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COUNCIL REGULATION (EC) No 1255/97

of 25 June 1997

concerning Community criteria for ► M2 control posts ◀ and amending the route plan referred to in the Annex to Directive 91/628/EEC

(OJ L 174, 2.7.1997, p. 1)

Amended by:

Official Journal

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► <u>M1</u>	Council Regulation (EC) No 1040/2003 of 11 June 2003	L 151	21	19.6.2003
► <u>M2</u>	Council Regulation (EC) No 1/2005 of 22 December 2004	L 3	1	5.1.2005

▼B**COUNCIL REGULATION (EC) No 1255/97****of 25 June 1997****concerning Community criteria for ►M2 control posts ◀ and amending the route plan referred to in the Annex to Directive 91/628/EEC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC ⁽¹⁾, and in particular Article 13 (2) and Article 14 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 91/628/EEC lays down, in order to improve the welfare of certain categories of transported animals, requirements concerning maximum journey times after which the animals are to be unloaded, fed and watered and rested for at least 24 hours before travelling further;

Whereas such obligatory breaks in the long-distance transport of animals will take place at ►M2 control posts ◀;Whereas it is necessary to lay down criteria applicable throughout the Community to be met by ►M2 control posts ◀ so as to ensure the optimum welfare conditions for the animals passing through them and also to provide for certain incidental animal health matters;Whereas, in order to facilitate the control of the operation of ►M2 control posts ◀ and the vehicles and animals passing through them, it is necessary to provide for the keeping of records and certain other administrative matters;

Whereas, in order to guarantee that the animals transported continue their journey under optimum welfare conditions, the competent authority should ascertain that they are fit to do so;

Whereas, pending measures aimed at charging a Community fee for expenditure incurred by veterinary checks to ascertain whether animals are fit to continue their journey, it should be stipulated that Member States may, in compliance with the general rules of the Treaty, charge such expenditure to the operator concerned;

Whereas to ensure compliance with certain rules applicable to staging posts, the route plan referred to in Chapter VIII of the Annex to Directive 91/628/EEC should be adjusted to the new provisions;

Whereas it is important to establish as a first step the rules for ►M2 control posts ◀ accommodating domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species;Whereas the Scientific Veterinary Committee has recommended certain minimum requirements for ►M2 control posts ◀, which have been taken into account,

HAS ADOPTED THIS REGULATION:

⁽¹⁾ OJ No L 340, 11.12.1991, p. 17. Directive as last amended by Directive 95/29/EC (OJ No L 148, 30.6.1995, p. 52).

▼B*Article 1***▼M2**

1. Control posts are places where animals are rested for at least 12 hours or more pursuant to point 1.5. or 1.7(b) of Chapter V of Annex I to Regulation (EC) 1/2005 ⁽¹⁾.

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2. The ►**M2** control posts ◀ referred to in paragraph 1 shall comply with the Community criteria laid down in this Regulation.

Article 2

For the purposes of this Regulation, the definitions in Article 2 of Directives 64/432/EEC, 90/425/EEC, 91/496/EEC and 91/628/EEC shall apply as necessary.

▼M2*Article 3*

1. The competent authority shall approve and issue an approval number to each control post. Such approval may be limited to a particular species or to certain categories of animal and health status. Member States shall notify the Commission of the list of approved control posts and any updates.

Member States shall also notify the Commission of the detailed arrangements in application of the provisions in Article 4(2), in particular the period of use as control posts and the double purpose of approved premises.

2. Control posts shall be listed by the Commission in accordance with the procedure referred to in Article 31(2) of Regulation (EC) No 1/2005 upon a proposal of the competent authority of the Member State concerned.

3. Member States may only propose control posts for listing once the competent authority has checked that it complies with the relevant requirements and approved it. For the purpose of such approval, the competent authority as defined in Article 2(6) of Directive 90/425/EEC shall ensure that control posts fulfil all the requirements in Annex I to this Regulation; in addition, such control posts shall:

- (a) be located in an area which is not subject to prohibition or restrictions in accordance with relevant Community legislation;
- (b) be under the control of an official veterinarian who shall ensure, *inter alia*, compliance with the provisions of this Regulation;
- (c) operate in compliance with all the relevant Community rules regarding animal health, the movement of animals and the protection of animals at the time of slaughter;
- (d) undergo regular inspection, at least twice a year, to ascertain that the requirements for approval continue to be fulfilled.

4. A Member State must, in serious cases, particularly on animal health or welfare grounds, suspend the use of a control post situated in its territory. It shall inform the Commission and the other Member States of such suspension and of its reasons. The suspension of the use of the control post may only be lifted after notification to the Commission and the other Member States on its reasons.

5. The Commission, in accordance with the procedure referred to in Article 31(2) of Regulation (EC) No 1/2005, may suspend the use of a control post or withdraw it from the list, if on-the-spot checks carried

⁽¹⁾ OJ L 3, 5.1.2005.

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out by the experts of the Commission as referred to in Article 28 of that Regulation indicate non-compliance with the relevant Community legislation.

▼M1*Article 4*

1. ►M2 Control posts ◀ shall be used exclusively to receive, feed, water, rest, accommodate, care for and dispatch animals passing through.

2. However, by way of derogation from paragraph 1, Member States may also approve as ►M2 control posts ◀ the entire premises of assembly centres as defined in Article 2(o) of Directive 64/432/EEC and Article 2(b)(3) of Directive 91/68/EEC provided that they comply with paragraph 3 of this Article and of point A.4 of Annex I to this Regulation during the entire period of operation as ►M2 control posts ◀.

3. Animals may be present at the same time at a ►M2 control post ◀ only if:

- (a) they are of the same certified health status, including where appropriate, any additional guarantee granted in accordance with Community legislation; and
- (b) their health status is certified;
 - (i) either according to the requirements applicable to the category of animals of the species concerned as laid down in the Community veterinary legislation listed in Annex A to Directive 90/425/EEC.

Where not otherwise provided by the respective animal health requirements, additional certification shall guarantee that the animals have remained for at least 21 days on a single holding, or since birth on the holding of origin, if the animals are less than 21 days of age, before being dispatched from that holding either directly or transiting through one single approved assembly centre and, in the case of sheep and goats, comply with the requirements of Article 4b(4) of Directive 91/68/EEC; or

- (ii) in the case of bovine and porcine animals destined for export to a third country in application of Article 2(1) of Decision 93/444/EEC; ⁽¹⁾
- (c) they belong to the category of animals for which the ►M2 control post ◀ is approved.

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4. The competent authority of the place of departure shall notify the movement of animals passing through control posts through the information exchange system referred to in Article 20 of Directive 90/425/EEC.

▼B*Article 5*

The owner or any natural or legal person running a ►M2 control post ◀ shall be responsible for compliance with the relevant provisions of this Regulation and, to that end, shall be obliged:

- (a) to admit only those animals which have been certified or identified in accordance with the relevant Community legislation, with particular reference to the provisions referred to in Article 3 (3). For this purpose, he shall check or have others check the health or other accompanying documents belonging to the species or cate-

⁽¹⁾ OJ L 208, 19.8.1993, p. 34.

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gories concerned and randomly check and identification marks on the animals;

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- (c) to ensure that the animals staying at ►**M2** control posts ◀ are fed and watered at the right time according to the species involved and to provide for this purpose appropriate quantities of feeding stuffs and liquids;
- (d) to care for the animals staying at ►**M2** control posts ◀ and, where required, take all necessary steps to guarantee their welfare and compliance with animal-health requirements;
- (e) to call a veterinarian should the need arise
 - to give the appropriate treatment to animals that become sick or injured while under his responsibility and
 - where necessary, to have such animals slaughtered, killed or put down in accordance with Directive 93/119/EC;
- (f) to use staff who possess the appropriate ability, knowledge and professional competence and have for that purpose received specific training either within the undertaking or from a training body or have equivalent practical experience qualifying them to handle and, if necessary, administer appropriate care to the animals concerned;
- (g) to take the necessary steps to ensure that all those handling animals at ►**M2** control posts ◀ comply with the relevant animal-welfare provisions;

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- (h) to notify to the competent authority within one working day after departure of a consignment the information set out in point C.7 of Annex I, to keep a record or database of that information, to store it and to hold it at the disposal of the competent authority for at least three years;

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- (i) to inform the competent authority at the earliest opportunity of any perceived irregularities.

▼M2*Article 6*

1. Before the animals leave the control post, the official veterinarian or any veterinarian designated for this purpose by the competent authority shall confirm on the journey log as referred to in Annex II of Regulation (EC) No 1/2005 that the animals are fit to continue their journey. Member States may stipulate that expenditure incurred as a result of the veterinary check shall be borne by the operator concerned.

2. The rules relating to the exchange of messages between authorities to comply with the requirements of this Regulation shall be laid down in accordance with the procedure laid down in Article 31(2) of Regulation (EC) No 1/2005.

Article 6a

This Regulation shall be amended by the Council, acting by a qualified majority, on a proposal from the Commission, with a view in particular to adapting it to technological and scientific progress, except as regards any amendments to the Annex which are necessary to adapt it to the animal health situation which may be adopted in accordance with the procedure laid down in Article 31(2) of Regulation (EC) No 1/2005.

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Article 6b

► **M2** The Member States shall apply the provisions of Article 26 of Council Regulation (EC) No 1/2005 to penalise any infringement of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. ◀ The Member States shall notify those provisions to the Commission by 1 May 2004 at the latest and shall notify it without delay of any subsequent amendment affecting them.

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Article 7

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply as from 1 January 1999.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

▼M2*ANNEX***COMMUNITY CRITERIA FOR CONTROL POSTS****A. HEALTH AND HYGIENE MEASURES**

1. Every control posts must
 - (a) be located, designed, constructed and operated as to ensure sufficient bio-security preventing the spreading of serious infectious diseases to other holdings and between consecutive consignments of animals passing through these premises;
 - (b) be constructed, equipped and operated as to ensure that cleaning and disinfection procedures can be carried out. A lorry wash shall be provided on the spot. Such facilities must be operational under all weather conditions;
 - (c) be cleansed and disinfected before and after each use, as required by the official veterinarian.
2. Personnel and equipment entering into contact with the animals accommodated shall be exclusively dedicated to the premises concerned unless they have been subject to a cleaning and disinfection procedure after being in contact with the animals or their faeces or urine. In particular the person in charge of the control post shall provide clean equipment and protective clothes, which shall be kept exclusively for the use of any persons entering the control post, and shall make available suitable equipment for cleansing and disinfecting the above items.
3. Bedding material shall be removed when a consignment of animals is moved from an enclosure and, after the cleansing and disinfecting operations provided for in point 1(c), shall be replaced by fresh bedding.
4. Animals litter, faeces and urine shall not be collected from the premises unless they have been subject to an appropriate treatment in order to avoid the spreading of animal diseases.
5. Appropriate sanitary breaks between two consecutive consignments of animals shall be respected and if appropriate adapted depending on whether they come from a similar region, zone or compartment. In particular, control posts shall be completely cleared of animals for a period of at least 24 hours after a maximum of 6 days' use and after cleansing and disinfecting operations have been carried out, and prior to the arrival of any new consignment.
6. Before accepting animals, control posts shall:
 - (a) have started the cleansing and disinfection operations within 24 hours following the departure of all animals previously held there in accordance with the provisions of Article 4(3) of this Regulation;
 - (b) have remained clear of animals until the cleansing and disinfection operation is completed to the satisfaction of the official veterinarian.

▼B**B. CONSTRUCTION AND FACILITIES****▼M2**

1. In addition to the provisions of Chapters II and III of Annex I to Regulation (EC) No 1/2005 applying to means of transport for loading and unloading animals, every control post must have suitable equipment and facilities available for the purpose of loading and unloading animals from the means of transport. In particular, such equipment and facilities must have a non-slip floor covering and, if necessary, be provided with lateral protection. Bridges, ramps and gangways must be fitted with sides, railings or some other means of protection to prevent animals falling off them. Loading and unloading ramps should have the minimum possible incline. Passageways must have floor coverings which minimise the risk of slipping and be so constructed as to minimise the risk of injury to animals. Particular care must be taken to ensure that no appreciable gap or step is allowed between the vehicle floor and the ramp or the ramp and the floor of the unloading area requiring animals to jump or likely to cause them to slip or stumble.

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2. All facilities used for accomodating animals at ►**M2** control posts ◀ shall:
 - (a) have floor coverings which minimize the risk of slipping and do not cause injury to animals;
 - (b) have roofs and adequate side protection to protect the animals from adverse weather conditions;
 - (c) have suitable facilities for holding, inspecting, examining where necessary, feeding and watering the animals and storing feeding-stuffs;
 - (d) taking holding capacity into account, have adequate ventilation and drainage for the species of animal accommodated;
 - (e) have natural or artificial lighting at a level sufficient to permit inspection of all animals at any time. If necessary, adequate backup lighting should be available;
 - (f) have equipment for tethering animals which need to be tethered. Such tethering shall be carried out in a way which does not cause pain or suffering to the animals and permits them to feed, drink or lie down without difficulty;
 - (g) have, in relation to the species concerned, sufficient space for the animals to lie down at the same time and make their way easily to their drinking and feeding points;
 - (h) have adequate supplies of bedding material. Such material shall be placed in each enclosure according to the needs of each species or category of animal accommodated;
 - (i) be constructed and maintained in such a way as to avoid the animals coming into contact with any sharp or dangerous object or damaged surface which could cause them injury.
3. ►**M2** Control posts ◀ shall have suitable facilities for the separate accommodation of animals which are diseased, injured or in need of individual attention.
4. ►**M2** Control posts ◀ shall have suitable facilities for all persons having business on and using the premises.
5. ►**M2** Control posts ◀ shall have appropriate arrangements for the storage and disposal of waste material and for the storage of dead animals, pending their removal and destruction in accordance with Directive 90/667/EEC ⁽¹⁾.

C. OPERATIONS

1. Animals shall be unloaded without delay after arrival. If delay is unavoidable, however, taking account of weather conditions and waiting periods, the animals should be guaranteed the best possible welfare conditions.
2. During loading and unloading, care must be taken not to frighten, excite or mistreat the animals, and to ensure that they are not knocked over. Animals must be neither lifted nor dragged by the head, horns, ears, feet, tail or fleece or handled in such a way as to cause them unnecessary pain or suffering. When necessary, they must be led individually.
3. For the movement of animals throughout the facilities:
 - (a) mobile passageways must be arranged so as to exploit the gregarious tendencies of animals;
 - (b) instruments intended for guiding animals must be used solely for that purpose. Use of instruments which administer electric shocks should be avoided as far as possible and in any case may be used only for adult bovine animals and pigs which refuse to move, on condition that the shocks last no more than two seconds, are adequately spaced and that the animals have room ahead of them in which to move. Such shocks may be applied only to the muscles of the hindquarters;

⁽¹⁾ OJ No L 363, 27.12.1990, p. 51. Directive as last amended by the 1994 Act of Accession.

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- (c) animals must not be struck, nor shall pressure be applied to any particularly sensitive part of the body. In particular, animals' tails must not be crushed, twisted or broken and their eyes must not be grasped. Animals must not be punched or kicked;
 - (d) persons handling animals at the ►**M2** control post ◀ must not have possession of or use prods or other implements with pointed ends. Sticks or other implements intended for guiding animals may be used provided they can be applied to the body of an animal without causing it injury or unnecessary suffering.
4. Animals which arrive after having been subjected to high temperatures in humid weather must be cooled by appropriate means as soon as possible.
 5. The feeding and watering of animals shall be carried out in such a way as to ensure that every animal accommodated at the ►**M2** control post ◀ can have at least sufficient clean water and sufficient and appropriate feed to satisfy its bodily needs during its stay and for the expected duration of its journey to the next feeding point. ►**M2** Control posts ◀ may not receive animals with special feeding needs, such as young calves needing liquid feed, unless they are properly equipped and staffed to satisfy those needs.
 6. The condition and state of the animals shall be inspected by a staff member of the ►**M2** control post ◀ on their arrival at the ►**M2** control post ◀ and at least once every 12 hours during their stay at the ►**M2** control post ◀.
 7. The record referred to in Article 5 (h) of this Directive shall contain the following information:
 - (a) date and time of completion of unloading and commencement of reloading of each consignment;
 - (b) date and duration of the depopulation for health reasons provided for in point A (4) of this Annex;
 - (c) animal health certificate number(s) relating to each consignment;
 - (d) any necessary remarks concerning the health or welfare condition of the animals and especially:
 - the particulars and number of animals discovered dead at the point of unloading at the ►**M2** control post ◀ or which die during their stay,
 - the particulars and number of animals which are discovered to be seriously injured at the point of unloading or during their stay, or are considered to be unfit for further travel;
 - (e) the names and addresses of the transporter and drivers and the registration numbers of the vehicles.

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