

**Question for written answer E-004491/2012/rev.1
to the Commission**
Rule 117
Tiziano Motti (PPE)

Subject: Legal consequences of zoerastia in Europe

The EU Strategy for the Protection and Welfare of animals 2012–2015 considers animal welfare in an economic context, with a view to reconciling the needs of animals as sentient beings, under the terms of Article 13 of the Treaty on the Functioning of the European Union (TFEU), with the needs of businesses.

It would appear, in light of activity on the internet and of various reports, that in some EU Member States, such as Sweden, Spain, Denmark and lately even Germany, there is a gap in national provisions that allows certain pets and stray animals to be sexually exploited, in exchange for money, within dedicated venues. Apparently, some pet owners are offering their animals for this type of commercial use, and these are not isolated incidents but form part of an organised trade at European level that has already become a source of 'sex tourism'.

There can be no doubt that, in devising the above strategy, the Commission did not take this type of 'business' into account. However, the situation exists and the suffering endured by these animals means that this is more than a mere ethical issue that is a matter for individual conscience.

In Italy, Law 189/2004 recognises animals as 'passive subjects of law' in case of mistreatment: 'Anyone who cruelly or unnecessarily causes injury to an animal, or subjects it to torture or to behaviour or labour or intolerable work conditions in ethological terms, shall be punished with imprisonment from three months to one year, or with a fine of between EUR 3 000 and EUR 15 000' (Article 544-ter). The practice of zoerastia is documented as causing suffering and physical harm to animals, which certainly do not consent to it. Bestiality thus constitutes a form of sexual violence – in other words rape – that goes unpunished.

Does the Commission believe that zoerastia, which is tolerated in an increasing number of Member States, might lead to health-related problems in the EU?