



Brussels, 1 April 2020
REV1 – replaces the notice dated
23 January 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES FOR THE TRANSPORT OF LIVE ANIMALS

Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a ‘third country’.¹ The Withdrawal Agreement² provides for a transition period ending on 31 December 2020.³ Until that date, EU law in its entirety applies to and in the United Kingdom.⁴

During the transition period, the EU and the United Kingdom will negotiate an agreement on a new partnership, providing notably for a free trade area. However, it is not certain whether such an agreement will enter into force at the end of the transition period. In any event, such an agreement would create a relationship which in terms of market access conditions will be very different from the United Kingdom’s participation in the internal market,⁵ in the EU Customs Union, and in the VAT and excise duty area.

Therefore, all interested parties, and especially economic operators, are reminded of the legal situation as of the end of the transition period (Part A below). This notice also explains the rules applicable to Northern Ireland as of the end of the transition period (Part B below).

Advice to stakeholders:

¹ A third country is a country not member of the EU.

² Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 (“Withdrawal Agreement”).

³ The transition period may, before 1 July 2020, be extended once for up to 1 or 2 years (Article 132(1) of the Withdrawal Agreement). The UK government has so far ruled out such an extension.

⁴ Subject to certain exceptions provided for in Article 127 of the Withdrawal Agreement, none of which is relevant in the context of this notice.

⁵ In particular, a free trade agreement does not provide for internal market concepts (in the area of goods and services) such as mutual recognition, the ‘country of origin principle’, and harmonisation. Nor does a free trade agreement remove customs formalities and controls, including those concerning the origin of goods and their input, as well as prohibitions and restrictions for imports and exports.

To address the consequences set out in this notice, transporters intending to transport live animals in the EU after the end of the transition period are in particular advised to ensure that they hold

- an authorisation issued by an EU Member State, and
- the relevant certificates issued by an EU Member State.

Drivers and attendants should ensure that they hold a certificate by an EU Member State. Transporter should inform the persons concerned.

Please note:

This notice does not address:

- EU rules on sanitary controls of live animals;
- EU rules on road haulage transport.

For these aspects, other notices are in preparation or have been published.⁶

A. LEGAL SITUATION AS OF THE END OF THE TRANSITION PERIOD

As of the end of the transition period, the EU rules for transporters of live animals, drivers and attendants, in particular Council Regulation (EC) No 1/2005 on the protection of animals during transport no longer apply to the United Kingdom.⁷ This has in particular the following consequences:

1. TRANSPORTER AUTHORISATIONS

According to Articles 6, 10 and 11 of Regulation (EC) No 1/2005, ‘transporters’⁸ have to be authorised by the competent authority of an EU Member State. An authorisation issued by the competent authority of an EU Member State is recognised in all other EU Member States.

Transporter authorisations granted by the competent authorities of the United Kingdom pursuant to Articles 10 or 11 of the Regulation are no longer valid in the EU as of the end of the transition period.

⁶ https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/preparing-end-transition-period_en

⁷ Regarding the applicability of these EU rules to Northern Ireland, see Part C of this notice.

⁸ I.e. any natural or legal person transporting animals on his own account.

2. CERTIFICATES OF APPROVAL OF MEANS OF TRANSPORT

According to Articles 7(1) and 18 of Regulation (EC) No 1/2005, a certificate of approval for means of transport issued by the competent authority of a Member State is required to transport animals by road over long journeys.⁹ A certificate of approval issued by the competent authority of an EU Member States is recognised in all other EU Member States.

Certificates of approval granted by the competent authorities of the United Kingdom pursuant to Articles 18 or 19 of the Regulation are no longer valid in the EU as of the end of the transition period.

3. CERTIFICATES OF COMPETENCE FOR DRIVERS AND ATTENDANTS

According to Article 6(5) of Regulation (EC) No 1/2005, persons who drive (or act as an attendant on) a road vehicle transporting certain animals (domestic equidae and domestic animals of bovine, ovine, caprine and porcine species and poultry) have to hold a certificate of competence issued by the competent authority of a Member State (or a body designated by Member State). A certificate of competence issued by the competent authority of an EU Member States (or a body designated by an EU Member State) is recognised in all other EU Member States.

Certificates of competence granted by the competent authorities of the United Kingdom, or a body designated by that Member State, pursuant to Article 17(2) of the Regulation are no longer valid in the EU as of the end of the transitional period.

B. APPLICABLE RULES IN NORTHERN IRELAND AFTER THE END OF THE TRANSITION PERIOD

As from the end of the transition period, the Protocol on Ireland/Northern Ireland ('IE/NI Protocol') applies.¹⁰ The IE/NI Protocol is subject to periodic consent of the Northern Ireland Legislative Assembly, the initial period of application extending to 4 years after the end of the transition period.¹¹

The IE/NI Protocol makes certain provisions of EU law applicable also to and in the United Kingdom in respect of Northern Ireland. It also provides that insofar as EU rules apply to and in the United Kingdom in respect of Northern Ireland, it is assimilated to a Member State.¹²

⁹ Certificates of approval are also required to transport certain animals by sea in livestock vessels (Domestic Equidae and domestic animals of bovine, ovine, caprine and porcine species) pursuant to Article 7(2) of the Regulation as well as to transport certain animals (Domestic Equidae and domestic animals of bovine, ovine, caprine and porcine species) in containers by road or water for long journeys pursuant to Article 7(3) of the Regulation.

¹⁰ Article 185 of the Withdrawal Agreement.

¹¹ Article 18 of the IE/NI Protocol.

¹² Article 7(1) of the Withdrawal Agreement in combination with Article 13(1) of the IE/NI Protocol.

The IE/NI Protocol provides that Regulation (EC) No 1/2005 applies to and in the United Kingdom in respect of Northern Ireland.¹³

This means that references to the EU in Part A of this Notice have to be understood as including Northern Ireland, whereas references to the United Kingdom have to be understood as referring only to Great Britain.

More specifically, this means *inter alia* the following:

- The transport of live animals in Northern Ireland has to comply with Regulation (EC) No 1/2005;
- The rules in Regulation (EC) No 1/2005 for exit and entry of live animals apply to entries of live animals from Great Britain to Northern Ireland and to exits of live animals from Northern Ireland to Great Britain.

However, the IE/NI Protocol excludes the possibility for the United Kingdom in respect of Northern Ireland to

- participate in the decision-making and decision-shaping of the Union;¹⁴
- initiate objections, safeguard or arbitration procedures to the extent that they concern regulations, standards, assessments, registrations, certificates, approvals and authorisations issued or carried out by EU Member States;¹⁵
- invoke the country of origin principle or mutual recognition.¹⁶

More specifically, this means *inter alia* the following:

- A transporter authorisation, certificate of approval or certificate of competence issued by any EU Member State is valid in the United Kingdom in respect of Northern Ireland;
- However, a transporter authorisation, certificate of approval or certificate of competence issued by the United Kingdom in respect of Northern Ireland is only valid in Northern Ireland.

The website of the Commission on EU rules on animal welfare (https://ec.europa.eu/food/animals/welfare_en) provides general information concerning animal welfare. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Health and Food Safety

¹³ Article 5(4) and section 40 of annex 2 to the IE/NI Protocol.

¹⁴ Where an information exchange or mutual consultation is necessary, this will take place in the Joint consultative working group established by Article 15 of the IE/NI Protocol.

¹⁵ Fifth subparagraph of Article 7(3) of the IE/NI Protocol.

¹⁶ First subparagraph of Article 7(3) of the IE/NI Protocol.