

EN

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Answer given by Ms Kyriakides
on behalf of the European Commission
(12.5.2023)

1. The Commission condemns any form of cruelty towards animals inspired by the words of the Treaty on the Functioning of the European Union (TFEU) where animals are recognised as sentient beings¹. Deeply regrettable as they are, such acts as described remain solely under the competence of the Member States, as they cannot be said to affect the functioning of the internal market and therefore interfere with EU competences.

2. Article 13 TFEU requires the EU to take into account welfare requirements of animals when formulating and implementing specific EU policies. Therefore, Article 13 of the TFEU does not provide a legal basis permitting to address all animal welfare issues, by the Commission, as the Commission can only act within the limits of the competences conferred to it by the Treaties and therefore is not empowered to propose rules addressing sexual abuses against animals such as those covered by the Spanish law at issue. Please also note that the EU competence to approximate criminal offences and sanctions is limited to serious crimes with a cross-border dimension and to areas that have been subject to harmonisation measures, where this proves essential to ensure the effective implementation of a EU policy (Article 83 TFEU).

¹ Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union [2016] OJ C202/1 (TFEU).