

Draft

Order amending the Order on the protection of animals during transport¹

Section 1

Order No 26 of 13 January 2020 on the protection of animals during transport is amended as follows:

1. The *footnote* to the title of the Order is worded as follows: 'The Order contains provisions implementing parts of Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine, OJ 1964, L 121, p. 1977, as amended in particular by Council Directive 97/12/EC of 17 March 1997, OJ 1997 L 109, p. 1, and as last amended by Commission Regulation (EC) No 1226/2002 of 8 July 2002, OJ 2002, L 179, p. 13, and Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals, OJ 1991 L 46, p. 19, as amended, inter alia, by Council Directive 2003/50/EC of 11 June 2003, OJ 2003 L 169, p. 51, and most recently by Commission Decision 2003/708/EC of 7 October 2003, OJ 2003 L 258, p. 11, and Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ 2006 L 376, p. 36. The Order also includes certain provisions of Council Regulation 1/2005/EC of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation No 1255/97, OJ 2005 L 3, p. 1 et seq., as corrected by corrigendum in the OJ 2011 L 336, p. 86. Pursuant to Article 288 of the Treaty on the Functioning of the European Union, a regulation must be directly applicable in all Member States. The reproduction of these provisions is therefore solely based on practical considerations and does not affect the immediate validity in Denmark of the regulations mentioned.'
2. The *introduction* has been drawn up as follows: Pursuant to Section 24, Section 37, Section 43(1) and (2), Section 45, Section 53(1) and (2), Section 56(1), Section 58(8) and (10), of the Animal Welfare Act, cf. Consolidated Act No 1597 of 8 July 2021, is determined by authorisation pursuant to Section 7(6) of Order No 1721 of 30 November 2020 on the tasks and powers of the Danish Veterinary and Food Administration:
3. In Section 3, the following is inserted after 'Section 9': 'and Section 9a';
4. In *Section 9(1)*, the words 'while travelling' are deleted;
5. *Section 9(2)* shall be repealed;

(3) subsequently becomes (2);
6. In *Section 9(3)*, which becomes (2), the words '60 m³/tonne per 100 kg of pigs' are replaced by '61 m³/tonne per 100 kg of pigs';
7. The following is inserted after Section 9:

¹ The Order contains provisions notified as a draft in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification).

'Section 9a. For the road transport of pigs weighing less than 40 kg, the internal height between each floor of the means of transport, measured from the highest point on the floor to the lowest point of the ceiling (e.g. underside of any cross-beams or struts), shall at least meet the requirements set out in Annex 1';

8. In *Section 36(1)(1)*, the words 'Section 9(1) and (3)' are replaced by 'Section 9(1) and (2)';
9. In *Section 36(1)(1)*, the following is inserted after 'Section 9(1) and (2),': 'Section 9a,';
10. *Annex 1* is worded as Annex 1 to this Order.

Section 2

(1) This Order shall enter into force on [1 July 2024].

(2) The provision of Section 9a for pigs weighing less than 40 kg shall apply from [1 April 2031].

INTERNAL HEIGHT FOR PIGS

The following tables contain minimum internal height requirements for the transport of pigs, cf. Section 9(1) and Section 9a.

For all weight categories of pigs, there must always be sufficient ground clearance above the highest animal in the compartment of the means of transport measured from the animal's highest point to the ceiling's lowest point.

Physical checks shall be carried out on a case-by-case basis as to whether the animals have sufficient space to stand upright in their natural position and to carry out natural movements and whether there is a possibility of good ventilation for the animals. This assessment must be made by means of a visual assessment of the space conditions. Tables 1 and 2 below are used as mandatory minimum requirements.

Table 1: Internal height requirements for pigs weighing less than 40 kg during road transport

Average weight in kg	Internal height when using a mechanical ventilation system	Internal height when using natural ventilation
10	45 cm	45 cm
15	52 cm	52 cm
20	57 cm	57 cm
25	62 cm	62 cm
30	65 cm	65 cm
35	68 cm	68 cm

If the transported animals weigh less than 40 kg, the internal height is calculated as a minimum value by adding 40.85 % of the animals' calculated average height as ground clearance above the animals. The average height of the animals shall be estimated on the basis of weight in kg by the following calculation model:

$$\text{Average height in cm} = 15.5 + 2.06 * \text{Weight} - 0.0500 * \text{Weight}^2 + 0.000514 * \text{Weight}^3.$$

The internal height is rounded to the whole centimetre.

The provisions of Section 9a for pigs weighing less than 40 kg shall apply from [1 April 2034].

Table 2: Internal height requirements for pigs weighing more than 40 kg during road and rail transport

Average weight in kg	Internal height when using a mechanical ventilation system	Internal height when using natural ventilation
40	74 cm	89 cm
50	77 cm	92 cm

70	84 cm	99 cm
90	90 cm	105 cm
100	92 cm	107 cm
110	95 cm	110 cm
130	99 cm	114 cm
150	103 cm	118 cm
170	106 cm	121 cm
190	109 cm	124 cm
210	111 cm	126 cm
230	112 cm	127 cm

If the animals transported have a weight between the specified intervals, the internal height shall be calculated as a minimum value by linear interpolation. If the animals transported weigh more than 230 kg, the internal height shall be calculated as a minimum value by linear extrapolation.'