



Explanatory Report to the European Convention for the Protection of Animals during International Transport *

Paris, 13.XII.1968

I. The European Convention for the Protection of Animals during International Transport, drawn up within the Council of Europe by a Committee of governmental experts, was opened to signature by the member States of the Council of Europe on 13th December 1968.

II. The text of the explanatory report of the Committee of Experts as amended in the light of decisions taken by the Committee of Ministers of the Council of Europe does not constitute an instrument providing an authoritative interpretation of the text of the Convention, although it might be of such a nature as to facilitate the application of the provisions therein contained.

III. Resolution (68) 23 of the Committee of Ministers concerning the Protection of animals during international transport, is also reproduced.

Introduction

1. The Consultative Assembly of the Council of Europe adopted on 22nd September 1961 a Recommendation (287 (1961)) on the international transit of animals.

"Considering that the humane treatment of animals is one of the hall-marks of Western civilisation, but that, even in member States of the Council of Europe, the necessary standards are not always observed", the Assembly recommended "that the Committee of Ministers should draft, and invite the member States to sign and ratify, a Convention for the regulation of the international transit of animals based on a draft prepared by the World Federation for the Protection of Animals, it being understood that the Convention would be open to accession by other States with the least possible formality".

2. The Committee of Ministers by a Resolution adopted on 25th October 1963 ((63) 17) decided that a Committee of Experts should be appointed to draw up a draft Convention for the regulation of the international transit of animals.

The Resolution which recalls the Assembly's Recommendation refers to the work undertaken in this field within the European Economic Community, the European Conference of Ministers of Transport and the World Federation for the Protection of Animals.

(*) The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on 1 December 2009. As a consequence, as from that date, any reference to the European Economic Community shall be read as the European Union.

3. The Committee of Experts on the International Transport of Animals was accordingly established in 1965 and held six meetings during the years 1965 to 1967.
4. Observers from the World Federation for the Protection of Animals, the International Air Transport Association, the Central Office for International Railway Transport, the International Union of Railways, the International Road Transport Union, the Office International des Epizooties, and the European Cattle Trade Union have been heard by the Committee. The International Chamber of Shipping which was unable to send an observer has presented its observations in writing. The contributions of these observers has been of great value to the Committee of Experts.
5. The Customs Co-operation Council and the United Nations Economic Commission for Europe were consulted on specific issues arising during the Committee's work and their observations have been taken into account.
6. The Committee of Experts has also considered a letter from the International Union for the Conservation of Nature and Natural Resources concerning the protection of wildliving animals, in particular those imported from developing countries outside Europe.
7. In 1968 the Committee of Ministers examined and adopted with certain amendments the draft Convention elaborated by the Committee of Experts. At the same time it adopted Resolution (68) 23 concerning the same matter.
8. The Convention was opened for signature by the member States of the Council of Europe on 13th December 1968.

I. General considerations

- 1 . A large proportion of the animals carried in international transport consists of animals destined for slaughter in the receiving country. For these animals the Committee recognised that from the welfare point of view, the ideal would be to restrict international traffic to carcass meat thus ensuring that the animals were slaughtered in the country of origin. However, the Committee regarded this issue as being outside its mandate.
2. The Committee considered that, in principle, humane treatment should extend to all species of animals. As this is impossible for practical reasons, the Committee has endeavoured to determine the welfare requirements of the principal species.
3. The Committee has not established detailed rules and procedures for all the species covered by the Convention, partly because of their widely differing welfare requirements and partly because there is insufficient scientific knowledge about some of them, particularly the cold-blooded species. The Committee has concentrated on specifying the requirements for horses, cattle, sheep and pigs in detail.
4. The provisions for other animals have been limited to the Committee regarded as basic for their welfare. Where practicable these provisions have been given by reference to the relevant provisions in the Chapter dealing with horses, cattle, sheep and pigs which are to be applied *mutatis mutandis*. The Committee was aware of the difficulties involved in interpreting rules drafted in this way, but it did not find any other practicable solution. While the domestic animals for which the more detailed rules have been given form a more or less homogeneous group, other animals form such markedly different species that strictly applicable rules could only be given by dividing them up in many different groups and the Convention would have accordingly become extremely lengthy. The Committee felt that the relative importance of these other species did not justify treatment in this way. Thus special rules relating to these other species have been given only in those cases where the Committee felt it was of particular practical importance and where specific guidance with regard to their treatment was recognised from experience to be necessary.

5. The Committee of Experts has considered only those questions relating directly to the welfare requirements of animals in international transport. It regarded consideration of civil responsibilities for fulfilling the provisions of the Convention as falling outside its mandate and inappropriate for the purposes of the Convention. The Committee also felt it inappropriate to specify when an international journey should be deemed to begin and end. Observers from transport and cattle trade organisations wanted such a definition to be included in the Convention but the Committee concluded that this was a matter for Contracting Parties to determine.

6. The Committee of Experts emphasise that the provisions of the draft Convention shall not interfere with the sanitary regulations of the Contracting Parties.

7. The International Union for the Conservation of Nature and Natural Resources has recommended that measures should be taken to restrict the importation of certain wild animals which are in danger of extinction, referring in this respect to the provisions of the Animals (Restriction of Importation) Act 1964 of the United Kingdom. It was agreed that this question fell outside the mandate of the Committee of Experts, but the Committee felt nevertheless that co-operative consideration of it by member States of the Council of Europe might be useful,

II. Brief comments on certain provisions in the Convention

Title

The Committee felt that the title chosen for the Convention makes it sufficiently clear that it relates solely to the protection of animals in international transport. Because the word "protection" appears in the title it is not thought necessary to emphasise that the animals concerned are live animals.

The term "International Transport" is preferred to the word "transit" which, in several languages, includes only transports passing through one or more intermediate countries and might therefore give rise to difficulties in translation.

Article 1

Paragraph 3

The Committee felt that the discretion allowed in the last sentence is necessary because it may often be desirable to allow a journey to continue in order to protect animals against avoidable suffering caused by delay and possibly unloading, even though the transport may not be in conformity with the provisions of the Convention.

Paragraph 4

Strikes and similar circumstances can severely affect the welfare of animals in transport and the Committee therefore felt it necessary to refer in the Convention to the need to protect animals as far as possible in such circumstances ; but it did not consider it appropriate to indicate how this should be done other than to specify that such action should be in accordance with the principles of the Convention.

Article 3

The first three paragraphs of this article specify the provisions which should normally apply. The Committee recognised, however, that there would be certain circumstances in which these provisions might be waived in accordance with specific agreements reached between Contracting Parties. The intention is that such waiver would only be exercised where the welfare of the animals is not prejudiced. This waiver may be exercised, for example, in the case of horses for sporting purposes.

The Committee considered in principle that animals of the species covered in Chapter II, which are less than two weeks of age are not fit for transport unless accompanied by their dams.

In respect of paragraph 3 of this article it is understood that the sanitary certificate usually delivered by the authorised veterinarian will be a sufficient warrant provided that all the items for which provision is made in this paragraph are included. It would be preferable to use one sole document.

Article 6

Paragraph 3

The requirement that containers shall be marked with a symbol indicating the presence of live animals is not included in the current regulations under the international Convention on Transport of Goods by Rail (C.I.M.).

Paragraph 4

The Committee felt that it might be preferable on welfare grounds to complete a journey without interrupting it for feeding and watering. Particularly in railway transport a short stop might in many cases cause a delay of 24 hours because of time-table requirements.

Article 7

Paragraph 1

The provision concerning hostile species takes into account the need to ensure that such animals should not be able to see, hear, or smell each other.

Article 8

The intention of the last sentence of this article is primarily to deal with lifting by mechanical means.

Article 15

The provisions of this article shall not preclude customs formalities from being carried out in inland offices when sanitary control is effected on the frontier.

Article 16

Considering the importance of the works to be carried out and their administrative and financial implications, the Committee realised that the complete application of the provisions of this article may entail certain delays.

Article 17

The requirement that railway trucks in which animals are transported shall be marked with a symbol for the living animal is only included in the current regulations under the international Convention on Transport of Goods by Rail (C.I.M.) where trucks are carrying only animals, but not where animals are being carried with other goods.

Article 33

The Committee considered that the requirements of this article should apply in all cases, but that they could often be met by providing a single spare pen.

Article 46

The species covered by the provisions of this Article include fish, reptiles and crustaceans. For the purposes of this Convention there is insufficient scientific knowledge about the welfare requirements of the many cold-blooded species, and detailed provisions for them have therefore not been formulated.

Article 47

Paragraph 1

The selection or appointment of competent authorities is entirely a matter for each Contracting Party concerned.

Resolution (68) 23 of the Committee of Ministers of the Council of Europe concerning the protection of animals during international transport

The Committee of Ministers,

Having regard to, the Convention for the Protection of Animals during International Transport, opened for signature of member States of the Council of Europe, in Paris, in December 1968;

Considering that this Convention prescribes common provisions destined to safeguard as far as possible animals in transport from suffering ;

Considering it expedient to apply these common provisions to all international transport of animals from or across the territory of any member State of the Council of Europe, whether or not such State be a Contracting Party to the said Convention,

Recommends:

(a) that the governments of all the member States act upon the principles formulated in the Convention for the Protection of Animals during International Transport in preparing and applying measures on the international transport of animals;

(b) that the governments of the Contracting Parties take into account the provisions of the Convention for the Protection of Animals, during International Transport in any bilateral and multilateral agreement they may make with States not bound by the said Convention, where these agreements contain clauses relating to the international transport of animals.