal gatherings licence. The licence would serve to protect animals during their time in a market, including the time from which animals are unloaded until they are loaded onto the vehicle, and also during sales. If the market breaches any part of the licence, then this will be suspended or withdrawn. The animal welfare licence will cover the prevention of: poor handling, unfit animals being sold or transported, and poor conditions required for retention of animals at the market for prolonged periods of time. The licence will require input from the LA animal health officer(s) to enforce these requirements.
- 92c. FAWC recommends that further work should be carried out to identify the different times animals spend at markets, and to identify effective ways to monitor and record journey time through markets. FAWC has acknowledged that a rest period is only achieved when animals are able to show natural

behaviours (including eating drinking and lying), which they may be unable to do in markets. Therefore, the amount of time animals spends in markets should be recorded, and a maximum time an animal spends at a market should be determined. These recommendations apply to all animals that go through markets.

We support the development of an improved evidence base, including relating to the latest science and best practice regarding loading, unloading and handling at markets. We also wish to consider how better to measure, monitor and record the total time spent at market, from initial unloading to final reloading.

Currently, The Welfare of Animals at Markets Order sets down the animal welfare standards which apply to animals at markets, including in relation to handling at market, and the conditions and standards applying to animals during their stay at market. However, markets themselves are not currently subject to a specific animal welfare licensing regime. We agree that a review of existing requirements applying to animals at market should be considered, including the maximum time at market, and that this could specifically set out the case for a new animal welfare licensing regime to be introduced for markets.

Given that animal welfare in transport regulations set maximum journey times, with additional requirements for rest periods, we agree with FAWC that we should also consider setting a maximum time an animal can spend at market.

## 6. Space allowances

93a. FAWC recommended an allometric system to determine the stocking density of sheep, cattle and pigs. Stocking density for horses should be determined using kg/m<sup>2</sup> and not m<sup>2</sup>/ animal. This stocking densities should be applied in any proposed policy reform. Space allowances that have not been identified based on scientific literature require further research to determine appropriate stocking densities for all species intended for travel.

94a. FAWC recommends that the following headroom height requirements as provided in Table 6 in any proposed policy reforms.

**Table 1 Recommended headroom heights for different species (height ABOVE full standing head height).**

Species	Recommendations
Dairy cattle	20 cm
Beef cattle	30 cm
Sheep	22 cm
Pigs	9 cm

All other animals (excluding poultry)	20 cm above the head
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The stocking density of animals in transport is a key aspect of their welfare, and this includes providing sufficient headroom. If animals are not provided with enough space and headroom there can be adverse animal welfare impacts, including distress and discomfort as well as injuries and bruising during transport. We are keen that our requirements reflect the latest evidence and expert understanding and we agree that proposals for future regulatory reforms should include FAWC’s species-specific headroom allowances. We agree in principle that allometric systems could be used to calculate stocking density, which could include taking into account each animal’s weight individually. We consider that more work is needed to explore how this more precise approach could be applied in practice.

## 7. Transport practices

95a. FAWC recommends that the definition of commercial journeys that is in the 1/2005 Regulation should be removed and instead all animals should come under the same proposed regulatory reform. This would allow **all** animals (livestock, poultry, horses and companion) to be afforded the same level of protection regardless if they are being moved commercially or not. There are a lot of “non-commercial” movements that are not covered by the current 1/2005 Regulation and these animals may undergo welfare concerns during transport, but are not recognised in the current transport Regulations. This proposed recommendation does not require all people who transport their animals to obtain a CoC, instead the animals that are currently listed (i.e. livestock, poultry and horses) would still require CoC, but transportation of companion animals does not. See paragraph 98 for further information on CoCs.

We agree in principle that all animals of the same species should be afforded the same level of minimum protection regardless of whether they are being moved for commercial purposes or for other purposes, and the considerations here are similar to those applying to FAWC’s recommendations on horse journeys. We note that current domestic legislation does provide some animal welfare protections to animals being transported not in connection with an economic activity. At the same time we recognise that statutory regulation should be applied in a proportionate and risk-based way and it is not necessarily the case that the same statutory regulatory requirements should apply to everyone in every situation in order to achieve the same welfare outcomes and minimum protections. Non-statutory regulation or guidance may be suitable in some instances, and where statutory regulation applies, this should ideally be tailored in a risk-based way.



In summary we agree that all animals should be protected but we should review where the boundaries of statutory regulation lie, and that we should consider how to apply a risk based and proportionate approach in relation to authorisations, Certificates of Competence and other aspects of statutory regulation.

## 8. Thermal conditions and ventilation

- 96a. FAWC recommends that more research and evidence is required to determine the acceptable temperature ranges for the different species and classes of livestock, horses and companion animals i.e. age, breed, sex, shorn/ unshorn that are transported. Until this time, FAWC have suggested temperature ranges for cattle, sheep, pigs and poultry (Appendix C of FAWC Opinion). **These temperature ranges should only be used as a guide and only when outside temperatures are exceeded i.e. outside 5°C to 30°C.** Where temperature ranges are not defined in Annex C, then the current 1/2005 Regulation should be applied to all other animals.
- 96b. FAWC recommended that a maximum and minimum temperature should also be devised for all animals (farm, equine and companion animals) where they are not permitted to be transported outside of these extreme temperatures ranges. This should be a research priority due to the increased levels of extreme temperature ranges that are being experienced, and are likely to be experienced, in future. Vehicle design should also be considered when considering the thermal requirements of animals.

Thermal conditions and ventilation are a key aspect of welfare in transport and extreme temperatures and poor ventilation can cause animal welfare issues to arise. In recent years we are aware of several cases that have occurred where animals have suffered distress in transit due to high temperatures. We are keen that our requirements reflect the latest evidence and expert understanding. We agree in principle that FAWC's recommended temperature ranges should be used as a guide in the way proposed by FAWC, and that further research and evidence would help inform further refinement of these parameters.

We agree that future regulatory requirements could include setting a maximum and a minimum external temperature for permissible journeys, that any new limits should be based on science and evidence, and that any regulatory requirements relating to these limits should also consider the ability of the vehicle to manage the temperature experienced by animals being transported.

## 9. Long journeys

- 97a. FAWC recommends that, where robust scientific findings are available regarding species- specific or subgroup-specific (young, juvenile, adult or end of life) journey time requirements, then these should be adopted in the new

regulation. Based on the scientific output from the systematic review, there are desirable maximum journey time limits for some species of animals which should be applied in policy reforms (**Table 7**). The **desirable maximum journey time limits should not be exceeded and the times indicated in the table should be considered the absolute maximum.**

**Table 2 The desirable maximum journey times for some species of animals during transport based on the systematic review.**

<b>Species</b>	<b>Desirable maximum journey time limits</b>
Broiler chickens	4 hours
Pigs	18 hours
Newly weaned pigs	8 hours*
Halter broken / Non halter broken horses	12 hours
Calves (up to 9 months)	9 hours
Recently hatched chicks	24 hours (FAWC recommendation 21 hours, written consent required to travel 24 hours*).
Cattle	29 hours (FAWC recommendation 21 hours, written consent required to travel 29 hours*).
Sheep	48 hours (FAWC recommendation 21 hours, written consent required to travel 48 hours*).
All other animals (until scientific evidence is provided, no animal should be exposed to journeys longer than 21 hours).	21 hours

\* FAWC recommendation

- 97b. FAWC also acknowledges that the shortest journey time should be applied in all circumstances, therefore FAWC recommend that if any journey goes beyond 21 hours for all animals (cattle, sheep, and other livestock and companion animals that are not mentioned in **Table 7**) then written consent is required and submitted to APHA for review. Reasons to why the journey needs to go beyond 21 hours should be fully justified and alternative options should be noted. If an extension of 21+ hours is granted, then a mid-journey rest stop will be required – see paragraph 97).
- 98a. FAWC recommend that a maximum journey time of 9 hours for all un-weaned animals or animals that have been weaned within the last week (all livestock and horses, and companion animals) (except for newly weaned pigs).

Setting clear maximum journey times for each species is a core protection in our welfare in transport regulatory system. Animals must be in a fit state at the end of their journeys, and FAWC's principles reflect that all journeys can have adverse effects on the welfare of animals being transported. Minimising journeys themselves, and minimising journey length when journeys occur, are central to FAWC's principles.

We agree that maximum journey times should reflect the latest scientific evidence and should take relevant factors into account, such as if the animal is unweaned, young, juvenile, adult, or end of life. We note that FAWC has proposed the same maximum journey times for some species irrespective of the purpose of the journey, e.g. for slaughter, for production or for breeding, and also irrespective of the type of journey, e.g. commercial or non-commercial.

We agree that the particular desirable maximum journey times proposed by FAWC in Table 7 should be considered for adoption, subject to full consideration of the evidence in the systematic review and other evidence that becomes available.

In relation to FAWC's specific maximum journey time recommendations, we agree that the shortest journey time should be applied in all circumstances, in particular that specific additional written permission from the relevant devolved UK authority should be obtained for any journey exceeding 21 hours following an application explaining why such a journey is justified.

We agree the nine hour maximum journey time for all unweaned animals or recently weaned animals (except newly weaned pigs, where eight hours is recommended), subject to considering other scientific evidence and particular geographical constraints within the UK.

In taking these recommendations forward we would wish to consider how maximum permitted times apply to journeys from remote areas and we would wish to consider the justifications which could apply to such journeys, including in terms of the potential welfare benefits of the journeys for those animals affected.

98b. FAWC do recognise the difficulty in implementing this recommendation for companion animals (including illegal puppy smuggling), but would encourage cooperation between the veterinary bodies, APHA and UK government to implement strategies to reduce this illegal trade.

We note FAWC's comment on this issue. In accordance with the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, some companion animals, such as dogs, cats and ferrets, cannot travel internationally at all until over 15 weeks of age and, as such, are fully weaned. We have a comprehensive strategy that looks to tackle the puppy smuggling process from end to end – targeting both supply and

demand. The strategy includes work on enforcement, international engagement, public communications and sales and licensing. APHA work collaboratively with carriers (such as ferry companies and Eurotunnel) and Border Force at ports, to identify suspected underage puppies and seize them if they are confirmed as under 15 weeks, as well as to identify breaches of welfare in transport.

## 10. Journey times and rest periods

99a. FAWC recommend that a mid-journey rest period for all animals where there is no determined desirable maximum journey or when the maximum desirable limit exceeds 21 hours (cattle/ sheep, companion animals, livestock, poultry and horses). Mid-journey rest periods should be more aligned to driver time and rest periods from the Regulation (EC) 561/2006, where a rest period of 45 mins every 4.5 hours is recommended (see **Table 8**). If the proposed journey exceeds 9 hours of driving, then a second driver is required. By aligning the driver's Regulation to the animal transport regulation, this should improve the quality of driving by allowing the driver to have suitable rest breaks to refresh. However, further research is required to ultimately decide what would constitute the optimum rest periods for both driver and animals.

**Table 3 The proposed breakdown of mid-journey rest periods.**

Driver	Travel time	Mid-journey rest time	Travel time	Mid-journey rest time	Cumulative total
1	4.5 hours	45 mins	4.5 hours	45 mins	9 h + 1.5 h (10.5 h)
Drivers swap over					
2	4.5 hours	45 mins	4.5 hours	45 mins	18 h + 3 h (21 h)
<b>Written consent is required to continue the journey beyond 21 hours. If granted, 24 hours rest is performed where animals should be unloaded, fed, watered and opportunity to perform natural behaviours.</b>					
1	4.5 hours	45 mins	4.5 hours	45 mins	27 h + 4.5 h (31.5 h)
Drivers swap over					
<b>Absolute maximum journey duration for cattle - animals must not be allowed to continue to travel.</b>					
2	4.5 hours	45 mins	4.5 hours	45 mins	36 h + 6 h (42 h)
<b>Absolute maximum for sheep duration for sheep - animals must not be allowed to continue to travel.</b>					

We agree that mid-journey breaks for animals during long journeys may be a key component of providing for high welfare during transport, and should be considered alongside maximum journey times. In principle we agree that, in line with better regulation principles, the maximum journey times and rest periods relating to drivers and to animals being transported should be as coherent, mutually consistent and aligned as possible. We wish to explore further how far and in what way these time

periods could be aligned, and we agree that further evidence gathering and research could usefully inform these considerations.

100a. FAWC recommends that the 65km barrier that is currently applied to the EU 1/2005 Regulation should be removed and instead anyone who owns or transports livestock, poultry or horses (regardless of distance/ duration) should have a transporter authorisation and CoC. To note, this proposed recommendation does not require all people who transport their animals to undergo a CoC, only the animals that are currently listed (i.e. livestock, poultry and horses) would still require CoC but transportation of companion animals will not. This recommendation is linked to recommendation 93.

We agree in principle that animals should be provided with the same safeguards and protections during the shortest journeys as they are for other journeys. At the same time we consider that a proportionate and risk-based approach should be applied to the application of statutory regulation, and this includes considering carefully where the limits of statutory regulation lie. We agree that there is merit in considering if all those who transport livestock, poultry or horses should require transporter authorisation and a Certificate of Competence, including if they only transport animals on short journeys. This should be considered alongside earlier proposals relating to the application of statutory regulation to non-commercial journeys as well as to commercial journeys.

## **11. Sea transport**

101a. FAWC recommends policy reforms which prevent animals from being transported in severe weather and sea conditions where increased side-to-side or up-and-down motions may occur.

101b. FAWC recommend that vehicles should be carried in locations on vessels designed to provide natural ventilation as far as possible rather than relying on mechanical systems. Where mechanical systems are needed these should be designed and operated to provide the recommended temperature range at all times.

101c. FAWC recommends that no animals are transported over the sea during Beaufort Wind Force of 6 or above, as these conditions have been shown to cause motion sickness in the cattle and sheep. Contingency plans in the case of poor sea conditions, and provision of venues to accommodate animals, should be the responsibility of the owner/ transporter and should be inspected by APHA.

101d. Until further scientific research has been conducted, the maximum acceptable journey duration by sea is unknown, therefore FAWC recommends that

further funding should be made available for research in establishing maximum journey limits over the sea.

- 101e. FAWC recommends that the concept of “neutral time” should be reviewed and that all movements over the sea should be considered as a category of journey time. Animals that are transported in livestock vessels and cassette systems are provided with water and food, and have appropriate arrangements for space, bedding, environmental control and attention but the motion of the sea is not prevented during these journeys, and they do continue ‘to travel’ during sea passage.
- 101f. FAWC recommends that any proposed policy reform should ensure that anyone responsible (including Captain/Pilots) for transporting livestock and horses only should be required to receive suitable training as per the requirements of the proposed reformed regulation.

We agree that specific consideration should be given to the particular issues and challenges which apply to animals undergoing sea journeys. We agree that animals should not be transported by sea during severe weather or sea conditions. . We should also however take into account the design of the vessel involved and recognise that transport in various weather conditions may benefit the welfare of animals that need to be moved from islands to better conditions as part of the normal seasonal pattern of livestock movements.

Given the changeable nature of sea and weather conditions, and other factors that may affect the availability of ferry services we agree that those wishing to move animals over the sea should have effective contingency plans for their animals in case of delays, and that these plans and the associated contingency venues and premises should be approved by the relevant devolved authority.

Where sea journeys take place we agree it is important that effective ventilation and temperature control are provided, and that natural ventilation should be provided as far as possible instead of mechanical ventilation. Where mechanical ventilation is provided this needs to ensure that the right temperature range is provided during all parts of the journey.

In most cases animals travelling by sea remain on their road transporters and this time currently counts toward total journey time. The Scottish Government will consider reviewing the concept of “neutral time” for animals transported unloaded in conditions equivalent to farm accommodation in livestock vessels or cassette systems, taking into account the practical experience gained in operating the cassette system in Scotland over many years and any relevant future research.

FAWC has recommended that more funding is provided for further research to enable maximum journey times at sea to be set. We would support further research here, subject to the consideration of other research priorities, and would also support other evidence gathering relating to how the welfare needs of animals on longer sea journeys can be addressed.

We agree with FAWC that suitable training should be required for anyone transporting livestock and horses, including captains and pilots, on the requirements of any new transport legislation.

102a. FAWC recommends that scientific literature should be reviewed to assess if there are any welfare issues associated with transporting animals by rail or air. If so, more research on the welfare of animals during rail and air transportation should be carried out.

We note the proposal for a review of the scientific literature on whether any particular welfare issues are associated with other forms of transport, such as rail and air and we note that the systematic review did look at what literature there was for different forms of transport such as air. This will be considered alongside other research priorities.

## **12. Identified welfare risks during transportation**

103a. FAWC recommends that a circular approach to all journeys where feedback is provided on all long or exported journeys between the transporters and APHA. Currently, a lack of resources may mean that this is not routinely carried out. Complete feedback is required to identify reoccurring issues identified on journeys, and appropriate enforcement is applied if necessary.

We agree that feedback and constructive dialogue between transporters and APHA relating to issues arising on all long journeys is important. This enables issues to be identified including at an early stage, and informs the identification and development of mitigations, solutions and best practice. There are currently processes in place that address this recommendation for livestock and unregistered horses, and we agree that these should be extended to cover poultry and registered horses too. We also agree with FAWC that feedback processes should help identify compliance issues and should help support effective enforcement activity, where this is needed. We agree that the associated resourcing required for these feedback and other processes should be considered, alongside other resource priorities.

103b. FAWC recommends that the enforcement between LAs and APHA should be better aligned and with improved collaboration so that transport and animal welfare remain a priority (similar to the recommendations put forward by the Dame Glenys Stacey report). This will require stronger liaison with LAs on improving transporter performance or APHA should impose direct action during visits on farm during inspections.

103c. FAWC recommends penalties to reduce non-compliance of a regulation should warrant further work. Finding the right penalty option (i.e. suspend or revoke vehicle approval and certificates of competence or fixed term notices) to determine which would benefit the welfare of the animals in the long term by reducing the numbers of non-compliance (as identified in paragraph 87).

103d. FAWC recommends that more education and training, including use of agreed guidance, is applied to all those involved with the transport process i.e. transporters (see paragraph 86 and 98).

Together with the provision of guidance to support compliance and promotion of best practice, effective enforcement is key to identifying and addressing concerns and plays an important role in incentivising compliance. Local authorities and other UK enforcement authorities (especially APHA) each have important roles and responsibilities, and it is vital that they work closely and collaboratively with each other. This includes alignment and coherence of priorities, protocols and ways of working. We support FAWC's recommendation that all parties involved in enforcement should operate in a well-aligned, collaborative and unified way. Existing information sharing and liaison arrangements exist, and we agree that these could usefully be reviewed to help identify improvements. This could include how enforcement performance is monitored and managed, and how the authorities are using the powers they hold.

We agree that effective enforcement involves being able to apply the right types of penalties, and that we could usefully review the current range of available penalties, including in what circumstances they can be applied and also their depth and scale. The Scottish Government will consider the introduction of fixed penalty notices for animal transport and other animal welfare offences following the Bill currently being considered by the Scottish Parliament to provide the necessary powers.

We agree with FAWC's earlier recommendation that further research on attitudes towards compliance would help inform to what extent improved compliance is best addressed by providing more support and guidance. Further research proposals would be considered alongside other priorities. As before we agree that more education, training, guidance and other support to enable and promote improved compliance should be considered.

### **Welfare at destination**

104a. FAWC recommends that no animals shall be transported to a destination where the welfare conditions are lesser or contrary to UK legislation or codes of practice.

Many concerns have rightly been raised about animals being exported to other countries where they might be subject to lower animal welfare protections than in the



UK, including the standards applying on-farm, at markets, at slaughter, or in onward journeys. We agree that in order for export journeys not to be associated with worse animal welfare, we should also take into account the welfare protections applying to animals after they have arrived at their destination. We agree that consideration of future regulatory requirements should include what sort of approvals regime to apply to export journeys, including what sort of assurances to require about the post-export protections applying to animals after they have arrived abroad. In principle we agree with FAWC that no animal should be transported to a destination where the welfare conditions would be unacceptable in the UK. We wish to consider further how that might be applied in practice.

FAWC's Welfare Principles to be applied to the transport of animals:

FAWC have proposed a list of principles, which apply to all animals that are transported. They recommend that these should be considered whenever any animal is moved, acting as principles against which any movement being planned or undertaken should be considered. The principles listed below all have the same 'weight' and should not be ranked. The principles of animal welfare during transport for any one journey are as follows:

- I. The three "R's" should be applied to transportation.
  - a. Replacement: If any measure that can lead to replacement of the transport of live animals is practical, then it should be applied. For example; can meat-only trade, or artificial insemination, replace the transport of animals?
  - b. Reduction: If any measure can be applied to the proposed journey that will result in a reduction in the number of animals, the duration, or the distance of the journey then these should be applied. For example; could animals be finished or slaughtered at a premises which is closer than the original premises?
  - c. Refinement: If any measures exist that can be applied to refine a proposed journey, and are practical, then they should be applied. For example; the means of transport should consider, age, sex, size, weight, coat length and health status of the animal – and transport methods should be used which best meet the physiological and mental needs of the animal.
- II. All persons that are involved in the transport of animals have a responsibility to ensure the welfare of those animals. Anyone with these responsibilities should be trained, and shown to be competent.
- III. The number of loading and unloading events for any one animal must be minimised.
- IV. No journey should be undertaken where the likely negative welfare impacts to the animal cannot be justified. The individual journey should be planned to consider the physiological and psychological needs of that animal, or species, or group. Planning should include consideration of loading, unloading, journey stops and rest stops.
- V. The animal, or animals, must be fit for the intended journey, and the animals must be in a fit state at the end of the journey.

- VI. There must be a contingency plan in place for reasonably foreseeable circumstances.
- VII. Transport should match the species-specific requirements of the animal<sup>1</sup>.
- VIII. The competency requirements of the transporter (driver, captain, pilot, etc.) must match those of the vehicle, the animals, and the distance, type and nature of the journey. Ongoing competence should be demonstrated by undertaking training that must be relevant to the welfare of animals and use of metrics of ongoing performance.
- IX. The destination 'outcome' must conform to regulatory requirements that will continue to protect the welfare of the animals at a level not below that of the UK. This will ensure that the standards for the animal at the destination (for example slaughter conditions or husbandry conditions) will be equivalent to, or better than those for an animal in a similar situation in the UK.
- X. There must be a robust audit/ inspection of animal welfare during transport, and accompanying appropriate penalties (either through assurance or legal penalties) for failure or breach of the duty of care. Clear communication and feedback throughout the supply chain should be practised to maintain attention to animal welfare throughout all stages of transport.

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<sup>1</sup> To consider some of the requirements: breed, sex, weight, young, juvenile, adult or end of life young, shorn/ unshorn