

GUIDANCE NOTES ON TRANSPORTER AUTHORISATIONS

From 5 January 2007, any person transporting any live vertebrate animals inside the European Union on journeys of over 65 kilometres (approximately 40 miles) as part of an economic activity must hold a valid Authorisation to do so. This is a requirement of EC Regulation 1/2005 (subsequently referred to as 'the Regulation') which comes into force on that date, and is applicable across the European Union. Under Protocol 3, most of the provisions are binding on the Isle of Man, and will be implemented in Manx Law.

- There are two types of Authorisation;
 - ⌚ a **short journey** Authorisation (type 1) for journeys over 65km and up to and including 8 hours duration.
 - ⌚ a **long journey** Authorisation (type 2) which covers both long and short journeys.
- Transporters must either carry their Authorisation certificate or a copy of it whenever transporting animals.
- Authorisation Certificates will be issued by DEFA Agriculture.
- The Authorisation will last for 5 years unless revoked or suspended, or it may have conditions imposed upon it anytime within this period if there are infringements of any requirement of the Regulation or the relevant Welfare of Animals (Transport) Order.
- Anyone requiring an Authorisation will need to submit an application. The following guidance notes explain who requires an Authorisation, what conditions they have to meet, and how to apply. Anyone completing the application form should read the notes on the form. They explain what information is required in each section.

These short guidance notes focus solely on what you need to know on Transporter Authorisations. If transporting live vertebrate animals as part of an economic activity you should also seek guidance on the other aspects of the new Regulation that apply to you.

1. Who needs to have an Authorisation?

Those transporting live vertebrate animals as part of an “economic activity” for distances over 65km will need an Authorisation. The Regulation does not define “economic activity” but is envisaged to cover any person or company involved with the transportation of animals, undertaken as part of a business or commercial activity aimed at (directly or indirectly) achieving financial gain.

Such transport would most likely include journeys undertaken by:

- hauliers;
- farmers;
- commercial pet breeders;
- dog trainers;
- horse trainers;
- zoos and leisure parks;
- animal laboratories.

2. Who does not need an Authorisation?

You will not require an Authorisation for transporting animals if the journey is not in connection with an “economic activity”. This will include journeys:

- not in the course of business or trade;
- not for hire or reward;
- consisting of a single animal accompanied by a person who has responsibility for its welfare (or two animals accompanied by two people);
- where pet animals are accompanied by their owner on a private journey;
- where pet animals are taken to or from a specialist show or competition and the primary purpose is for pleasure rather than as part of a business;
- where horses and ponies are transported by an owner for the purpose of riding, showing or competing for pleasure e.g. show jumping, gymkhanas etc. However, a haulier **paid** to take such animals to shows etc would require an Authorisation.

Transporters of registered horses are exempt from **some** of the requirements of the regulations. If registered horses are transported in the course of a business, a transport authorisation is required. “Registered horses” mean horses which are registered in studbooks or with international organisations managing competitions (as defined in Directives 90/426/EEC and 90/427/EEC) – this does not mean having a horse passport.

- where individuals attending shows or competitions primarily for pleasure share the burden of transport e.g. petrol costs, but where there is no profit made by the individual undertaking the transport;
- undertaken by the armed forces or public services during the course of their official duties;
- involving the transportation of circus animals where the transport vehicle can be regarded as the animal’s housing.

3. Short journey or long journey Authorisation?

There are two types of Authorisation:

- A short journey Authorisation (type 1) for journeys over 65km (40 miles) and up to and including 8 hours duration and;
- A long journey Authorisation (type 2) for journeys over 65km and over 8 hours duration. As this will include journeys lasting 8 hours or less you only need to apply for one Authorisation. Additional conditions will need to be met if applying for a long journey Authorisation. During ferry journeys, the time spent on the ferry is included within this 8 hour limit. It does not become resting time for the animals See section 5 for details.

A journey is defined as the time from when the **first** animal is put onto a means of transport at the premises of departure until the **last** animal is unloaded at the final destination (Except for poultry for which journey times disregard loading and unloading times). The distance of 65km is defined as the travelled distance, not as the crow flies.

4. Conditions applicable to all Authorisations:

In order to be eligible for an Authorisation you must meet the following criteria:

- You must be established in the Isle of Man. (Transporters based in the UK or in Northern Ireland should apply to the respective Department in that jurisdiction). Transporters based in other EU Member States are expected to be authorised in their respective Member State.
- You may hold only one Authorisation (an Authorisation is valid throughout the European Union so you may only hold an Authorisation from one Member State);
- You can demonstrate that you and your staff (if you employ others) have the appropriate equipment and operational procedures in place to transport animals in compliance with the new Regulations;
- If you are acting as the transporter, you must be trained and competent to transport animals. If you are employing staff to move animals, they must be trained and competent to do so;
- You or anyone likely to be involved in transporting animals under the Authorisation, must have no record of serious animal welfare offences in the 3 years preceding the date of your application.

5. Additional conditions for long journey Authorisation

Vehicle Approval

- Applicants transporting **farm livestock or horses** by road on journeys **over 8 hours must** hold valid vehicle approval certificates.
- Applicants transporting other species **over 8 hours** outside of the Isle of Man or UK will need to hold a vehicle approval certificate if any of the EU member states involved in the journey (transiting or destination) require one.
- Applicants transporting other species, where their journeys start and finish in the Isle of Man or UK and are less than 12 hours, do **not** require vehicle approval certificates

You do not need to submit these vehicle approval certificates with your application but a Transporter Authorisation will only be valid if accompanied by an appropriate vehicle approval certificate during transport. Vehicle approval certificates are to be issued following vehicle inspection, by an external organisation. A charge will be made by this organisation.

Further details on the specific requirements of the vehicle approval process are provided in separate guidance notes on Vehicle Approval, available from Animal Health Office, DAFF..

Tracking vehicles during journeys

Holders of long journey (type 2) Authorisations must have in place procedures that enable them to trace and record the movement of their vehicles and be able to contact their drivers. As a minimum, it is expected that the driver can be contacted at any time by mobile phone and, where transport regulations require it, that there is a properly functioning tachograph in the vehicle. **Details of those procedures do not need to be submitted with an application.**

Transporters are required to demonstrate that vehicles used to transport livestock and unregistered horses travelling longer than 12 hours or outside the UK, are equipped with a navigation and tracking system that records:

- details of journeys as set out in the Journey Logs;
- information concerning the opening and closing of the loading flap.

This is a requirement for all **new** vehicles from 1 January 2007, and for all **existing vehicles from 1 January 2009**. Applicants are required to confirm that they meet the minimum requirements in the declaration section of the form.

Further details on the specific requirements of the tracking system are provided in separate guidance notes on Vehicle Approval.

Contingency Plans

Holders of long journey (type 2) Authorisations must also have in place contingency plans to deal with emergencies that can arise during a journey such as animals falling ill or injured, unforeseen delays, breakdowns or accidents. The Regulation requires transporters to document their contingency plans in case of emergencies. 4

Further details on what is required as a minimum are provided in the guidance notes on completing the application form. Applicants are required to confirm that they meet the minimum requirements (J) in the declaration section of the form.

Certificates of Competence (From 5 January 2008)

From 5 January 2008 applicants transporting horses, livestock or poultry by road (only) over 65 kms (40 miles) must hold valid certificates of competence for drivers and attendants of road vehicles. Authorisation certificates issued before January 2008 will continue to be valid provided drivers or attendants holding relevant Certificates of Competence carry them.

Detailed guidance notes on Certificates of Competence will be published in due course.

Transporters of species **other than** horses, livestock and poultry do not have to hold certificates of competence.

6. Ships

All ship operators carrying live vertebrate animals should apply for a long journey (type 2) Authorisation as they may carry animals on journeys where the total duration (including the sea leg) may exceed 8 hours. Operators of livestock vessels (where animals are kept in pens with bedding, food and liquid) must also have their vessels inspected and approved.

Roll-on Roll-off vessels do not need to be approved and certified, but will require a type 2 Authorisation.

7. Aircraft

Aircraft operators should apply for a long journey (type 2) Authorisation as they may carry animals on journeys where the total duration (including the air leg) may exceed 8 hours. Aircraft do not need to be approved and certified.

8. Scope of Authorisations

Authorisations will be issued to allow transporters to carry all species. However, not all transporters will have the expertise to handle all species. In these circumstances Authorisations may be made species specific if deemed necessary.

As transporters tend to operate only one mode of transport applicants will be asked to specify which mode of transport they wish to be authorised for (e.g. road, sea or air). Transporters may apply to be authorised for more than one mode of transport if they wish. It is not necessary for road transporters exporting on a vessel to apply for a separate "sea" Authorisation. That is the responsibility of the vessel operator.

9. Existing Authorisations

From 5 January 2007 all existing Authorisations granted under the Welfare of Animals (Transport) Order 1997 will no longer be valid.

10. How to apply

Application forms for both short journey (type 1) and long journey (type 2) Authorisations are available from:

<http://www.gov.im/daff/animals/transport.xml>

DEFA Agriculture, Thie Slieau Whallian, Foxdale Road, St Johns, Isle of Man, IM4 3AS.
(01624) 685844

11. What if my circumstances change?

If the information you provide in your application changes you are required to notify DAFF.

12. Is there a charge for an Authorisation?

There is no intention to charge for processing and issuing transporter Authorisations at the current time.

These guidance notes form a summary of the requirements of the Regulation.