



2022/2809(RSP)

19.10.2022

DRAFT MOTION FOR A RESOLUTION

pursuant to Rule 227(2) of the Rules of Procedure

on improving EU regulation on wild and exotic animals to be kept as pets in
the European Union through an EU positive list
(2022/2809(RSP))

Dolors Montserrat
on behalf of the Committee on Petitions

European Parliament resolution on improving EU regulation on wild and exotic animals to be kept as pets in the European Union through an EU positive list (2022/2809(RSP))

The European Parliament,

- having regard to Petitions Nos 0697/2020, 0744/2020 and 0786/2020,
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 114, 191 and 192 thereof,
- having regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),
- having regard to the World Organisation for Animal Health (WOAH, founded as OIE) Terrestrial and Aquatic Animal Health Codes,
- having regard to the European Convention for the Protection of Pet Animals and the Resolution on the keeping of wild animals as pets of the Council of Europe,
- having regard to its resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives, to its resolution of 12 February 2020 on protecting the EU's internal market and consumer rights against the negative implications of the illegal trade in companion animals, to its resolution of 15 September 2016 on the EU strategic objective for the 17th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to be held in Johannesburg (South Africa) from 24 September to 5 October 2016 and to its resolution of 24 November 2016 on EU action plan against wildlife trafficking
- having regard to the Commission communication of 20 May 2020 entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives',
- having regard to the Commission communication of 26 February 2016 entitled 'The EU Action Plan against Wildlife Trafficking' and to the Council conclusions of 20 June 2016 on the EU Action Plan against Wildlife Trafficking,
- having regard to the Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein and the Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein,
- having regard to the Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (Animal Health Law),
- having regard to the Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction

and spread of invasive alien species,

- having regard to the Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003,
 - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received petitions 0697/2020, 0744/2020 and 0786/2020 which raise concerns over the welfare and health risks related to the trade of wild and exotic animals in the EU and call for the adoption of an EU-wide positive list defining the animals that can be kept as pets;
- B. whereas biodiversity is an integral part of the world’s heritage; whereas the ‘One Health’ principle reflects the fact that human health, animals and the environment are interconnected; whereas the current information suggests that the COVID-19 pandemic has shown that it might have emerged from an animal source¹, which shows that the trade in exotic animals requires greater attention as it relates to major health risks for the population;
- C. whereas seventy percent of the pathogens that cause diseases in humans are of animal origin and these diseases, known as zoonoses, can be transmitted by domestic or wild animals²; whereas wildlife trade increases contact between humans and wildlife and is a key factor in the potential emergence of spillover effects, thus leading to the spreading of viral diseases, including new ones, to humans;
- D. whereas in Europe it is estimated that more than 100 million of animals are kept as pets, including small mammals, birds, reptiles, fish and amphibians³; whereas many of these species were captured from the wild, depleting natural populations;
- E. whereas wild species have specific needs and greatly suffer when captured, transported and placed in captivity; whereas according to recent data, a substantial amount of wild and exotic animals die within the first year of becoming a pet, with a vast majority succumbing to suffocation, disease, starvation and dehydration during transit, as also reported by the United Nations Environment Programme (UNEP);
- F. whereas there is an urgent need to raise public awareness concerning the welfare of wild and exotic animals to be kept as pets, including worrying levels of health, behavioural and veterinary problems;
- G. whereas according to the International Union for Conservation of Nature (IUCN) one of four mammal species and one of eight species of birds face a high risk of extinction, while one in three amphibians is threatened, with well documented evidence confirming that the exotic pet trade is one of the main threats to the survival of these species;
- H. whereas invasive alien species are one of the five major causes of biodiversity loss in Europe and worldwide and the European Commission estimated that the cost of controlling and managing the damages from invasive species in the EU is 12 billion

¹ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649409/EPRS_BRI\(2020\)649409_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649409/EPRS_BRI(2020)649409_EN.pdf)

² <https://www.woah.org/en/one-health>

³ <https://data.consilium.europa.eu/doc/document/ST-9127-2022-INIT/x/pdf>

euros annually; whereas a number of Member States, in breach of EU law, are still failing to establish a fully functioning surveillance and control system of invasive alien species of Union concern, which led the European Commission to launch against them infringement procedures;

- I. whereas many wild and exotic animals that are kept as pets represent a serious threat to people's safety due to their natural behaviour, exhibiting aggressive or predatory traits, worsened by the stress they undergo in captivity;
 - J. whereas national rules on the restrictions of keeping exotic pets vary widely across Member States and are, in some cases, contradictory, which makes it extremely difficult for Member States to have a coherent policy on this matter at European level and, in addition, there are gaps in current national legislations related to exotic pets⁴; whereas legal provisions may ban the keeping of some species of animals (negative or black list) or only allow some species to be kept (positive or white list), the negative list being the most commonly used system to regulate the keeping of exotic pets;
 - K. whereas the current situation perpetuates existing barriers, fragments the Union's internal market and creates serious differences between those Member States that have a positive list in their legislation and those that do not, and furthermore even positive lists differ between some Member States and others, including in matters such as the listing of species, the different levels of protection or the differences in the way in which the risk assessment has been carried out;
 - L. whereas the approach of the negative list is by nature reactive and the least precautionary, as any animal not on a negative list is by default allowed to be kept, requiring the list to be quite long; whereas the species in trade are ever-changing based on current trends, a negative list thus needs regular updating;
 - M. whereas scientists highlighted with concern the inadequacy of the EU list of prohibited invasive alien species, as included in the invasive species regulation⁵, to face the level of threat that invasive alien species pose to EU biodiversity;
 - N. whereas the lack of an EU-wide positive list of wild and exotic animals to be kept as pets undermines the welfare and health of both humans and animals and poses a threat to biodiversity;
 - O. whereas adequate awareness on responsible pet keeping would be necessary to improve the effectiveness of a positive list and to enhance the welfare of both the pet and the owner;
 - P. whereas 19 Member States have supported the position paper on a new EU legislative framework for an EU positive list for the keeping of companion animals on behalf of Cyprus, Lithuania, Luxembourg and Malta, as presented at the AGRIFISH Council meeting of 24 May 2022;
1. Reiterates that the highest priority should be given to prevention, as the most cost-

⁴ As demonstrated in the study 'Analysis of national legislation related to the keeping and sale of exotic pets in Europe', conducted in June 2020 by the Eurogroup For Animals.

⁵ Regulation (EU) 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species

effective humane and environmentally desirable measure; points out that the EU must seize the opportunity to incorporate the lessons learnt from the COVID-19 pandemic into its policies; underlines the important role of the Commission in coordinating and supporting the ‘One Health’ approach in the EU;

2. Stresses that trade with exotic animals can pose a danger not only to animal welfare, but also to human health due to the possibility of zoonosis and that, therefore, the European Union must pursue cohesive legislation that prevents this type of possible diseases that can lead to public health problems;
3. Recalls that the trade of exotic wildlife has shown that it can lead to biodiversity decline both in the habitat in which the species comes from and in the ecosystems of the Union; stresses that the European trade policy needs to ensure that pet trade practices do not compromise the welfare of wild and exotic animals or contribute to biodiversity loss and that the keeping of such animal as a pet does not jeopardise the welfare of the animal and the owner;
4. Expresses its concern on the fact that current regulations in Member States on the trade and keeping of wild and exotic animals are fragmented and not consistent, often failing to encompass the animal kingdom, addressing mainly mammals while ignoring the large groups of birds, reptiles, amphibians, insects and ornamental fish, which are currently widely represented in the pet trade and that they can pose a danger to native species and ecosystems if they are released;
5. Stresses that inconsistent legislation makes the collection of accurate data difficult; underlines that the EU databases designed to track animal trade into and between EU Member States do not record sources of animals and the Convention on International Trade in Endangered Species (CITES) only concerns itself with the relatively small proportion of animal species listed on its Appendices;
6. Highlights that several European countries have already implemented positive lists, based on several criteria such as animal welfare, environment, human health, husbandry and housing requirements, the precautionary principle; welcomes also the fact that several others are developing positive lists or conducting research on positive lists;
7. Notes with regret that EU law provisions are currently insufficient to tackle animal welfare, public health and safety, and invasiveness risks associated with the trade and keeping of wild and exotic animals as pets; stresses that EU animal health law⁶ was not designed to deal with exotic pet trade and none of the EU legislative acts relating to animal welfare governs the welfare of animals kept and traded as pets within the EU internal market;
8. Highlights that a positive list tends to be a shorter, distinct list that is precautionary in nature and gives clarity about which species are allowed to be kept in a country; points out that it is also much easier to update compared to a negative list, as all species not on the list are a priori forbidden to be kept, thereby contributing to the simplification of legislation at European level and reducing administrative costs; stresses that the research into the positive list proves its effectiveness in reducing the trade of wild and

⁶ Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health.

exotic animals and in better public awareness⁷;

9. Considers the advantages of a European positive list that would regulate trade with wild and exotic animals and restrict their keeping as pets, as argued in the petitions received by the Committee on Petitions; takes note of the call by some Member States to establish an EU-wide positive list under appropriate welfare conditions; calls in this regard on the Commission to carry out an impact assessment of the added-value and feasibility of establishing such a list, using science-based set of criteria to determine which species are suitable as pets, and to include a careful analysis of various criteria already used in national positive lists, in order to establish the most effective ones to be possibly adopted in an EU-wide positive list based on the Member States' best practices, existing experiences and lessons learnt; calls on the Commission to launch a study to analyse this issue in the context of the strict and timely implementation of the EU Action Plan against wildlife trafficking;
10. Underlines the paramount importance for the protection of human health and the environment that all Member States establish and implement without further delay effective action plans to address the most invasive alien species of Union concern, ensuring the setting up of fully functioning structures according to Regulation 1143/2014, in order to carry out adequate controls aimed at preventing the unintentional and intentional introduction and spreading into the Union of invasive alien species;
11. Takes note that the keeping of pets is not regulated at EU, but national, level and that some Member States have established positive lists for animal species; stresses that international wildlife trade and corresponding legislation should be based on scientific evidence;
12. Believes that the revision of the EU action plan on preventing illegal trade in wildlife should result in raising awareness on illegal trade, and in a positive impact on animal welfare, as well as on exotic and wild animals that could be kept as pets in the EU;
13. Stresses that animals included in a positive list shall not represent a particular danger for human health and shall be easy to handle and be kept in respect of their essential physiological, ethological and ecological needs; underlines that no exotic and wild species of animals should be listed for which there are clear indications that, should they escape or be released into the wild, they would be able to survive and consequently represent a risk for the native ecosystems, thereby altering the subsistence of the native species themselves by becoming, once released into the natural environment, invasive species;
14. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

⁷ <https://www.zoocheck.com/wp-content/uploads/2021/03/An-overview-of-national-and-international-Positive-Lists-Sep-2020-FINAL.pdf>