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**Improving EU regulations on wild and exotic animals to be kept as pets in the European Union through an EU positive list****European Parliament resolution of 24 November 2022 on improving EU regulations on wild and exotic animals to be kept as pets in the European Union through an EU positive list (2022/2809(RSP))**

(2023/C 167/14)

*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, 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 the OIE) Terrestrial and Aquatic Animal Health Codes,
- having regard to the European Convention for the Protection of Pet Animals and to the Council of Europe Resolution on the keeping of wild animals as pets,
- having regard to its resolution of 9 June 2021 entitled ‘EU Biodiversity Strategy for 2030: Bringing nature back into our lives’ <sup>(1)</sup>,
- having regard 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 <sup>(2)</sup>,
- having regard to its resolution of 15 September 2016 on the EU strategic objectives 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 <sup>(3)</sup>,
- having regard to its resolution of 24 November 2016 on EU action plan against wildlife trafficking <sup>(4)</sup>,
- having regard to the Commission communication of 20 May 2020 entitled ‘EU Biodiversity Strategy for 2030 — Bringing nature back into our lives’ (COM(2020)0380),
- having regard to the Commission communication of 26 February 2016 entitled ‘EU Action Plan against Wildlife Trafficking’ (COM(2016)0087) and to the Council conclusions of 20 June 2016 on the EU action plan against wildlife trafficking,
- having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein <sup>(5)</sup> and to 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 <sup>(6)</sup>,

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<sup>(1)</sup> OJ C 67, 8.2.2022, p. 25.

<sup>(2)</sup> OJ C 294, 23.7.2021, p. 40.

<sup>(3)</sup> OJ C 204, 13.6.2018, p. 136.

<sup>(4)</sup> OJ C 224, 27.6.2018, p. 117.

<sup>(5)</sup> OJ L 61, 3.3.1997, p. 1.

<sup>(6)</sup> OJ L 166, 19.6.2006, p. 1.

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- having regard to 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') <sup>(7)</sup>,
  - having regard to 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 <sup>(8)</sup> (Invasive Species Regulation),
  - 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 <sup>(9)</sup>,
  - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received petitions Nos 0697/2020, 0744/2020 and 0786/2020, which raise concerns over the welfare and health risks related to the trade in 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 has shown that the COVID-19 pandemic may have emerged from an animal source <sup>(10)</sup>, which shows that the trade in exotic animals requires greater attention, as it relates to major health risks for the whole population;
- C. whereas 70 % 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 animals <sup>(11)</sup>; whereas the trade in wildlife increases contacts between humans and wildlife and is a key factor in the potential emergence of spillover effects, thereby leading to the spreading of viral diseases, including new ones, to humans;
- D. whereas according to estimates, more than 100 million animals are kept in Europe as pets, including small mammals, birds, reptiles, fish and amphibians <sup>(12)</sup>; whereas many of these species were captured in the wild, depleting natural populations;
- E. whereas wild species have specific needs and suffer greatly when captured, transported and placed in captivity; whereas according to recent data, a substantial number of wild and exotic animals die within the first year of becoming a pet, with the vast majority succumbing to suffocation, disease, starvation and dehydration during transit, as also reported by the United Nations Environment Programme;
- F. whereas there is an urgent need to raise public awareness about the welfare of wild and exotic animals to be kept as pets, including the worrying levels of health, behavioural and veterinary problems encountered;
- G. whereas according to the International Union for Conservation of Nature (IUCN), one in four mammal species and one in eight species of birds face a high risk of extinction, while one in three amphibians is threatened; whereas well-documented evidence confirms that the exotic pet trade is one of the main threats to the survival of these species;

<sup>(7)</sup> OJ L 84, 31.3.2016, p. 1.

<sup>(8)</sup> OJ L 317, 4.11.2014, p. 35.

<sup>(9)</sup> OJ L 178, 28.6.2013, p. 1.

<sup>(10)</sup> Briefing, 'Coronavirus and the trade in wildlife', European Parliament, Directorate-General for Parliamentary Research Services, 4 May 2020.

<sup>(11)</sup> WOAHP, 'The "One Health" Concept', 14 January 2013.

<sup>(12)</sup> Council of the EU, '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', 16 May 2022.

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- H. whereas invasive alien species are one of the five major causes of biodiversity loss both in Europe and worldwide; whereas the Commission has estimated that the cost of controlling and managing the damage caused by invasive species in the EU amounts to EUR 12 billion annually; whereas a number of Member States, in breach of EU law, have still failed to establish a fully functioning surveillance and control system to monitor invasive alien species of Union concern, which has led the Commission to launch infringement procedures against them;
- I. whereas many wild and exotic animals that are kept as pets represent a serious threat to people's safety as a result of their natural behaviour, exhibiting aggressive or predatory traits, worsened by the stress they undergo in captivity;
- J. whereas national rules imposing restrictions on keeping exotic pets vary widely across the Member States and are, in some cases, contradictory, which makes it extremely difficult for Member States to pursue a coherent policy on this matter at European level and, in addition, there are gaps in the current national laws related to exotic pets<sup>(13)</sup>; whereas legal provisions may either ban the keeping of some species of animals (a negative list or blacklist) or only allow some species to be kept (a positive or whitelist), with 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 single market and creates serious differences between those Member States which have a positive list in their legislation and those which do not; whereas furthermore, even positive lists differ between some Member States and others, including on 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 negative list approach is by nature reactive and the least precautionary, as any animal not on a negative list is allowed to be kept by default, requiring the list to be quite long; whereas the species being traded in are ever changing based on current trends, so that any negative list needs regular updating;
- M. whereas scientists have highlighted with concern the inadequacy of the EU list of prohibited invasive alien species, as included in the Invasive Species Regulation, 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 animals to be kept as pets undermines the welfare and health of both humans and animals, and poses a threat to biodiversity;
- O. whereas an adequate level of awareness of responsible pet keeping would be necessary in order to improve the effectiveness of a positive list and 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 Agriculture and Fisheries Council meeting of 24 May 2022;
1. Reiterates that the highest priority should be given to prevention as the most cost-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 the trade in exotic animals can pose a danger not only to animal welfare, but also to human health owing to the possibility of zoonoses and that, therefore, the EU must enact cohesive legislation that prevents these types of potential diseases which can lead to public health problems;

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<sup>(13)</sup> As demonstrated in the study entitled 'Analysis of national legislation related to the keeping and sale of exotic pets in Europe', published in June 2020 by Eurogroup For Animals.

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3. Recalls that the trade in exotic wildlife has already demonstrated that it can lead to biodiversity decline, both in the habitat from which the species originates and in the ecosystems of the Union; stresses that European trade policy needs to ensure that practices in the pet trade do not compromise the welfare of wild and exotic animals or contribute to biodiversity loss, and that the keeping of such animals as pets does not jeopardise the welfare of the animal or of the owner;
4. Expresses its concern about the fact that the current regulations in the Member States on the trade in and keeping of wild and exotic animals are fragmented and not consistent, often failing to encompass the animal kingdom by mainly addressing mammals, while ignoring the large groups of birds, reptiles, amphibians, insects and ornamental fish, which are currently widely represented in the pet trade, and about the fact 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 Member States do not record the sources of animals and CITES only concerns itself with the relatively small proportion of animal species listed in its appendices;
6. Highlights that several European countries have already implemented positive lists, based on several criteria such as animal welfare, the environment, human health, husbandry and housing requirements, and the precautionary principle; also welcomes the fact that several others are developing positive lists or conducting research on positive lists;
7. Notes with regret that the provisions of EU law are currently insufficient to tackle animal welfare, public health and safety, and the invasiveness risks associated with the trade in and keeping of wild and exotic animals as pets; stresses that the EU Animal Health Law was not designed to deal with the exotic pet trade and none of the EU legislative acts relating to animal welfare govern the welfare of animals kept and traded in as pets within the EU's single market;
8. Highlights that a positive list tends to be a shorter, distinct list that is precautionary in nature and provides clarity about which species are allowed to be kept in a country; points out that a positive list is also much easier to update than a negative list, as all species not on the list are *a priori* prohibited from being kept, thereby contributing to the simplification of legislation at European level and reducing administrative costs; stresses that the research into the positive list approach proves its effectiveness in reducing the trade in wild and exotic animals and in better public awareness<sup>(14)</sup>;
9. Weighs up the advantages of a European positive list that would regulate the trade in wild and exotic animals and restrict their being kept 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 context, on the Commission to carry out an impact assessment of the added value and feasibility of establishing such a list, using a science-based set of criteria to determine which species are suitable as pets and including a careful analysis of various criteria already used in national positive lists in order to establish the most effective ones which could possibly be 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 of all Member States establishing and implementing, without further delay, effective action plans to address the most invasive alien species of Union concern, ensuring the setting up of fully functioning structures in accordance with Regulation (EU) No 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 at national level and that some Member States have established positive lists for animal species; stresses that the international wildlife trade and the corresponding legislation to regulate it should be based on scientific evidence;

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<sup>(14)</sup> World Animal Protection, 'Think positive — An overview of national and international Positive Lists', September 2020.

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12. Believes that the revision of the EU action plan on preventing illegal trade in wildlife should result in raising awareness about illegal trade and in a positive impact on animal welfare and on the welfare of exotic and wild animals that may be kept as pets in the EU;

13. Stresses that the animals included in a positive list must not represent a particular danger for human health, must be easy to handle and must be kept in conditions that respect their essential physiological, ethological and ecological needs; underlines that no exotic and wild species of animals should be listed where 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 to native ecosystems, thereby altering the subsistence of the native species themselves by becoming invasive species, once released into the natural environment;

14. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

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