



30.11.2018

## NOTICE TO MEMBERS

**Subject: Petition No 0443/2018 by Marco Giovannelli (Italian) bearing 80.000 signatures, on calling for the adoption of a specific legislation for the protection and management of companion, domestic and stray animals inside the EU**

### 1. Summary of petition

The petitioner notes that there is currently no EU legislation for the protection of pets, domestic and stray animals, while the EU's stray animal population is estimated at over one hundred million.

The petition is accompanied by a detailed report, which notes, among other things, that there are significant differences in animal welfare management across Member States, in the absence of an EU legislative framework. The petitioner calls for the adoption of specific EU legislation to prevent the malpractice of abusing, neglecting, abandoning, exploiting or killing companion, domestic or stray animals in the EU.

### 2. Admissibility

Declared admissible on 27 September 2018. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 30 November 2018

#### The Commission's observations

Article 13 of the Treaty on the Functioning of the European Union<sup>1</sup> requires the Member States to pay full regard to the welfare requirements of animals in the context of certain

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<sup>1</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, Official Journal C 83 of 30.3.2010.

<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2010%3A083%3ATOC>

Union's policies, such as agriculture or internal market. It states in particular that “*in formulating and implementing the Union’s agriculture, fisheries, transport, internal market, research, and technological development and space policies, the Union and Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to cultural traditions and regional heritage*”.

The European Union institutions must respect the competences conferred on them by the Treaties. Thus their power to improve animal welfare by law-making and enforcement is limited to the policy areas of EU relevance which are mentioned above.

The welfare of companion animals, such as dogs and cats, and domestic or stray animals, is not governed by EU rules but remains under the sole competence of the Member States.

Moreover, the European Union has not signed or ratified the Pet Animals Convention<sup>1</sup>, which has been concluded within the context of the Council of Europe, and the Union is thus not a party thereof. Therefore, the provisions of that Convention do not form part of Union law and the Commission does not have the competence to monitor compliance with the Convention by the Member States.

### Conclusion

The Commission can only act within the framework of its competences which do not extend to the issues raised by the petitioner.

In light of the above, the Commission is not considering taking initiatives in this area.

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<sup>1</sup> Available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/125.htm>