



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Directorate G – Crisis management in food animals and plants  
**Director**

Brussels,  
SANTE G2/MKU/ch (2018) 4158153

Dear Petitioner,

**Subject: Petition to amend Council Directive 98/58/EC<sup>1</sup>**

Commissioner Vella forwarded to Commissioner Andriukaitis, responsible for Health and Food Safety, your email where you present a petition<sup>2</sup>. He asked me to reply on his behalf. You call for including pet animals in the scope of Council Directive 98/58/EC.

As you may know, the above-mentioned Directive concerns the protection of animals kept for farming purposes. This Directive reflects the approval by the Union of the European Convention for the Protection of Animals Kept for Farming Purposes (First Recital of this directive). The inclusion of pet animals in this directive hence would not be appropriate.

Article 13 of the Treaty on the Functioning of the European Union requires, in particular, that Member States pay full regard to the welfare requirements of animals in the context of some of the Union's policies but it does not constitute a legal base for the Union to act on animal welfare.

Furthermore any initiative of the Commission has to respect the principles of proportionality and subsidiarity laid down in Article 5 of The Treaty on European Union. In line with those principles, the Commission considers this matter should remain under the sole competence of the Member States.

Therefore, the Commission is not currently considering any legislative initiatives which would specifically cover the welfare of pet animals.

Finally, I would like to specify that the European Union has not signed or ratified the European Convention for the Protection of Pet Animals<sup>3</sup> (the Pet Animals Convention),

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<sup>1</sup> Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31998L0058>

<sup>2</sup> Your email refers to a "petition", which in the framework of EU Law is used for petitions addressed to the European Parliament pursuant to Article 227 TFEU. Your letter is dealt with by the Commission according to the rules for correspondence with citizens.

<sup>3</sup> Available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/125.htm>.

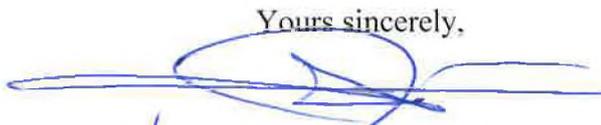
which has been concluded within the context of the Council of Europe, and the Union is thus not a party thereof.

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<sup>4</sup>.

In view of the above, I would once again advise you to contact the Spanish authorities which are competent to deal with the animal welfare problems referred to in your email.

I would like to thank you for your commitment to protecting animals.

Yours sincerely,



po Bernard Van Gothem  
Eric Teuwenand

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<sup>4</sup> [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/125/signatures?p\\_auth=RvPmEpoS](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/125/signatures?p_auth=RvPmEpoS)