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CONVENŢIA
europeană privind protecţia animalelor în timpul transportului internaţional

Chişinău, 6 noiembrie 2003

COPIE CERTIFICATĂ
TEXT ÎN LIMBA ENGLEZĂ

COUNCIL OF EUROPE

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European Treaty Series - No. 193

European Convention for the Protection of Animals during International Transport (Revised) *

Chişinau, 6.XI.2003

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Aware that every person has a moral obligation to respect all animals and to have due consideration for their capacity for suffering;

Motivated by the desire to safeguard the welfare of animals during transport;

Convinced that international transport is compatible with the welfare of the animals, provided that the requirements of animal welfare are met;

Considering, therefore, that where the welfare requirements of the animals cannot be met an alternative to the transport of live animals shall be implemented;

Considering, however, that in general, for reasons of animal welfare the period during which animals, including animals for slaughter, are transported should be reduced as far as possible;

Considering that loading and unloading are activities during which injuries and stress are most likely to occur;

Considering that progress in this respect may be achieved through the adoption of common provisions regarding the international transport of animals,

Have agreed as follows:

(*) The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community entered into force on 1 December 2009. As a consequence, as from that date, any reference to the European Economic Community shall be read as the European Union.

General principles

Article 1 – Definitions

1 "*International transport*" means any movement from one country to another, but excludes, however, journeys of less than 50 km and movements between member States of the European Community.

2 An "*authorised veterinarian*" means a veterinarian nominated by the competent authority.

3 "*Person responsible for the transport of the animals*" means the person with overall control over the organisation, carrying out and completion of the whole journey, regardless of whether duties are subcontracted to other parties during transport. Such a person is usually the person who plans, makes arrangements for and defines the conditions to be met by other parties.

4 "*Person in charge of the welfare of the animals*" means the person who has direct physical responsibility for the care of the animals during transport. Such a person may be the attendant or the driver of a vehicle if fulfilling the same role.

5 "*Container*" means any crate, box, receptacle or other rigid container used for the transport of animals which is not self-propelled and is not a part (whether detachable or not) of a means of transport.

6 "*Transporter*" means a natural or legal person transporting animals, either on his own account or for a third party.

Article 2 – Species

1 This Convention applies to the international transport of all vertebrate animals.

2 With the exception of Article 4, paragraph 1, and Article 9, paragraphs 1 and 2 a and c, the provisions of this Convention do not apply:

a where a single animal is accompanied by the person who is responsible for it during transport;

b to the transport of pet animals accompanying their owner if not for commercial purposes.

Article 3 – Application of the Convention

1 Each Party shall apply the provisions governing the international transport of animals contained in this Convention and be responsible for effective control and supervision.

2 Each Party shall take the necessary steps to ensure an effective system of training taking into account the provisions of the present Convention.

3 Each Party shall endeavour to apply the relevant provisions in this Convention to animals being transported within its territory.

4 The Parties shall provide mutual assistance in applying the provisions of the Convention, in particular by exchanging information, discussing interpretation and notifying problems.

Article 4 – Main principles of the Convention

1 Animals shall be transported in a way which safeguards their welfare, including health.

2 As far as possible, animals shall be transported without delay to their place of destination.

3 At control points, priority shall be given to consignments of animals.

4 Animals shall only be detained where this is strictly necessary for their welfare or for disease control purposes. If animals are detained, appropriate arrangements shall be made for their care and, where necessary, their unloading and accommodation.

5 Each Party shall take the necessary measures to avoid or reduce to a minimum the suffering of animals in cases where strikes or other unforeseeable circumstances impede the strict application of the provisions of this Convention in its territory. It will be guided for this purpose by the principles set out in this Convention.

6 Nothing in this Convention shall affect the implementation of other instruments concerning sanitary and veterinary control.

7 Nothing in this Convention shall affect the liberty of the Parties to adopt stricter measures for the protection of animals during international transport.

Article 5 – Authorisation of transporters

1 Each Party shall ensure that transporters transporting animals for commercial purposes are:

a registered in a manner enabling the competent authority to identify them rapidly in the event of failure to comply with the requirements of this Convention;

b covered by an authorisation valid for international transport granted by the competent authority of the Party in which the transporters are established.

2 Each Party shall ensure that the authorisation is granted to transporters who entrust the transport of animals only to personnel who have received proper training on the provisions of this Convention.

3 Each Party shall ensure that the above-mentioned authorisation may be suspended or withdrawn where the competent authorities that granted the authorisation are informed that the transporter has repeatedly or seriously violated the provisions of this Convention.

4 Where a Party has observed an infringement of this Convention by a transporter registered in another Party to this Convention, the former Party shall communicate details of the infringement observed to the latter.

Design and construction

Article 6 – Design and construction

1 Means of transport, containers and their fittings shall be constructed, maintained and operated so as to avoid injury and suffering and to ensure the safety of the animals during transport.

2 The means of transport or container shall be designed and constructed so as to provide animals with adequate space to stand in their natural position, except for poultry other than day-old chicks.

3 The means of transport or container shall be designed and constructed so as to ensure:

a sufficient clear space above the animals in their natural standing position for effective air circulation;

b air quality and quantity appropriate to the species transported can be maintained, in particular where animals are carried in a fully enclosed space.

4 Means of transport, containers, fittings, etc., shall be strong enough to contain the animals' weight, to prevent them escaping or falling out, to withstand stress due to movement and, where necessary, to contain partitions to protect animals from the motion of the means of transport. Fittings shall be designed for quick and easy operation.

5 Partitions shall be of rigid construction, strong enough to withstand the weight of animals being pushed against them and designed so that they do not impede air circulation.

6 The means of transport or containers shall be constructed and operated so as to protect animals against inclement weather and adverse changes in weather conditions. In particular, the external roof directly above the animals shall minimise absorption and conduction of solar heat.

7 The floor of the means of transport or container shall be anti-slip. Floors shall be designed, constructed and maintained to avoid discomfort, distress and injury to the animals and minimise leakage of urine and faeces. Materials used for floor construction shall be selected so as to minimise corrosion.

8 The means of transport or container shall be so designed and constructed as to provide access to the animals to allow them to be inspected, and if necessary watered, fed and cared for.

9 When animals need to be tied, appropriate equipment shall be provided in the means of transport.

10 Containers in which animals are transported shall be clearly and visibly marked to indicate the presence of live animals, with a sign indicating the top of the container.

11 Means of transport, containers and their fittings shall be designed and constructed to allow easy cleaning and disinfection.

Preparation for transport

Article 7 – Planning

1 For each journey, the person responsible for the transport of the animals shall be identified so that information on the organisation, carrying out and completion of the transport can be obtained at any time during the journey.

2 Where the intended journey time exceeds eight hours for the transport of domestic solipeds and domestic animals of the bovine, ovine, caprine and porcine species, the person responsible for the transport shall draw up a document specifying the arrangements foreseen for the journey and in particular the following details:

a identification of the transporter and means of transport;

b identification of the consignment and accompanying documents (animal species, number of animals, veterinary certificates);

c the place and country of departure, places of transfer, places where animals are to be unloaded and rested and the place and country of destination.

3 The person responsible for the transport shall ensure that the intended journey complies with the respective rules of the countries of departure, transit and destination.

4 The person in charge of the welfare of the animals shall immediately record in the document mentioned in paragraph 2 the times and places at which the animals transported have been fed, watered and rested during the journey. This document shall be made available to the competent authority upon request.

5 No animal shall be transported unless suitable provisions are made in advance by the person responsible for the transport to safeguard its welfare throughout the journey. Where appropriate, arrangements shall be made to provide water, feed and rest, and any necessary care during the journey and on arrival at the place of destination, and to that end, appropriate notification shall be given in advance.

6 To avoid any delay, consignments of animals shall be accompanied by appropriate documentation and, at posts where importation and transit formalities have to be completed, an appropriate person shall be notified as early as possible.

7 The person responsible for the transport shall ensure that responsibility for the welfare of the animals during transport is clearly defined, from the time of departure to arrival at the point of destination, including loading and unloading.

Article 8 – Attendants

1 In order to ensure the necessary care of the animals throughout the journey, consignments shall be accompanied by an attendant who is in charge of the welfare of the animals. The driver can perform the functions of attendant.

2 The attendant shall have received specific and appropriate training or have equivalent practical experience qualifying him/her to handle, transport and take care of animals, including in cases of emergency.

3 Exceptions to the provisions of paragraph 1 may be made in the following cases:

a where the person responsible for the transport of animals has appointed an agent to care for the animals at appropriate rest, water and feed points;

b where animals are transported in containers which are securely fastened, adequately ventilated and, where necessary, containing enough water and feed, in dispensers which cannot be tipped over, for a journey of twice the anticipated time.

Article 9 – Fitness for transport

1 No animal shall be transported unless it is fit for the intended journey.

2 Ill or injured animals shall not be considered fit for transport. However, this provision shall not apply to:

a slightly injured or ill animals whose transport would not cause additional suffering;

b animals transported for experimental or other scientific purposes approved by the relevant competent authority, if the illness or injury is part of the research programme;

c the transport of animals under veterinary supervision for or following emergency treatment

3 Special care shall be taken with the transport of animals in advanced stages of pregnancy, those having recently given birth and very young animals:

- pregnant female mammals shall not be transported during a period at least equal to 10% of the length of gestation before giving birth, nor during at least one week after giving birth;

- very young mammals shall not be transported before the navel is completely healed.

If all necessary precautions have been taken, under veterinary advice and on a case-by-case basis, exception can be made by the competent authority for registered mares with a foal at foot going to the stallion after foaling.

4 Sedatives shall not be used unless strictly necessary to ensure the welfare of the animals and shall only be used following veterinary advice, in accordance with national legislation.

Article 10 – Inspection/Certificate

1 Before animals are loaded for international transport they shall be inspected by an authorised veterinarian of the country where the journey starts, who shall ensure that they are fit for the journey.

2 The authorised veterinarian shall issue a certificate which identifies the animals, states that they are fit for the intended journey and, where possible, records the registration number or, where appropriate, the name or other means of identifying the means of transport and the type of transport used.

3 In certain cases determined by agreement between the Parties concerned, the provisions of this article need not apply.

Article 11 – Rest, water and feed prior to loading

1 Animals shall be prepared for the intended journey, be accustomed to the feed to be provided and be able to use the delivery systems for water and feed. They shall be provided with water, feed and a rest period as appropriate.

2 In order to reduce the stress of transport, due regard shall be paid to the need of certain categories of animals, such as wild animals, to become acclimatised to the mode of transport prior to the proposed journey.

3 Mixing of animals that have not been raised together or are not accustomed to one another shall be avoided as far as possible.

Loading and unloading

Article 12 – Principles

1 Animals shall be loaded and unloaded in such a way as to ensure that they are not caused injury or suffering.

2 Animals shall be loaded so as to ensure that space allowances (floor area and height) and separation requirements are met in accordance with Article 17.

3 Animals shall be loaded as close as possible to the time of departure from the place of dispatch.

4 On arrival at their destination, the animals shall be unloaded as soon as possible, offered an adequate quantity of water and, if necessary, be fed and allowed to rest.

Article 13 – Equipment and procedures

1 Loading and unloading shall take place using a properly designed and constructed ramp, lift or loading bay except where animals are to be loaded and unloaded in purpose-built containers. Manual lifting is permissible if the animals are small enough, and even desirable in the case of young animals which might have difficulty in negotiating a ramp. All loading and unloading facilities shall be suitable for their purpose, stable and maintained in a good state of repair.

2 All ramps and surfaces on which animals walk shall be designed and maintained so as to prevent slipping and their slope shall be minimised as far as possible. Where their slope is steeper than 10°, they shall be fitted with a system, such as provided by foot battens, which ensures that the animals climb or go down without risks or difficulties. The equipment shall be provided with side barriers if necessary.

3 The interior of the transport unit shall be well-lit at loading so that the animals can see where they are going, depending upon the specific requirements of the species.

4 Animals shall be loaded only into a means of transport which has been thoroughly cleaned and, where appropriate, disinfected.

5 Goods which are being transported in the same means of transport as animals shall be positioned so that they do not cause injury, suffering or distress to the animals.

6 When containers loaded with animals are placed one on top of the other on the means of transport, the necessary precautions shall be taken to avoid urine and faeces falling on the animals placed underneath.

Article 14 – Handling

1 Animals shall be handled calmly and gently in order to reduce unrest and agitation to a minimum, and in order to protect the animals from avoidable pain, distress and injury.

2 Noise, harassment and the use of excessive force during loading and unloading shall be avoided. Animals shall not be struck, nor shall pressure be applied to any particularly sensitive part of the body. In particular, animals' tails shall not be crushed, twisted or broken and their eyes shall not be grasped. Animals shall not be punched or kicked.

3 Animals themselves shall not be suspended by mechanical means, lifted or dragged by the head, ears, horns, antlers, legs, tail or fleece, or in any other painful way.

4 Instruments intended for guiding animals shall be used on animals solely for that purpose. The use of instruments which administer electric shocks shall be avoided as far as possible. In any case, these instruments shall only be used for adult bovine animals and adult pigs which refuse to move, and only when they have room ahead of them in which to move. Shocks shall last no longer than one second, be adequately spaced, and shall only be applied to the muscles of the hindquarters. Shocks shall not be used repeatedly if the animal fails to respond.

5 Persons handling animals shall not use prods or other implements with pointed ends. Sticks or other implements intended for guiding animals shall only be used provided they can be applied to the body of an animal without causing it injury or suffering.

Article 15 – Separation

1 Animals shall be separated during transport where injury or suffering is likely to occur if they are mixed. This shall apply in particular to:

a animals of different species;
b animals hostile to each other;
c animals of significantly different sizes or ages;
d uncastrated adult males;
e tied and untied animals.

2 The provisions of paragraph 1 shall not apply where the animals have been raised in compatible groups, are accustomed to each other, where separation will cause distress or where females are accompanied by dependent young.

Transport practices

Article 16 – Floors and bedding

The floor surfaces of means of transport or containers shall be maintained so as to minimise the risk of slipping and leakage of urine and faeces. An appropriate bedding which absorbs urine and faeces and which provides an adequate resting material shall cover the floor of the means of transport or containers, unless an alternative method is used that provides at least the same advantages to the animals.

Article 17 – Space allowances (floor area and height)

1 Animals shall be provided with adequate space to stand in their natural position in the means of transport or container. Space to lie down at the same time shall be provided unless the technical protocol or special conditions for the protection of animals require otherwise.

A technical protocol, drawn up in accordance with Article 34 of this Convention, shall determine the minimum space allowances for animals.

2 To prevent injury by excessive movement, partitions shall be used to sub-divide large groups of animals or subdivide a pen which contains fewer animals than its normal capacity, which otherwise would have too much space.

3 Partitions shall be appropriate to the size and species of the animals, and shall be positioned, secured and maintained so as to prevent injury or suffering to the animals.

Article 18 – Tying of animals

When animals are tied, the ropes, the tethers or other means used shall be strong enough not to break during normal transport conditions, and long enough to allow the animals, if necessary, to lie down and to eat and drink. They shall be designed in such a way as to eliminate any danger of strangulation or injury. Animals shall not be tied by the horns, antlers, legs, nose-rings nor be transported having their legs tied together. Animals shall be tied only with devices allowing them to be quickly released.

Article 19 – Ventilation and temperature

1 Sufficient ventilation shall be provided to ensure that the needs of the animals are fully met, taking into account in particular the number and type of the animals to be transported and the expected weather conditions during the journey.

2 Containers shall be stowed in a way which does not impede their ventilation.

3 Where animals are to be transported in adverse conditions of temperature and humidity, suitable arrangements shall be taken to safeguard their welfare.

Article 20 – Water, feed and rest

1 During transport, animals shall be offered water, feed and the opportunity to rest as appropriate to their species and age, at suitable intervals.

2 A technical protocol, drawn up in accordance with Article 34 of this Convention, will determine the maximum travelling times and minimum watering and feeding intervals and resting periods.

3 Water and feed shall be of good quality and presented to the animals in a way which minimises contamination.

Article 21 – Females in lactation

Lactating females not accompanied by their offspring shall not be transported for long periods. However, where this is unavoidable, they shall be milked shortly before loading and at intervals of not more than twelve hours during the course of a journey.

Article 22 – Lighting

The means of transport shall be equipped with a means of lighting, fixed or portable, sufficient for general inspection of the animals and where this is necessary during transport and for watering and feeding.

Article 23 – Containers

1 During transport and handling, containers shall always be kept upright and severe jolts or shaking shall be minimised.

2 Containers shall be secured so as to prevent their displacement by the motion of the means of transport.

Article 24 – Care during transport

The person in charge of the welfare of the animals shall take every opportunity to check them and to administer, if necessary, the appropriate care.

Article 25 – Emergency and casualty care during transport

Animals that fall ill or are injured during transport shall receive first-aid care as soon as possible; if necessary, they shall be given appropriate veterinary treatment or be killed in a way which does not cause them any additional suffering.

Special provisions

Article 26 – Special provisions for transport by rail

1 Any railway wagon used in the transport of animals shall be marked to indicate the presence of live animals. Unless the animals are transported in containers, the inside walls of the railway wagon shall be of suitable material, completely smooth and fitted with rings or bars, at a suitable height, to which the animals may be attached.

2 Where they are not transported in individual boxes, solipeds shall be tied in such a way that they are all facing the same side of the railway wagon or tied facing each other. However, foals and unbroken animals shall not be tied.

3 Large animals shall be loaded in such a way as to allow an attendant to move between them.

4 When assembling trains and during all other movement of railway wagons every precaution shall be taken to avoid jolting a wagon containing animals.

5 Every opportunity shall be taken to check the animals, as provided for in Article 24 of this Convention, whenever the railway wagons stop or weather conditions change.

Article 27 – Special provisions for transport by road

1 Vehicles in which animals are transported shall be clearly and visibly marked to indicate the presence of live animals.

2 Vehicles shall be driven in a way which ensures smooth acceleration, deceleration and turning.

3 Vehicles shall carry suitable equipment for loading and unloading in compliance with Article 13 of this Convention.

4 Every opportunity shall be taken to check the animals in the vehicle, as provided for in Article 24 of this Convention, whenever the vehicle stops or weather conditions change.

Article 28 – Special provisions for transport by water (except roll-on/roll-off vessels)

1 So as to ensure that the welfare requirements of the animals transported are met, the competent authority of the country where loading takes place shall inspect before loading is allowed:

a purpose-built or converted livestock vessels;

b arrangements on other vessels where the animals are to be transported.

2 An alarm shall be fitted to detect any power failure in the forced ventilation system.

An adequate secondary source of power, clearly separated from the primary source, shall be provided to ensure that appropriate forced ventilation is maintained.

3 Animals shall not be transported on open decks unless in containers or other structures, giving adequate protection from sea water.

4 Where animals are walked on and off the vessel, suitable gangways, ramps and walkways shall be provided between the quayside and the vessel's livestock decks.

5 Loading and unloading of animals onto or off livestock vessels shall be supervised by an authorised veterinarian.

6 Animal accommodation, ramps and passageways shall be adequately lit at loading and unloading so that the animals can see where they are going, depending upon the specific requirements of the species.

7 All pens, stalls and containers shall be directly accessible for both the animals and attendants.

8 Passageways for animals shall be appropriate for the species to be transported, in particular they shall not have sharp edges, and sharp corners and protrusions shall be minimised.

9 All parts of the vessel where animals are accommodated shall be provided with facilities which ensure effective drainage and shall be kept in a good sanitary condition.

10 Supplies of clean fresh water, wholesome feed and appropriate bedding, sufficient for the animals' needs and considering the length of the sea journey, shall be carried on the vessel.

11 Reserve supplies of water, and in the case of long journeys, feed and bedding for the animals shall be carried in case of unforeseen delays.

12 Supplies of feed and bedding shall be stored so as to ensure that they are kept in a dry state, and protected from the weather and the sea. The storage of feed and bedding shall not interfere with ventilation, lighting and drainage systems, or passageways.

13 Drinking and feeding equipment appropriate to the number, size and species of the animals shall be provided.

14 Provisions shall be made for isolating animals which become ill or injured during the journey.

15 In case of emergency, it shall be possible to kill an animal in accordance with the provisions laid down in Article 25 of this Convention. To that end, a means of killing suitable to the species shall be available.

Article 29 – Special provisions for transport in road vehicles or rail wagons on roll-on/roll-off vessels

1 Where animals are transported in road vehicles or rail wagons on board roll-on/roll-off vessels, especially in the enclosed decks, special care shall be taken to ensure that sufficient ventilation is provided for the animals throughout the journey. Road vehicles and rail wagons shall be stowed so that the animals obtain maximum benefit from fresh air inlets.

2 The person in charge of the welfare of the animals shall have access to them so that they can be inspected and, if necessary, cared for, watered and fed during the journey.

3 Road vehicles, rail wagons and containers shall be equipped with a sufficient number of adequately designed, positioned and maintained securing points enabling them to be securely fastened to the vessel. Road vehicles, rail wagons and containers shall be secured to the ship before the start of the sea journey to prevent them being displaced by the motion of the vessel.

4 Road vehicles and rail wagons containing animals shall only be transported on the open deck of a vessel in a position that provides adequate protection from sea water, taking account of the protection which the road vehicle or rail wagon itself provides.

5 An alarm shall be fitted to detect any power failure in the forced ventilation system of the vessel. An adequate secondary source of power shall be provided to ensure that appropriate forced ventilation is maintained.

6 Arrangements shall be made to supply the animals with fresh water and feed in case of unforeseen delays or if otherwise necessary.

7 In case of emergency, if transport lasts more than two hours, it shall be possible to kill an animal in accordance with the provisions laid down in Article 25 of this Convention. To that end, a means of killing suitable to the species shall be available.

Article 30 – Special provisions for transport by air

1 No animals shall be transported in conditions where air quality, temperature and pressure cannot be maintained within an appropriate range during the entire journey.

2 The commander shall be advised of the species, location and quantity of all live animals aboard the aircraft, together with any action required. For animals in accessible cargo compartments, the commander shall be notified of any irregularity relating to the animals as soon as possible.

3 Animals shall be loaded in the aircraft as close as possible to the aircraft's planned time of departure.

4 Drugs shall only be used when a specific problem exists and shall be administered by a veterinarian or by another competent person who has been instructed in their use. The commander shall be informed as soon as possible of any drugs administered in flight.

5 In the case of emergency and where an attendant has access to the animals, in accordance with Article 25 of this Convention, a means of sedation and/or euthanasia, suitable to the species, shall be available and only used with the agreement of the commander.

6 The attendant shall be briefed on the in-flight communication procedure prior to flight departure and be able to effectively communicate with the crew.

Multilateral consultations

Article 31 – Multilateral consultations

1 The Parties shall, within five years from the entry into force of this Convention and every five years thereafter, or more frequently if a majority of the Parties should so request, hold multilateral consultations within the Council of Europe.

2 These consultations shall take place at meetings convened by the Secretary General of the Council of Europe.

3 Each Party shall have the right to appoint one or more representatives to participate in these consultations. The Parties shall communicate the name(s) of their representative(s) to the Secretary General of the Council of Europe at least one month before each meeting. Each Party shall have the right to vote. Each State which is Party to the Convention shall have one vote.

4 Within the areas of its competence, the European Community, on becoming Party to the Convention, shall exercise its right to vote with a number of votes equal to the number of its member States which are Parties to this Convention; the European Community shall not exercise its right to vote in cases where the member States concerned exercise theirs, and conversely.

5 The Parties may seek the advice of experts. They may, on their own initiative or at the request of the body concerned, invite any international or national, governmental or non-governmental body technically qualified in the fields covered by this Convention to be represented by an observer at one or part of one of its consultations. The decision to invite such experts or bodies shall be taken by a majority of two-third of the votes cast.

6 After each consultation, the Parties shall submit to the Committee of Ministers of the Council of Europe a report on the consultation and the functioning of the Convention.

7 Subject to the provisions of this Convention, the Parties shall draw up the rules of procedure for the consultations.

Article 32 – Functions of multilateral consultations

Within the framework of multilateral consultations, the Parties shall be responsible for following the application of this Convention. They may in particular:

a prepare technical protocols to this Convention in accordance with the provisions of Article 34;

b suggest any necessary modifications to this Convention and examine those proposed in accordance with the provisions of Article 35;

c examine, at the request of one or more Parties, questions concerning the interpretation of this Convention;

d make recommendations to the Committee of Ministers concerning States to be invited to accede to this Convention.

Technical protocols

Article 33 – Object

The Parties shall adopt technical protocols to this Convention concerning space allowances (Article 17) and water, feed and rest (Article 20). They may also adopt other technical protocols with a view to establishing technical norms for the implementation of the provisions contained in this Convention.

Article 34 – Adoption and entry into force

1 A technical protocol shall be adopted by a two-thirds majority of the votes cast, and then forwarded to the Committee of Ministers for approval. After its approval, this text shall be forwarded to the Parties for acceptance.

2 A technical protocol shall enter into force, in respect of those Parties which have accepted it, on the first day of the month following the expiration of a period of one month after the date on which three Parties, including at least two member States of the Council of Europe, have informed the Secretary General that they have accepted it. In respect of any Party which subsequently accepts it, the protocol shall enter into force on the first day of the month following the expiration of a period of one month after the date on which that Party has informed the Secretary General of its acceptance.

3 For the purpose of preparing technical protocols, the Parties shall follow developments in scientific research and new methods in animal transport.

Article 35 – Amendments

1 Any amendment to a technical protocol to this Convention, proposed by a Party or by the Committee of Ministers, shall be communicated to the Secretary General of the Council of Europe and forwarded by him or her to the member States of the Council of Europe, to the European Community and to any non-member State which has acceded to, or has been invited to accede to this Convention in accordance with the provisions of Article 38.

2 Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined not less than six months after the date of forwarding by the Secretary General at a multilateral consultation, where it may be adopted by a two-thirds majority of the Parties. The text adopted shall be forwarded to the Parties.

3 On the first day of the month following the expiration of a period of eighteen months after its adoption by the multilateral consultation, unless more than one-third of the Parties have notified objections, any amendment shall enter into force for those Parties which have not notified objections.

Settlement of disputes

Article 36 – Settlement of disputes

1 In case of a dispute regarding the interpretation or the application of the provisions of this Convention, the competent authorities of the Parties concerned shall consult with each other. Each Party shall communicate to the Secretary General of the Council of Europe the names and addresses of their competent authorities.

2 if the dispute has not been settled by this means, it shall, at the request of one or other of the parties to the dispute, be referred to arbitration. Each party shall nominate an arbitrator and the two arbitrators shall nominate a referee. If one of the two parties to the dispute has not nominated its arbitrator within the three months following the request for arbitration, he shall be nominated at the request of the other party to the dispute by the President of the European Court of Human Rights. If the latter is a national of one of the parties to the dispute, this duty shall be carried out by the Vice-President of the Court or, if the Vice-President is a national of one of the parties to the dispute, by the most senior judge of the Court not being a national of one of the parties to the dispute. The same procedure shall be observed if the arbitrators cannot agree on the choice of referee.

In the event of a dispute between two Parties, one of which is a member State of the European Community, the latter itself being a Party, the other Party shall address the request for arbitration both to the member State and to the Community, which jointly shall notify it, within three months of receipt of the request, whether the member State or the Community, or the member State and the Community jointly, shall be party to the dispute. In the absence of such notification within the said time limit, the member State and the Community shall be considered as being one and the same party to the dispute for the purposes of the application of the provisions governing the constitution and procedure of the arbitration tribunal. The same shall apply when the member State and the Community jointly present themselves as party to the dispute.

3 The arbitration tribunal shall lay down its own procedure. Its decisions shall be taken by majority vote. Its award, which shall be based on this Convention, shall be final.

4 The procedure for the settlement of disputes shall not apply to disputes relating to questions within the competence of the European Community or to the definition of the scope of that competence between Parties which are members of the European Community or between such members and the Community.

Final clauses

Article 37 – Signature, ratification, acceptance, approval

1 This Convention shall be open for signature by the member States of the Council of Europe and the European Community. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 No State Party to the European Convention on the Protection of Animals during International Transport, opened for signature in Paris on 13 December 1968, may deposit its instrument of ratification, acceptance or approval unless it has already denounced the said Convention or denounces it simultaneously.

3 This Convention shall enter into force six months after the date on which four States have expressed their consent to be bound by this Convention in accordance with the provisions of the preceding paragraphs.

4 Whenever, in application of the preceding two paragraphs, the denunciation of the Convention of 13 December 1968 would not become effective simultaneously with the entry into force of this Convention, a Contracting State or the European Community may, when depositing its instrument of ratification, acceptance or approval, declare that it will continue to apply the Convention of 13 December 1968 until the entry into force of this Convention.

5 In respect of any signatory State or the European Community which subsequently expresses its consent to be bound by it, this Convention shall enter into force six months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 38 – Accession of non-member States

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any other non-member State of the Council to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2 In respect of any acceding State, this Convention shall enter into force six months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 39 – Territorial clause

1 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any State or the European Community may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory this Convention shall enter into force six months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective six months after the date of receipt of such notification by the Secretary General.

Article 40 – Denunciation

1 Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective six months following the date of receipt of such notification by the Secretary General.

Article 41 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Community and any State which has acceded or has been invited to accede to this Convention of:

a any signature;

b the deposit of any instrument of ratification, acceptance, approval or accession;

c any date of entry into force of this Convention in accordance with Articles 37 and 38;

d any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Chişinau, this 6th day of November 2003, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the European Community and to any State invited to accede to this Convention.

Prin prezenta confirm că textul alăturat este o copie autentică de pe Convenţia europeană privind protecţia animalelor în timpul transportului internaţional (Chişinău, 6 noiembrie 2003), copia certificată a căreia este depozitată la Arhiva Tratatelor a Ministerului Afacerilor Externe.



Anatol CEBUC
Şef al Direcţiei Drept Internaţional a
Ministerului Afacerilor Externe