

DECREE

of 22 December 2008,

on the protection of animals during transport

The Ministry of Agriculture stipulates pursuant to section 29 para 1 for the implementation of section 8b para 4 and 7 and section 8e para 3 of Act No 246/1992 Coll., on the protection of animals against cruelty, as amended by Act No 162/1993 Coll., Act No 77/2004 Coll. and Act No 312/2008 Coll. (hereinafter referred to as the “Act“):

PART ONE

SCOPE OF APPLICATION

§ 1

This decree in compliance with the directly applicable Community legislation¹⁾ shall stipulate

- a) training and way of certifying the completion of a training course for staff of a transporter or operator of an assembly center or a gathering center,
- b) content and scope of a technical course for the acquisition of a certificate of competence for drivers and attendants of road vehicles, namely for both a general course focusing on transport of all animal species and a specialised course focusing solely on the transport of some animal species, requirements for equipment of the training center, qualification of lecturers, composition of board of examiners, course of the examination, conditions for and method of issuance of a certificate, conditions for and method of issuance of a certificate in the form of a card and its specimen,
- c) space allowances for the transport of animals.

PART TWO

PROTECTION OF ANIMALS DURING TRANSPORT TO WHICH THE DIRECTLY APPLICABLE COMMUNITY LEGISLATION APPLIES

§ 2

Training for the staff of a transporter or an operator of an assembly center or a gathering center

The transporter or the operator of an assembly center or a gathering center shall issue a certificate of completion of a training course to the employee who handles animals on his completion of the training course, as laid down in the directly applicable Community

¹⁾ Council Regulation (EC) No 1/2005 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 (EC) No 1255/97.

legislation governing the protection of animals during transport and related operations²⁾. A specimen certificate of completion of the training course is presented in Annex 1 to this Decree.

§ 3

Technical course for the acquisition of the certificate of competence for drivers and attendants of road vehicles

(1) The technical course for the acquisition of the certificate of competence for drivers and attendants of road vehicles (hereinafter referred to as the “technical course”) shall be held at training centers which satisfy the professional and technical requirements for the provision of instruction. The training center is run by a person who has been granted accreditation of a user establishment³⁾ by the Ministry of Agriculture (hereinafter referred to as “the Ministry“)

(2) The technical course comprises 8 classroom lessons of theory and 4 lessons of practice. A lesson lasts 45 minutes.

(3) The content of the technical course consists apart from the requirements defined by the directly applicable Community legislation governing the protection of animals during transport and related operations⁴⁾ also of

- a) basic legislation governing the protection of animals and ensuring their welfare during transport, veterinary conditions for transport pursuant to other legislation⁵⁾,
- b) causes and manifestations of stress suffered by animals, recognition of healthy animals, methods of killing the animals,
- c) principles of handling the animals with care, technique and use of aids for handling the animals,
- d) principles of cleaning and disinfection of means of transport.

(4) At the end of the technical course the acquired knowledge is tested by means of a practical examination, a written test, or also an oral examination. In the practical examination the trainee shall prove his knowledge of principles governing the handling of animals with care, techniques and use of aids for handling the animals. The result of the practical examination is arrived at by the board of examiners who take a decision by vote. The written test is scored by the board of examiners which awards one point to each correct answer. In order to successfully pass the examination the trainee has to receive at least 80 per cent of the total score. In case the trainee fails to receive 80 per cent of the total score, but achieves more than 60 per cent of the score, he is invited to sit for an oral examination before the board of examiners, that, after verifying his knowledge, shall take a decision whether or not to issue the certificate of competence for drivers or attendants of road vehicles. The result of the oral

²⁾ Annex I and II to Council Regulation (EC) No 1/2005.

³⁾ Section 15 para 2 of the Act.

⁴⁾ Annex IV to Council Regulation (EC) No 1/2005.

⁵⁾ E.g. Act No 166/1999 Coll., on veterinary care and amending certain related laws (Veterinary Act), as amended, Decree No 296/2003 Coll., on animal health and its protection, on movements and transport of animals and on authorisation and professional competence to perform certain professional veterinary activities, Decree No 299/2003 Coll., on measures for prevention and eradication of epizooties and zoonoses, Decree No 376/2003 Coll., on veterinary checks on imports and transits of products from third countries, Decree No 377/2003 Coll., on veterinary checks on imports and transits of animals from third countries.

examination is arrived at by the board of examiners who takes a decision by vote. The decision is taken by the absolute majority of votes. Each member of the board of examiners has one vote. The result of the examination is either passed or failed.

(5) The examination is conducted by the board of examiners composed of three experts from the veterinary administration, the Ministry and the training center. The chairman of the board of examiners shall always be the employee of the Ministry. The lecturers and members of the board of examiners shall be qualified pursuant to section 26 para 1 of the Act, or shall have the certificate of qualification of the transporter acquired in this course, or shall have at least 3 years of work experience with the animal protection authorities referred to in the first sentence.

(6) The Board of examiners shall produce a report of the examination and its results indicating the first name, or first names, the surname of members of the board of examiners, the date and venue of the examination, the list of participants in the technical course and their examination results. The report shall be signed by all the members of the board of examiners.

(7) The participant in the technical course who successfully passed the examination will receive the certificate issued by the Ministry as defined in the directly applicable Community legislation⁶⁾ and the certificate in the form of a card. The specimen certificate in the form of a card is presented in Annex 2 to this Decree.

(8) The participant in the technical course who failed the examination may apply for re-examination no later than 3 months after his failure to pass the examination. Without attending the technical course again the participant in the technical course may sit for the re-examination only once, namely no earlier than 1 month following his failure to pass the examination. The re-examination shall follow the provisions of para 4 to 7, accordingly.

(9) The participant in the technical course who failed in the examination and did not apply for re-examination within 3 months following the date of failed examination notice, shall attend the technical training course again before his next examination.

⁶⁾ Chapter III of Annex III to Council Regulation (EC) No 1/2005.

PART THREE

PROTECTION OF ANIMALS DURING TRANSPORT TO WHICH THE DIRECTLY APPLICABLE COMMUNITY LEGISLATIONS DOES NOT APPLY

§ 4

Space allowances for the transport of animals

The space allowances for the transport of animals which does not take place in connection with an economic activity, and for the transport of farm animals for a distance of less than 50 km or within the holding are given in Annex 3 to this Decree.

PART FOUR

FINAL PROVISIONS

§ 5

Decree No 193/2004 Coll., on the protection of animals during transport is repealed.

§ 6

This decree shall come into effect on the date of its promulgation.

Minister:

Mgr. Gandalovič m. p.

Annex No 1 to Decree No 4/2009 Coll.

Specimen certificate of completion of the training course

Certificate of completion of the training course for staff of transporters and operators of assembly centers or gathering centers pursuant to Council Regulation (EC) No 1/2005 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 (EC) No 1255/97

Title, first name(s), surname	
Date and place of birth	
Registration number of certificate	
Venue of the training course	
Training center	
Date of completion of the training course	


Date of issuance of the certificate:

The stamp and signature of the representative of the training center (where the training is conducted by other person than the transporter or operator of the assembly center or the gathering center):

The stamp and signature of the representative of the transporter or the operator of the assembly center or the gathering center:

Annex No 2 to Decree No 4/2009 Coll.

Specimen card for drivers or attendants of road vehicles transporting animals

OSVĚDČENÍ O ZPŮSOBILOSTI PRO ŘIDIČE A PRŮVODCE PŘEPRAVUJÍCÍ ZVÍŘATA <i>CERTIFICATE OF COMPETENCE FOR DRIVERS AND ATTENDANTS</i>		SUBJEKT VYDÁVAJÍCÍ OSVĚDČENÍ BODY ISSUING THE CERTIFICATE	
IDENTIFIKACE RIDICE / PRŮVODCE DRIVER / ATTENDANT IDENTIFICATION		Název a adresa subjektu, který osvědčení vydal Name and address of the body issuing the certificate	
Příjmení Surname		Telefon Telephone	Datum Date
Jméno (jména) First names		Fax Fax	Místo Place
Datum narození Date of birth		E-mail Email	Razítko Stamp
Místo a země narození Place and country of birth		Jméno a podpis Name and signature	
Státní příslušnost Nationality			
OSVĚDČENÍ ČÍSLO CERTIFICATE NUMBER	CZ		
Toto osvědčení je platné do This authorisation is valid until			

The pre-printed boxes of the card are in blue with black print.

Annex No 3 to Decree No 4/2009 Coll.

Space allowances for the transport of animals which does not take place in connection with an economic activity and for the transport of farm animals for a distance of less than 50 km or within the holding

1. Transport of horses, donkeys and their crossbreeds (hereinafter referred to as the “horses“) by road and by rail

Animal category		Minimum surface area per animal in m ²	Minimum size of a stall per animal in m
Adult horses		1,75	0,7 x 2,5
Young horses (6 to 24 months)	for journeys of up to 48 hours	1,20	0,6 x 2,0
	for journeys over 48 hours	2,40	1,2 x 2,0
Ponies (height under 144 cm)		1,00	0,6 x 1,8
Foals up to 6 months		1,40	1,0 x 1,4

During longer journeys the foals and young horses must be able to lie down. The referred to figures may vary by a maximum of 10 % for adult horses and ponies and by a maximum of 20 % for young horses and foals, depending not only on the horses' weight and size but also on their physical condition, the meteorological conditions and the likely journey time.

2. Transport of cattle by road and by rail

Animal category	Approximate weight in kg	Minimum surface area per animal in m ²
Small calves	50	0,30 to 0,40
Medium sized calves	110	0,40 to 0,70
Heavy calves	200	0,70 to 0,95
Medium sized cattle	325	0,95 to 1,30
Heavy cattle	550	1,30 to 1,60
Very heavy cattle	over 700	over 1,60

These figures may vary depending not only on the animals' weight and size but also on their physical condition, the meteorological conditions and the likely journey time.

3. Transport of sheep and goats by road and by rail

Animal category	Weight in kg	Minimum surface area per animal in m ²
Shorn sheep	up to 55	0,20 to 0,30
	over 55	over 0,30
Unshorn sheep	up to 55	0,30 to 0,40
	over 55	over 0,40
Heavily pregnant ewes	up to 55	0,40 to 0,50
	over 55	over 0,50
Goats	up to 35	0,20 to 0,30
	35 to 55	0,30 to 0,40
	over 55	0,40 to 0,75
Heavily pregnant goats	up to 55	0,40 to 0,50
	over 55	over 0,50

The referred to figures may vary depending on the breed, the size, the physical condition, the length of fleece of the animals, the meteorological conditions and the journey time.

4. Transport of pigs by road and by rail

All pigs must be able to lie down or stand up in their natural position. In order to comply with these minimum requirements, the loading density for pigs of around 100 kg should not exceed 235 kg/m².

The breed, size and physical condition of the pigs may mean that the minimum required surface given above has to be increased. A maximum increase of 20% may also be required depending on the meteorological conditions and the journey time.

5. Requirements for loading equipment

Animal category	Maximum slope of the loading equipment (in °)
Horses, donkeys and their crossbreds	25
Cattle	20
Calves up to 6 months	20
Sheep and goats	20
Pigs	20

6. Transport of poultry

Category	Area in cm ²	
Day-old chicks	21 to 25 per chick	
Poultry other than day-old chicks	up to 1,6 kg	180 to 200 per 1 kg
	1,6 to 3 kg	160 per 1 kg
	3 to 5 kg	115 per 1 kg
	over 5 kg	105 per 1 kg

These figures apply to the transport of poultry in containers and may vary depending not only on the weight and size of the birds but also on their physical condition, the meteorological conditions and the likely journey time.

7. Transport of dogs and cats by road, by rail and by air

a) Transport of dogs by road

The dogs shall have adequate space to be able to stand in their natural position which enables them to offset the movements of the means of transport. The dogs shall be placed in the means of transport so as not to put at risk the driver or themselves. Any female dog in heat shall be transported separately from the adult male dogs.

b) Transport of dogs placed in a transport container by road or by rail

The size of the transport container shall enable the dog to comfortably lie down. The door of the container shall be secured to prevent inadvertent opening. If the dog is transported in a container which enables it only to comfortably lie down, the journey time shall not exceed 6 hours. Where the journey time exceeds 6 hours, the dog can be transported only in such a container as defined in letter c). The container shall be secured against any movement in the means of transport. The female dogs in heat shall be transported separately from the adult male dogs.

c) Transport of dogs by air

The size of the transport containers shall be sufficient to enable the dog to stand in a natural position, to turn around easily and to lie down or stand up without difficulties. The size of the transport containers depends on the size of the dog. The length of the container shall correspond with the length of the dog measured from the nose to the base of the tail. The height of the container shall at least equal the height of the dog standing in a natural position, including the pricked-up ears. The width of the container shall be at least double the width of the dog's body, measured at the widest point of the body. Where the containers are plastic, they shall be fitted with metal doors with a lock preventing the opening from inside. The female dogs in heat shall be transported separately from the adult male dogs.

d) Transport of cats by road, by rail and by air

The cats shall be placed in the means of transport so as not to put at risk the driver or themselves. Where they are transported in transport containers, the size of the transport container shall enable the cat to stand in a natural position, to turn around easily and to lie down and stand up without difficulties. The transport containers shall enable the cats to comfortably lie down. The size of the transport containers depend on the size of the cat. The container shall be secured against inadvertent opening. The container shall be secured against any movement in the means of transport. More cats can be transported in one container only provided that the size of the container is sufficient for the number of transported animals. The female cats in heat shall be transported separately from the adult male cats.

e) When transporting the cats and the flat-faced dogs and their crossbreeds, it is necessary to take into account their increased need for fresh air and their susceptibility to breathing difficulties.

8. Transport of other mammals and birds by road, by rail and by air

a) The size of the transport space for other mammals and birds shall be sufficient for the size of the animal or the group of animals of the given species in such a way that each animal can stand and lie down or stand up without any difficulties.

b) The size of containers for the transport of birds resting on perches shall enable them to sit on the perch with their head up and tail down. The size of the transport space shall enable the birds which do not rest on perches stand in a natural position.

c) The birds shall be transported in dim light.

9. Transport of cold-blooded vertebrate animals

The size of the container for transporting cold-blooded vertebrate animals excluding fish shall enable ventilation, provision of temperature and microclimate necessary for the given species.