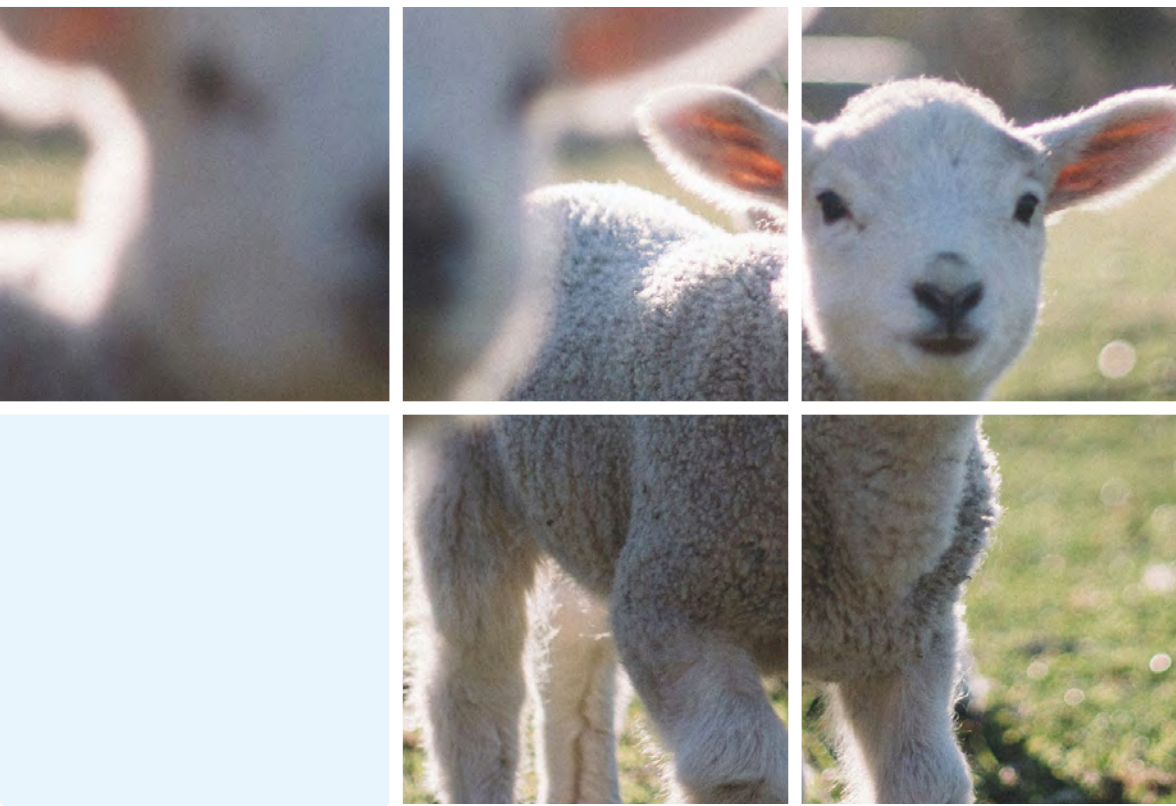
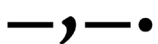


# Recent Developments in EU Animal Law and Policy

2019–2024 in Review

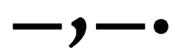


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The European Institute  
for Animal Law & Policy

ACHIEVING BETTER TREATMENT FOR ANIMALS



**The European Institute  
for Animal Law & Policy**

ACHIEVING BETTER TREATMENT FOR ANIMALS

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# 1. About

## Scope

For the purposes of this document, animal law should be understood in the purely academic sense as a “field of study, scholarship, practice, and advocacy in which the nature (legal, social, or biological) of a nonhuman animal is an important factor.”<sup>1</sup> EU law should be understood broadly, encompassing both the legal framework established by EU institutions (the European Commission, the Council of the EU, and the European Parliament) and the national laws of the 27 EU Member States.

Furthermore, this document covers a five-year period, which corresponds to the term of the previous European Commission, the executive branch of the EU responsible for drafting laws and enforcing them. The European Commission is headquartered in Brussels, Belgium and is presided over by a president elected by Members of Parliament every five years. The Commission president then typically selects 27 Commissioners, each of whom oversee a specific policy portfolio. The President of the European Commission from 2019 to 2024 was Ursula von der Leyen, who was re-elected in 2024 for another five-year mandate, which concludes in 2029.

## Sources

This document draws from past editions of our newsletter, launched in 2021, as well as from our archives. The Institute’s newsletter is the first and only publication of its kind to offer high-quality insights into EU animal law and policy, with nearly 1,000 subscribers mainly comprised of academics, animal advocates, think tank researchers, policymakers, and students.

This document contains the most salient developments of the past few years in the “animal law news in the EU” section of the newsletter, which includes the most recent developments in EU and EU Member States’ law (new legislation and court rulings). Both the newsletter and this Five-Year Review document are the result of careful monitoring by animal law and policy specialists, who are diligent in cross-checking information with primary sources, before compiling and summarizing information in a digestible way.

## Terminology and Semantics

This document categorizes animals using human-based categories and commonly employed expressions, such as “farm animals,” “wild animals,” or “companion animals.” While the Institute ultimately advocates for the use of less anthropocentric terms, the editors have chosen to use them for the sake of clarity and concision, as existing legal frameworks currently operate with these terms and categories. Additionally, the term “fundamental rights” should be broadly understood to encompass both aspirational principles and procedural rights within the rule of law.

To improve readability, editors have also used “Commission” to refer to the “European Commission,” “Parliament” to refer to the European Parliament, “Council” to refer to the Council of the EU, and “the CJEU” or “the Court” to refer to the Court of Justice of the EU. Authors have also favored the use of generic terms such as “administration,” “legislature,” “rules,” “regulations,” and “preamble” rather than technical terms used in EU and national law, to ensure understanding for an international audience.

## EU Law Basics

### The EU Legislative Process

In EU law, the Parliament and the Council are considered to be the legislative branch of the EU (“co-legislators”), even though only the Commission is empowered to propose new laws (under the form of “regulations” or “directives”). Legislative proposals by the Commission are subsequently amended by the Parliament and the Council respectively, before final negotiations with all three institutions (“trilogues”). The Commission, which is the executive branch of the EU, is additionally empowered to adopt administrative acts (implementing and delegated acts).<sup>2</sup>

### Legal Instruments

In EU law, “regulations” and “directives” are legislation and are the equivalent of “laws” in national legal systems. Implementing and delegated acts function as administrative regulations, comparable to “decrees,” “executive orders,” or “rules” in national legal systems. Regulations, directives, implementing acts, and delegated acts are all binding legal instruments that each of the 27 Member States, and EU citizens, must comply with.

## How to Use This Document

This document is divided into two main sections, each pertaining to EU Law (Section 1) and the national law of the 27 EU Member States (Section 2). Within these sections, entries are listed in chronological order. A color taxonomy divides sections based on the category of animals featured.

A caveat for readers: while the compilation of EU legislation and court rulings aims to be exhaustive, the section dedicated to national law only features what the authors have considered to be relevant developments from the past five years. Another important consideration is that not all jurisdictions make their case law available – this is true for most district court cases in France and Italy, which are not accessible to the public. Overall, this document, and the newsletter from which it originates, are works in progress as the Institute grows its presence in each EU Member State.

|  |  |   |  |
|--|--|---|--|
|  Farm Animals |  Animals Used for Scientific Purposes |  Companion Animals               |  Food Transition    |
|  Wild Animals |  Fur Animals                          |  Economic Law / Trade Agreements |  Fundamental Rights |

## 2. Introduction: Five Years of Key Advances in Animal Protection

As animal advocates, we are driven by a vision of ambitious, transformative change. But we are also realistic about the limitations of our legal and political systems in fully recognizing animal interests. Despite these conditions, our movement has made undeniable progress in the past five years, and this review offers a chance to reflect on the significant strides taken in the European Union (EU). These positive developments signal a profound shift in how society views and interacts with animals. While many cruel practices remain legal, they are no longer taken for granted and are being actively challenged in legislatures and courts, paving the way for a future where animals are given the opportunity to flourish.

At EU level, positive developments include new EU rules allowing the on-farm slaughter of animals, new farm animal welfare measures in the Common Agricultural Policy regulations (which determine rules on agricultural subsidies), and more robust animal welfare standards in the EU organic rules. The EU executive also pushed for the enactment of promising new economic law rules and animal welfare clauses in trade agreements. Consistent with previous years, the Court of Justice of the EU also made strong statements in support of animals, on the issue of ritual slaughter (with a positive ruling for animals that was later confirmed by the European Court of Human Rights), the protection of wild animals living in captivity (restricting the ability for wildlife traders to sell animals originating from illegally taken specimens), and free-roaming wild animals (with a series of rulings confirming the high levels of protection afforded to wolves). However, wolf protection rules will be substantially weakened in the short term, due to the recent downgrading by the Commission and the Member States of the wolf's protection status in international law.

Less positive for animals, the years 2019-2024 also brought a weakening of environmental legislation, and no progress on the issues of animals used for scientific purposes, nor for companion animals. The new proposal for regulation on the welfare of dogs and cats,<sup>3</sup> published in 2023, is therefore welcome news, both in terms of improvements this legislation may bring to companion animals, and in the expansion of the EU's competency to encompass companion animals.

It is challenging to encapsulate the different dynamics at play in all 27 Member States, but several salient positive developments do emerge.

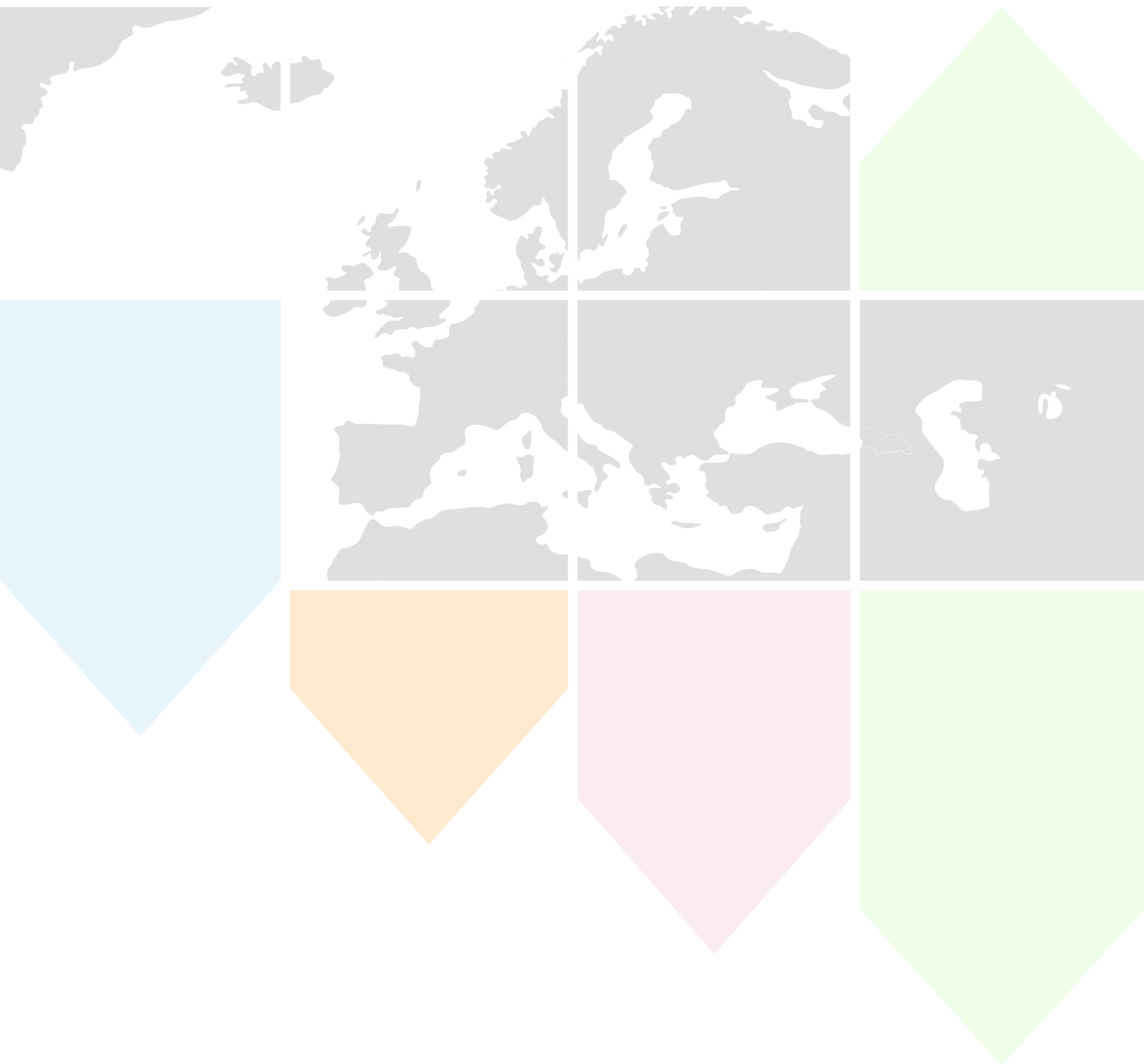
- Firstly, two constitutional reforms to include animals' interests were carried out in Belgium and Italy, respectively.
- Secondly, partly due to sanitary risks posed by the Covid pandemic, 13 Member States adopted fur bans (or restrictions), addressing the gap left by the Ban Fur ECI, which did not result in regulatory action at the EU level. This highlights the need to adapt advocacy strategies depending on the governmental jurisdiction, as legislative wins on the issue of fur farming appear to be more attainable at national level, compared to EU level.

- There were also interesting developments in France and Spain for companion and wild animals, leading to restrictions on the sale of companion animals and the prohibition of wild animals in circuses, as well as cetaceans in entertainment parks.
- Last but not least, the development of litigation-based efforts to protect animals used in scientific research in France, and farm animals in Belgium and the Netherlands, was a welcome development in the diversification of animal advocates' repertoires, opening the door to cases before the CJEU. In fact, the rise of litigation on behalf of animals has been one of the most exciting developments over the past five years.

Overall, this five-year review shows that progress is underway, albeit at too gradual a pace, reinforcing the need for continued advocacy and commitment in the legal sphere.



### 3. EU Law



# 3.1. New Legislation

## 3.1.1. Farm Animals

### Organic Label

JANUARY 2021

The new 2018 EU Organic Regulation (Regulation 2018/848)<sup>4</sup> and its Implementing Regulation 2020/464<sup>5</sup> entered into force in January 2021. These two regulations establish rules for organic production in the EU, including animal-source food products. Compared to previous law, organic rules now apply to certain farmed fish, as well as to rabbits, deer, breeding sows, and breeding egg-laying hens and chickens. Animal welfare standards in the EU organic rules have also been further reinforced, for instance, the new standards establish a limit on the number of animals per farm in broiler and egg production.<sup>6</sup>

### Animal Health

APRIL 2021

Regulation 2016/429 on transmissible animal diseases ("Animal Health Law")<sup>7</sup> entered into force in April 2021. This new legislation improves the enforcement of EU animal health regulations by consolidating a significant number of legal acts into a single one, while allowing the European Commission to set standards through delegated acts.



Inside an intensive broiler farm, Po Valley, Italy, 2016. © Selene Magnolia Gatti / We Animals

**Slaughter**

APRIL 2021

In April 2021, the Commission amended Regulation 853/2004 on Specific Hygiene Requirements for Food of Animal Origin (“Hygiene Regulation”)<sup>8</sup> by way of a Delegated Act<sup>9</sup> to allow the on-farm slaughter for cattle, horses, pigs, sheep, and goats when the animals cannot be transported to the slaughterhouse. The Hygiene Regulation was further amended by way of a Delegated Act in December 2023<sup>10</sup> to authorize the on-farm slaughter even in cases where transport to the slaughterhouse is possible.

**Common Agricultural Policy**

DECEMBER 2021

In December 2021, the Parliament and the Council adopted Regulation 2021/2115 Establishing Rules on Support for Strategic Plans to be Drawn up by Member States Under the Common Agricultural Policy (CAP Strategic Plans Regulation).<sup>11</sup> This Regulation maintains animal welfare rules in farm subsidies that have existed since 2003 (“conditionality” and “pillar II measures”) and creates a new type of subsidy for farmers who voluntarily engage in best animal welfare practices (“eco-schemes”).<sup>12</sup>

**Antibiotics**

JANUARY 2023

Regulation 2019/4 on the Manufacture, Placing on the Market and Use of Medicated Feed,<sup>13</sup> and Regulation 2019/6 on Veterinary Medicinal Products<sup>14</sup> entered into force in January 2023. These two regulations set out rules for the sale, manufacture, import, export, supply, distribution, control, and use of veterinary medicinal products and medicated feed. Key among these new rules are additional restrictions on the prophylactic use of antimicrobials and the adoption of a ban on the import of animal-source products with growth promoters.<sup>15</sup>

**Transport**

FEBRUARY 2023

In February 2023, the Commission adopted Implementing Regulation 2023/372,<sup>16</sup> which establishes new rules to further regulate the inspections of vessels used for the transport of live animals.

**EU Official Quality Food Labeling**

APRIL 2024

In April 2024, the Parliament and the Council adopted Regulation 2024/1114 on European Quality Schemes (Protected Designation of Origin, Protected Geographical Indication, Traditional Speciality Guaranteed),<sup>17</sup> which replaces the former Regulation 1151/2012.<sup>18</sup> Quality schemes are official EU quality food labels, and this new regulation lists sustainability and the promotion of animal welfare among the objectives of these labels.

**Environmental Rules**

APRIL 2024

In April 2024, the Parliament and the Council adopted Directive 2024/1785 on Industrial Emissions,<sup>19</sup> replacing the previous version of this act, Directive 2010/75.<sup>20</sup> This revision expands the scope of the Industrial Emissions Directive by lowering the thresholds which industrial pig and poultry farms must maintain to meet environmental permit rules, while simultaneously weakening environmental standards for these farms.

## 3.1.2. Wild Animals

### Deep-Sea Fishing

SEPTEMBER 2022

In September 2022, the Commission adopted an Implementing Act 2022/1614<sup>21</sup> protecting an additional 87 marine areas from deep-sea fishing.

### Deforestation

MAY 2023

In May 2023, the Parliament and the Council adopted Regulation 2023/1115 on the Making Available on the Union Market and the Export from the Union of Certain Commodities and Products Associated with Deforestation and Forest Degradation and Repealing Regulation 995/2010 (Deforestation-Free Products Regulation).<sup>22</sup> This Regulation sets rules for imports to the EU to reduce the deleterious impacts of the expansion of agricultural land for the production of commodities such as cattle, soy, and palm oil. The entry into force, originally scheduled for December 2024, has been postponed by Regulation 2024/3234<sup>23</sup> for large operators and retailers to December 2025, and to June 2026 for micro and small undertakings.

### Sharks

SEPTEMBER 2024

In September 2024, the Commission adopted Implementing Regulation 2024/2522,<sup>24</sup> which created 13 new tariff codes for sharks and their fins to better monitor sharks traded in the EU. These new tariff codes are also intended to strengthen the enforcement of EU wildlife trade regulations.

### Cetaceans

SEPTEMBER 2024

In September 2024, the Commission adopted Delegated Regulation 2024/3089 Amending Regulation 2019/1241 as Regards Measures to Reduce Incidental Catches of Common Dolphin (*Delphinus delphis*) and Other Small Cetaceans in the Bay of Biscay,<sup>25</sup> which is included in the territory of France. This Regulation led to the suspension of fishing activities from January 22nd until February 15th of 2025.

### Nature Restoration

JUNE 2024

In June 2024, the Parliament and the Council adopted Regulation 2024/1991 on Nature Restoration,<sup>26</sup> which entered into force in August of the same year. This Regulation requires Member States to adopt measures aimed at restoring natural areas in at least 20% of degraded land areas and 20% of degraded sea areas within the EU by 2030. By 2050, such measures should be in place for all ecosystems in need of restoration.

### 3.1.3. Animals Used for Scientific Purposes

#### New Approach Methodologies

MARCH 2023

In March 2023, the Commission adopted Regulation 2023/464,<sup>27</sup> which approves close to 100 new and updated test methods for the regulatory safety testing of chemicals under Regulation 1907/2006 Concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).<sup>28</sup> The majority of these new test methods do not involve animals. Under these new rules, internationally approved methods (such as the OECD test guidelines) are referred to directly in the Regulation, thereby significantly reducing the approval time for new testing methods, including animal-free methods.

#### Animal Welfare Standards

MARCH 2024

In March 2024, the Commission adopted a delegated Directive 2024/1262 Amending Directive 2010/63/EU as regards the Requirements for Establishments and for the Care and Accommodation of animals, and as regards the Methods of Killing Animals was published in the EU Official Journal.<sup>29</sup> This Directive adds new requirements for the keeping and killing of certain animal species, such as fish, birds, and rats.



A beagle rescued from lab experimentation for veterinary products enjoys the freedom of a grassy field at a Czech animal shelter, 2023. © Lukas Vincour / Zvirata Nejime / We Animals



## 3.1.4. Economic Law

### Corporate Sustainability Reporting

DECEMBER 2022

In December 2022, the Parliament and the Council adopted Directive 2022/2464 as Regards Corporate Sustainability Reporting (CSRD),<sup>30</sup> which expands the scope of EU extra-financial reporting rules to include animal protection among the issues that companies must report on. The European Commission will specify, by way of a delegated act, the reporting standards that companies must comply with when disclosing information regarding their ethics and corporate culture, "including [the areas of] anti-corruption and anti-bribery, the protection of whistleblowers and animal welfare."

### Corporate Due Diligence

JUNE 2023

In June 2023, the Parliament and the Council adopted Directive 2024/1760 on Corporate Sustainability Due Diligence (CSDD),<sup>31</sup> which requires companies with over 1,000 employees, and with yearly revenue above €450 million, to draft monitoring plans with the aim of identifying and preventing human rights and environmental risks in their respective production chains around the world. Although the Directive does not refer to animal welfare risks, due diligence requirements applicable to environmental risks might benefit wild animals.

### Consumer Protection

FEBRUARY 2024

In February 2024, the Parliament and the Council adopted Directive 2024/825 as Regards Empowering Consumers For The Green Transition Through Better Protection Against Unfair Practices and Through Better Information (Green Claims Directive).<sup>32</sup> This Directive aims to restrict greenwashing practices by better regulating green claims. While the Directive does not explicitly cover animal welfare claims in its provisions, the preamble refers to information relating to "[...] contributions to social initiatives or to ethical commitments, such as animal welfare." Member States must codify the Directive into their national law by March 27th, 2026.



A cow seeks cooler air on a transport truck carrying live cattle from Europe to Turkiye in 35°C (95°F) heat. Kapikule, Edirne, Edirne Province, Marmara Region, Turkiye, 2023. © Hawa Zorlu / We Animals

## 3.1.5. Trade Agreements

### New Zealand

JULY 2023

In July 2023, the EU and New Zealand signed a trade agreement<sup>33</sup> removing duties on animal-source products traded between the two partners. However, all animal-source products from New Zealand will have to be produced under standards equivalent to EU production rules, including animal welfare rules. Furthermore, beef imports from New Zealand to the EU will be subject to a quota. Beef originating from cows raised on feedlots and sheepmeat raised on systems other than pastoral ones are also explicitly excluded from the scope of the trade agreement. The trade agreement further includes a clause on cooperation on “the development and implementation of scientifically based animal welfare standards.”

### Chile

DECEMBER 2023

In December 2023, the EU and Chile signed an interim trade agreement<sup>34</sup> updating and replacing the previous agreement from 2002. The trade agreement includes a clause on cooperation on “the development and implementation of animal welfare standards on the farm, during transport, and at slaughter and killing of animals, in accordance with their law.”

## 3.1.6. Fundamental Rights

### Whistleblower Protection

OCTOBER 2019

In October 2019, the Parliament and the Council adopted Directive 2019/1937 on the Protection of Persons Who Report Breaches of Union Law (Whistleblower Directive),<sup>35</sup> which establishes rules and procedures to protect individuals who report information they acquired in a work-related context on breaches of EU law in key policy areas, including protection of the environment, ranging from waste management to chemicals, food and feed safety, animal health and welfare, and consumer protection.

## 3.2. Caselaw

### 3.2.1. Farm Animals

#### Ritual Slaughter

C-497/17, FEBRUARY 2019

In a 2019 ruling, the Court ruled that the organic standards contained in the EU Organic Regulation must be interpreted as requiring the stunning of animals prior to their bleeding. The plaintiffs in this case were a French animal protection organization (Oeuvre d'assistance aux bêtes d'abattoirs) which had challenged the legality of the compatibility between the organic and halal labels, specifically regarding halal labels that did not allow the stunning of animals.

**Reference:** C-497/17, *Oeuvre d'assistance aux bêtes d'abattoirs (OABA) v Ministre de l'Agriculture et de l'Alimentation and Others*, 26 February 2019 (Preliminary Ruling, Grand Chamber).

#### Ritual Slaughter

C-336/19, DECEMBER 2020

In a 2019 ruling, the Court determined that Member States were allowed to require the use of reversible stunning methods on animals during slaughter, including during ritual slaughter.

**Reference:** C-336/19, *Centraal Israëlitisch Consistorie van België and Others v Vlaamse Regerin*, 17 December 2020 (Preliminary Ruling, Grand Chamber).

#### Access to Justice

C-826/18, JANUARY 2021

In a 2021 ruling, the Court ruled that an individual citizen is a member of the public in the meaning of the Convention and therefore is granted a right to access justice to challenge the environmental permit. The Court further ruled that the fact that an organization had not submitted comments to the public consultation on an environmental permit could not deprive said organization from the right to challenge that same permit before the courts later on. In this specific case, the plaintiffs were three animal protection organizations (Varkens in Nood) in the Netherlands who had challenged the legality of an environmental permit granted by the local government, allowing for the extension of an industrial pig farm. The Court sided with the plaintiffs on the basis of the 1998 Aarhus Convention on access to information, public participation in decision-making, and access to justice in environmental matters.

**Reference:** C-826/18, *LB, Stichting Varkens in Nood, Stichting Dierenrecht, Stichting Leefbaar Buitengebied v College van burgemeester en wethouders van de gemeente Echt-Susteren*, 14 January 2021 (Preliminary Ruling).



### Definition of “Industrial Farming”

C-228/23, OCTOBER 2024

In a 2024 ruling, the Court clarified the definition of “industrial farming” in the context of organic animal agriculture rules (Regulation 2021/1165). The Court determined that the definition of industrial farming can include within its scope landless systems, and can also include other farming systems affecting animal welfare, the environment, and biodiversity. The Court furthermore determined that Member States were allowed to adopt a broad definition of industrial farming based on these criteria.

**Reference:** Case C-228/23, *Association AFAÏA v Institut national de l'origine et de la qualité (INAO)*, 4 October 2024 (Preliminary Ruling).

## 3.2.2. Wild Animals

### Hunting

C-900/19, MARCH 2021

In a 2019 ruling, the Court determined that the national exemption provided in French law to allow the use of glue traps to hunt birds violated the ban on non-selective hunting methods provided in the Birds Directive. The Court further ruled that the traditional and non-lethal nature of a bird hunting method was not enough to establish its legality. Finally, the Court ruled that the birds suffer irreparable harm due to the damage caused by the glue to their feathers, which contravenes Article 13 of the Treaty on the Functioning of the European Union on animal welfare. The plaintiffs were two French animal protection nonprofits (One Voice and LPO) who had challenged the French legislation authorizing the use of glue traps for the purpose of capturing birds in certain regions of France.

**Reference:** C-900/19, *One Voice, Ligue pour la protection des oiseaux v Ministre de la Transition écologique et solidaire*, 17 March 2021 (Preliminary Ruling).

### Electric Fishing

C-733/19, APRIL 2021

In a 2021 ruling, the Court dismissed the action brought by the Netherlands against the ban on fishing by vessels using electric pulse trawl, determining that “the EU legislature has a wide discretion in this field and is not obliged to base its legislative choice on scientific and technical opinions only.” The Netherlands had brought an action for annulment following the adoption, by the Parliament and the Council, of new rules on the conservation of fish and the protection of marine ecosystems, which banned non-selective fishing methods, including the use of electric pulse trawl. Specifically, the Netherlands challenged the new rule on the grounds that the Legislature had failed to base its decision on best scientific opinion.

**Reference:** C-733/19, *Kingdom of the Netherlands v Council of the European Union and European Parliament*, April 15 2021 (Action for Annulment).

**Illegally-Taken Animals**

C-659/20, SEPTEMBER 2022

In a 2022 ruling, the Court decided that an exotic animal breeder did not have the right to trade parrots who were the second-generation offspring of birds who had been illegally imported into the Union. With this ruling, the Court specified the scope of Regulation 338/97 on the Protection of Species of Wild Fauna (Wildlife Trade Regulation) and its implementing regulation (Regulation 865/2006), both of which codify the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Reference:** C-659/20, *ET v Ministerstvo životního prostředí*, 8 September 2022 (Preliminary Ruling).

**Conservation**

C-444/21/19, JUNE 2023

In a 2023 ruling, the Court ruled that Ireland had failed to designate special areas of conservation, thereby violating its obligations under Directive 92/43 (Habitats Directive).

**Reference:** C-444/21/19, *European Commission v Ireland*, 29 June 2023 (Action for Failure to Fulfil Obligations).

**Conservation**

C-116/22, SEPTEMBER 2023

In a 2023 ruling, the Court ruled that Germany had failed to implement conservation objectives and/or measures on some of its sites of Community importance under Directive 92/43 (Habitats Directive).

**Reference:** C-116/22, *European Commission v Federal Republic of Germany*, 21 September 2023 (Action for Failure to Fulfil Obligations).

**Wild-Caught Fish**

C-116/22, JANUARY 2024

In a 2024 ruling, the Court ruled that quotas resulting in overfishing were legal on the grounds that such quotas were based on best available scientific advice.

**Reference:** C-116/22, *Friends of the Irish Environment CLG v Minister for Agriculture Food and the Marine and Others*, 11 January 2024 (Preliminary Ruling).

**Wolves**

C-601/22, JULY 2024

In a 2024 ruling, the Court reinforced wolves' protection status under Directive 92/43/EEC (Habitats Directive) by deciding that a regional law temporarily authorizing the killing of wolves preying on herds was unlawful. In this ruling, the Court specified the conditions with which a Member State must comply when enacting rules derogating from the Habitats Directive.

**Reference:** C-601/22, *Umweltverband WWF Österreich and Others v Amt der Tiroler Landesregierung*, 11 July 2024 (Preliminary Ruling).

## Wolves

C-436/22, JULY 2024

In a 2024 ruling, the Court reinforced the protection of wolves under Directive 92/43/EEC (Habitats Directive) by determining that a 2019 regional Spanish law allowing wolf hunting was unlawful because of wolves' vulnerable conservation status at national level. In doing so, the Court specified that national competent authorities must take the conservation status of animals into account at national level, even in cases where the conservation status of a given protected species is favorable at regional level.

**Reference:** C-436/22, *Asociación para la Conservación y Estudio del Lobo Ibérico (ASCEL) v Administración de la Comunidad de Castilla y León*, 29 July 2024 (Preliminary Ruling).



An arctic wolf uses a paw to rub their face at the Arcturos Environmental Centre and Bear Sanctuary in Greece, 2021. © Odysseas Chloridis / We Animals

### 3.2.3. Animals Used for Scientific Purposes

#### Animal Testing

C-471/18, JANUARY 2021

In a 2021 ruling, the Court ruled that a company, Esso Raffinage, was entitled to use alternatives to in vivo tests as per the relevant general provision of the REACH Regulation and from the guiding principle of limiting animal testing in EU law – the so-called “3Rs.” This lawsuit was brought by the German government, who had challenged the validity of toxicology data supplied by Esso Raffinage to the European Chemicals Agency (ECHA), on the grounds that Esso Raffinage had obtained such data from methods alternative to testing on vertebrate animals.

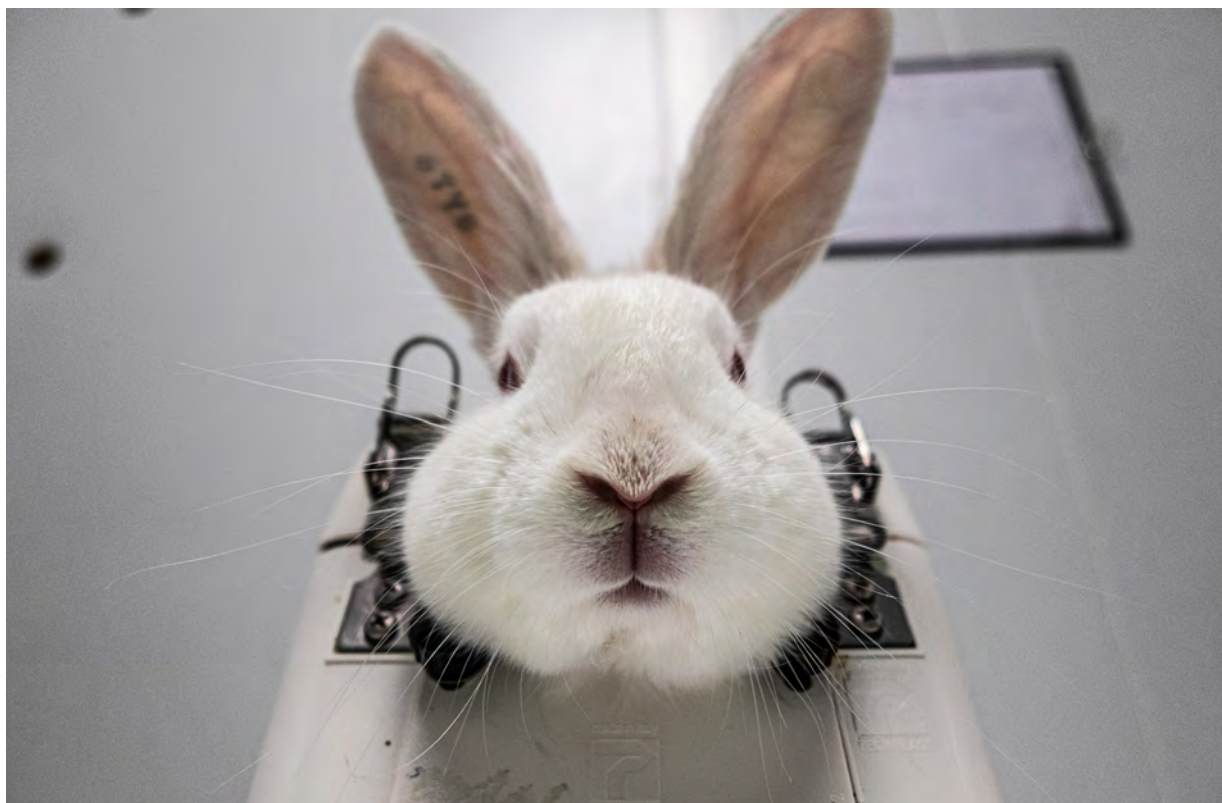
**Reference:** C-471/18, *Federal Republic of Germany v Esso Raffinage, European Chemicals Agency (ECHA) and Others*, 21 January 2021 (Appeal).

#### Animal Testing

T-655/20, NOVEMBER 2023

In a 2023 ruling, the Court dismissed the case of a company, Symrise, contesting an ECHA decision to require animal tests for two cosmetic ingredients. The Court decided that animal tests should take place for workers' safety and environmental protection purposes.

**Reference:** T-655/20, *Symrise AG v European Chemicals Agency (ECHA)*, 22 November 2023 (Action for Annulment).



A rabbit is immobilized in a restraint before having her ears bled. Spain, 2019. © Carlota Saorsa / HIDDEN / We Animals

## 3.2.4. Food Transition

### Plant-Based Food

C-438/23, NOVEMBER 2023

In a 2023 ruling, the Court determined that Member States could not prohibit the use of terms traditionally linked to animal-based products for the labeling of products containing vegetable proteins, unless specifically restricted by EU law.

**Reference:** Case C-438/23, *Association Protéines France and Others v Ministre de l'Économie, des Finances et de la Souveraineté industrielle et numérique*, 20 November 2023 (Preliminary Ruling).

## 3.2.5. Fundamental Rights

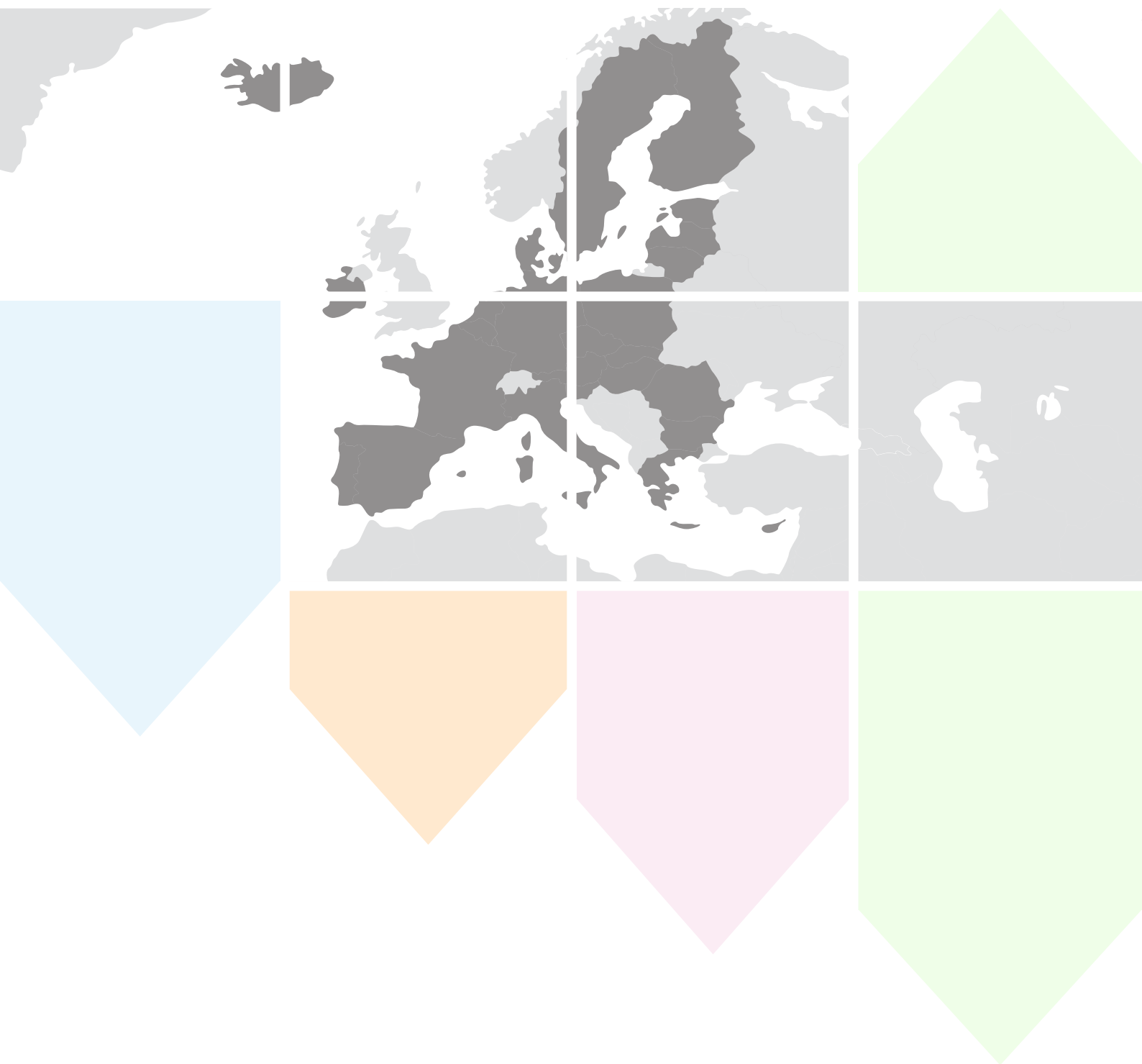
### Access to Documents

C-249/23 P, SEPTEMBER 2024

In a 2024 ruling, the Court offered a restrictive interpretation of Regulation 1049/2001 regarding public access to documents of the EU institutions, which had established the principle that such documents must be made public. Article 4(2) of the Regulation nevertheless states that EU institutions may refuse access to a particular document, in cases where disclosure may undermine inspection activities, unless there is an overriding public interest in disclosure. In this case, the Commission declined to grant ClientEarth access to documents pertaining to fisheries inspection in France and Denmark. While recognizing the potential value of these documents for ClientEarth to effectively engage in the legislative process for the revision of the fisheries control Regulation, the Court ultimately decided that this did not constitute sufficient grounds to establish an overriding public interest that would justify breaching the confidentiality rules governing the Commission's investigative activities.

**Reference:** C-249/23 P, *ClientEarth AISBL v European Commission*, 5 September 2024 (Appeal).

## 4. National Law





# 4.1. Legislation

## Belgium



Belgium is a federal jurisdiction composed of three states (“regions”), each granted expansive competences, including authority over agriculture. As a result, federal powers are limited and national animal-related laws are rare. With the 2014 revision of the Belgian constitution, animal welfare became a regional competence, prompting Flanders and Wallonia, two of the three regions of Belgium, to reform animal welfare laws and adopt new legislation. This resulted in the creation of an “animal welfare code,” which consolidates regulations on animal welfare within a dedicated section of regional law. Wallonia enacted its animal welfare code in 2018, followed by Flanders in 2024.

### Fur Animals

MARCH 2019

In March 2019, the Flanders region adopted a regulation<sup>36</sup> banning fur farming and force-feeding in foie gras production, which was progressively implemented until its full entry into force in November 2023.

### Wild Animals

MARCH 2019

In 2019, the Flemish administration adopted a regulation<sup>37</sup> listing species of reptiles that can be kept in private homes (“positive list”). The Wallonia<sup>38</sup> and Brussels<sup>39</sup> regions respectively adopted similar regulations in 2020.

### Companion Animals

APRIL 2022

In April 2022, the Flanders region adopted a regulation<sup>40</sup> banning the use and sale of collars with electric shocks for dogs and cats.

### Farm Animals

APRIL 2023

In April 2023, the Belgian government issued a regulation<sup>41</sup> allowing farmers to castrate piglets in instances where piglets are younger than 8 days, provided farmers use anaesthesia and analgesia.

### Farm Animals

DECEMBER 2023

In December 2023, the Flanders region adopted new rules<sup>42</sup> for turkeys. These new rules include maximum stocking densities, specifications on enrichment materials, and the method by which turkeys can be picked up.

### Animals in the Constitution

MAY 2024

In May 2024, the Belgian Parliament adopted a law<sup>43</sup> amending the Belgian constitution to include a provision on the protection and welfare of animals. The amendment, located in Article 7bis, states that "in the exercise of their respective powers, the Federal State, the Communities and the Regions shall ensure the protection and welfare of animals as sentient beings."<sup>44</sup>

### Wild Animals, Companion Animals, Farm Animals

MAY 2024

In May 2024, the Belgian region of Flanders updated its animal welfare legislation through the adoption of a new animal welfare law (Codex Dierenwelzijn), which will gradually be implemented between 2026 and 2036. Key measures among the new rules are a general prohibition on the keeping of wild animals (including the breeding of dolphins in captivity), the prohibition on the sale of animals to underage minors, the prohibition on the use of glue traps, and the prohibition on the slaughter of animals in private homes.

## Bulgaria



### Fur Animals

MAY 2022

In May 2022, the Bulgarian administration adopted a regulation<sup>45</sup> banning the import and breeding of the American mink in Bulgaria. The regulation entered into force in July 2022 and resulted in the closure of the only mink farm in Bulgaria.

## Cyprus



### Wild Animals

MARCH 2021

In March 2021, the Cypriot administration adopted a regulation<sup>46</sup> specifying the list of animal species that can be kept in private homes ("positive list").



## Czechia



Between 2019 and 2024, Czechia adopted a series of laws amending the 1992 Act on the Protection of Animals against Cruelty (Zákon České národní rady na ochranu zvířat proti týrání).<sup>47</sup>

### Fur Animals

JANUARY 2019

The 2017 law<sup>48</sup> prohibiting fur farming<sup>49</sup> entered into force in January 2019.

### Farm Animals, Wild Animals, Companion Animals

NOVEMBER 2020

In November 2020, the Czech legislature passed a law:<sup>50</sup>

- Prohibiting the use of cages in egg production as of 2027, as well as the permanent tethering of farmed animals.
- Prohibiting the training of wild animals to perform in circuses. This prohibition applies to all animals born from January 1st, 2022 onward. Formerly, this prohibition only applied to certain listed species, such as primates or cetaceans.
- Amending Czech criminal law,<sup>51</sup> increasing the penalties for animal cruelty to up to six years imprisonment. The law further establishes a criminal provision, penalizing the act of keeping animals in unsuitable conditions, which effectively bans the operation of kitten and puppy mills.

### Wild Animals

AUGUST 2022

In 2022, the Czech legislature passed a law<sup>52</sup> banning the breeding of certain predator and primate species, with an exemption for licensed zoos and facilities dedicated to species conservation. The law additionally prohibits physical contact with these animals by people other than their handlers, relevant employees, veterinarians, or other appropriate individuals, such as those capturing or transporting the animal.

## Denmark



### Farm Animals

JUNE 2024

In June 2024, the Danish administration adopted a new set of animal welfare rules<sup>53</sup> for pigs during transport in high temperatures. Operators must comply with the new rules by 2031.

## Estonia



### Fur Animals

JUNE 2021

On June 2021, the Estonian legislature adopted a law<sup>54</sup> banning fur farming. The law entered into force in 2025.

## Finland



### Wild Animals

DECEMBER 2022

In December 2022, the Finnish legislature adopted a law amending the Finnish Nature Conservation Act<sup>55</sup> to prohibit the import of trophy hunting from endangered species from non-EU countries as of June 2022.

## France



### Farm Animals

NOVEMBER 2021

In November 2021, the French government (Ministry of Agriculture) adopted an executive order<sup>56</sup> prohibiting the castration of pigs without anesthesia or analgesia. The measure came into effect in 2022.

### Wild Animals, Fur Animals, Companion Animals

NOVEMBER 2021

In November 2021, the French legislature passed a Law Against Animal Abuse,<sup>57</sup> which:

- Prohibits the breeding of wild animals in circuses, the use of wild animals in traveling circuses within seven years, the breeding and keeping of cetaceans in captivity by 2026, the performance of bears and wolves in captivity by 2024, and the prohibition of the use of wild animals in night clubs and television programs.
- Prohibits fur farming effective immediately,
- Prohibits the sale of companion animals in pet stores by 2024 and better regulates their sale and their keeping in shelters,
- Restricts the private ownership of exotic animals through a regulatory list of species that are allowed to be kept as companion animals ("positive list"), which has yet to be issued by way of a regulation,
- Includes animal ethics to elementary school programs,
- Reinforces criminal penalties against animal cruelty, and
- Criminalizes the filming and distribution of zoo pornographic materials.

The French administration adopted a series of regulations implementing the law, such as a 2022 regulation<sup>58</sup> establishing rules regarding the mandatory certificate (which specifies the animals' needs and the owner's duties to respect such needs), a 2022 regulation laying down the mandatory training requirements for animal control officers in cat and dog welfare,<sup>59</sup> and a 2023 regulation specifying the information to be collected in the national registration database for cats, dogs, and ferrets.<sup>60</sup>

### Farm Animals

DECEMBER 2021

In December 2021, the French government (Ministry of Agriculture) adopted an executive order<sup>61</sup> requiring the appointment and training of an "animal welfare officer," on each farm in France.

### Food Transition

AUGUST 2021

In August 2021, the French legislature adopted a law<sup>62</sup> requiring that all school cafeterias offer one vegetarian meal option at least once per week, and all cafeterias with multiple meal options to include a vegetarian choice.

### Farm Animals

FEBRUARY 2022

In February 2022, France adopted a regulation<sup>63</sup> banning chick culling in egg production. The regulation requires producers to use in ovo sexing technologies that determine the sex of the embryo no later than the fifteenth day of incubation.

### Hunting

FEBRUARY 2023

In February 2023, the French legislature adopted a law<sup>64</sup> limiting the fencing of private properties so as to allow animals to circulate more freely and restrict can hunting.

### Wild Animals

JUNE 2023

In June 2023, the French legislature adopted a law<sup>65</sup> prohibiting the use of wild animals for commercial purposes by online influencers.

### Wild Animals

JULY 2023

In July 2023, the French administration adopted a series of rules<sup>66</sup> codifying the 2021 CJEU ruling,<sup>67</sup> in which the Court had found the French legislation allowing the use of gluetraps as bird hunting devices to be unlawful under the Birds Directive.

### Wild Animals

JULY 2023

In July 2023, the French legislature adopted a law<sup>68</sup> expanding the power of customs authority to combat wildlife trafficking during investigations.

### Wild Animals

AUGUST 2023

In August 2023, the French administration updated the regulatory list<sup>69</sup> of "pest species" for the period 2023-2026.

### Wild Animals

SEPTEMBER 2023

In September 2023, the French administration adopted a rule<sup>70</sup> creating a specific offense penalizing the act of hunting while intoxicated.

### Wild Animals

FEBRUARY 2024

In February 2024, the French administration adopted two regulations<sup>71</sup> specifying the requirements for the delivery of hunting permits targeting wolves and compensation programs for farmers whose animals were attacked by wolves.

### Companion Animals

APRIL 2024

In April 2024, the French legislature adopted a law<sup>72</sup> requiring nursing homes to ensure the right for residents to move in with their companion animals.

## Germany



### Farm Animals

MAY 2021

In May 2021, the German legislature adopted a regulation<sup>73</sup> amending the German Animal Welfare Act<sup>74</sup> and prohibiting the culling of one-day old chicks, and the culling of fertilized eggs passed the sixth day of incubation. The prohibition entered into force in 2022.

### Farm Animals

JUNE 2023

In June 2023, the German legislature adopted the Act on Animal Husbandry Labeling,<sup>75</sup> requiring a method-of-production label on all fresh pork products sold in Germany. The Act came into effect in August 2023.

## Greece



### Farm Animals

OCTOBER 2021

Following a 2021 ruling by the Higher Administrative Court, which ruled slaughter without stunning contravened Greek legislation on animal welfare, the Greek administration amended the rules implementing the EU Slaughter Regulation (Regulation 1099/2009) by way of a regulation<sup>76</sup> requiring that all animals must be slaughtered with stunning, before or after the bleeding, even for religious purposes.

### Wild Animals (captivity)

MARCH 2024

In March 2024, a district court in Greece ruled that the owner of a dolphinarium had violated the 2012 law<sup>77</sup> prohibiting the keeping of animals for entertainment purposes. This lawsuit was the result of an enforcement action by our own Olga Kikou (Director of Advocacy).

## Hungary



### Fur Animals

NOVEMBER 2020

In November 2020, the Hungarian administration enacted a regulation<sup>78</sup> amending existing regulations<sup>79</sup> on the welfare of farm animals and prohibiting fur farming, with the exception of the farming of angora rabbits and chinchillas.

## Ireland



### Fur Animals

APRIL 2022

In April 2022, the Irish legislature adopted a law<sup>80</sup> amending the Animal Health and Welfare Act 2013 and prohibiting “the breeding, rearing or keeping of specified animals solely or primarily for the value of, or the manufacture of products from, their fur or skin; to provide for a system of compensation to persons who before the coming into operation of the prohibition were engaged in the fur farming of mink.”



A female mink named Pearl relaxes on a perch at the Szopowisko Foundation sanctuary, Poland, 2019. © Andrew Skowron / We Animals

## Italy



### Fur Animals

DECEMBER 2021

In December 2021, the Italian legislature adopted a prohibition on fur farming through the 2022 appropriation law.<sup>81</sup> The scope of the law covers all fur animals and entered into effect in 2022. The law further provides €3 million in compensation for fur producers affected by the legislation.

### Animals in the Constitution

MARCH 2022

In March 2022, the Italian legislature amended<sup>82</sup> the Italian Constitution to recognize the protection of animals, the environment, biodiversity, and ecosystems.

### Farm Animals

AUGUST 2022

In August 2022, the Italian legislature adopted a law<sup>83</sup> effectively banning the selective culling of male chicks. The law will enter into force by the end of 2026.

### Wild Animals

AUGUST 2022

In August 2022, the Italian government adopted a regulation<sup>84</sup> on animal health, increasing criminal penalties for the trade of protected species and providing a regulatory definition of “companion animals.” The regulation also established a “Positive List,” a designated list of animal species permitted as companion animals. This regulatory list was published by way of a regulation in October 2022.<sup>85</sup>

## Latvia



### Fur Animals

SEPTEMBER 2022

In September 2022, the Latvian legislature amended<sup>86</sup> the Latvian animal welfare legislation to prohibit fur farming from 2028.

## Lithuania



### Fur Animals

SEPTEMBER 2021

In September 2021, the Lithuanian legislature adopted a law<sup>87</sup> amending the Lithuanian Animal Welfare and Protection Law to prohibit the farming of fur animals. This prohibition entered into force in September 2023.

### Wild Animals

AUGUST 2023

In August 2023, the Lithuanian administration adopted a regulation<sup>88</sup> specifying the list of species of animals that can be kept in private homes ("positive list").

## Malta



### Farm Animals, Fur Animals

JUNE 2022

In June 2022, the Maltese government (Ministry for Agriculture, Fisheries, and Animal Rights) amended<sup>89</sup> the Farm Animal Protection Regulations<sup>90</sup> to prohibit foie gras production and fur farming in Malta. Although Malta currently does not have any fur farms, nor does Malta engage in foie gras production, the legal notice preventatively prohibits such practices from developing on Maltese territory.

### Wild Animals

AUGUST 2024

In August 2024, the Maltese administration adopted a new rule<sup>91</sup> applicable to zoos. Zoos are now defined as "all permanent establishments where dangerous, exotic and, or wild animals are kept for exhibition to the public whether or not an admission fee is charged, with the exception of pet shops," making Malta's law on zoos one of the strongest in the Union.



## Netherlands

### Wild Animals

JULY 2022

In July 2022, the Dutch administration adopted a regulatory list<sup>92</sup> of animal species that can be kept as companion animals ("Positive List"), which entered into force in July 2024.

### Companion Animals

DECEMBER 2024

In December 2024, the Dutch administration adopted a rule<sup>93</sup> prohibiting the sale of Scottish Fold and Sphynx cats. The rule will enter into force in 2026.

## Romania

### Fur Animals

OCTOBER 2024

In October 2024, the Romanian legislature adopted a law<sup>94</sup> banning fur farming by 2027.



A Scottish fold cat is carried through a temporary shelter for Ukrainian refugees crossing the border at Przemyśl, Subcarpathia, Poland, 2022. © Milos Bicanski / We Animals

## Slovakia

### Fur Animals

OCTOBER 2019

In October 2019, the Slovak legislature adopted a law<sup>95</sup> prohibiting the keeping of animals, including rabbits, for fur production purposes, except for private consumption. The law will take effect in 2025.

### Wild Animals

OCTOBER 2019

In October 2019, the Slovak administration adopted a regulation<sup>96</sup> specifying new restrictions on animal performance. The rule further provides a list of species that cannot be used, such as elephants, dolphins, rhinos, as well as most carnivores.

### Wild Animals

APRIL 2021

In April 2021, the Slovak administration adopted a regulation<sup>97</sup> classifying the wolf as a protected species, thereby prohibiting their killing. However, in 2024, the Slovak administration adopted a regulation<sup>98</sup> amending the 2021 regulation, to end the protection of wolves and expand the wolf hunting season by two months.

### Companion Animals

JUNE 2021

In June 2021, the Slovak legislature passed a law<sup>99</sup> prohibiting the prolonged tethering of dogs, with certain exceptions, such as the tethering of dangerous dogs and service dogs, as well as the tethering for feeding, cleaning, and veterinary treatment purposes.



Laying hens poke their heads through the bars of a cramped battery cage on an intensive egg production farm, Velky Lapas, Slovakia, 2022. © Andrew Skowron / We Animals

**Wild Animals**

MAY 2024

In May 2024, the Slovak Parliament passed a law<sup>100</sup> liberalizing the requirements to obtain authorization to kill bears.

**Spain****Wild Animals**

SEPTEMBER 2021

In September 2021, the Spanish government adopted an executive order<sup>101</sup> to amend its list of protected species to include wolves. Their new legal status as a protected species has afforded wolves higher levels of protection from human activities, most notably the prohibition on wolf hunting, including by ranchers.

**Animal Sentience**

DECEMBER 2021

In December 2021, the Spanish government adopted a law<sup>102</sup> amending its Civil Code to recognize animal sentience. The Spanish Civil Code now reads that “animals are sentient, living beings. Their treatment is subjected to the provisions on property and goods to the extent that such provisions comply with animal sentience, or with animal protection rules.”

**Farm Animals**

AUGUST 2022

In August 2022, the Spanish administration adopted a regulation<sup>103</sup> requiring all slaughterhouses to install video surveillance to monitor the treatment of animals before slaughter. The regulation entered into force in 2024.

**Companion Animals,  
Wild Animals**

MARCH 2023

In March 2023, the Spanish Parliament adopted a law:<sup>104</sup>

- Reinforcing the protection of companion animals by prohibiting the online sale of animals; strengthening identification requirements for cats, dogs, and ferrets, and the registration of breeders; requiring dog owners to receive training; prohibiting certain practices such as mutilations, tethering, and the use of electric collars; restricting conditions for cases of euthanasia; and enacting protection for colonies of stray cats (referred to as “community cats”).
- Establishing a regulatory list of animal species allowed to be imported, owned, bred, and traded (“Positive List”); prohibiting wild animals in circuses; phasing out the captivity of cetaceans in entertainment parks.

## 4.2. Caselaw

### Belgium



#### Farm Animals

SEPTEMBER 2021

In two rulings<sup>105</sup> handed down in September 2021, the Constitutional Belgian Court dismissed two appeals filed by Muslim and Jewish groups. The faith groups challenged newly adopted laws which prohibit the religious practice of slaughter without stunning in two of the biggest regions in the country, Flanders and Wallonia. This rejection followed a 2020 preliminary ruling<sup>106</sup> by the CJEU, in which the Court decided that it was lawful, under EU law, for Member States not to provide a religious exemption to the requirement of stunning animals before slaughter. The Council of Europe's European Court of Human Rights subsequently confirmed, in a 2024 ruling,<sup>107</sup> the legality of the CJEU's interpretation in light of the European Convention of Human Rights.

#### Farm Animals

NOVEMBER 2023

In a ruling<sup>108</sup> handed down in November 2023, Belgium's highest administrative court (Council of State) rejected the request filed by an animal advocacy organization, the Harrison Collectief, who sought to suspend the implementation of new rules on piglet castration, which allows farmers to castrate piglets themselves. The Court rejected the request on the grounds that it did not meet conditions for an emergency ruling. The Harrison Collectief, along with two other organizations, filed a request for annulment against these rules. This case is still pending.

#### Farm Animals

JUNE 2024

In June 2024, Belgium's highest civil Court (Cour de cassation) handed down a ruling<sup>109</sup> against the animal protection organization Animal Rights. Animal Rights had obtained the conviction of a slaughterhouse on animal cruelty grounds, but the Belgian Court found that Animal Rights did not meet the conditions of admissibility as a party to the case.

#### Farm Animals

NOVEMBER 2024

In November 2024, the Council for Permit Dispute revoked the permit that the Flemish administration had granted to a Norwegian industrial salmon producer for the construction of a salmon farm.

## Denmark



### Farm Animals

MARCH 2024

In March 2024, following a case brought by the Danish Vegetarian Association against industrial pig producer Danish Crown, the Danish Western High Court (Vestre Landsret) ruled<sup>110</sup> that Danish Crown's use of the phrase "climate-controlled pig" on its labels in 2020 was deceptive in a way that violated Danish consumer law.

## France



### Whistleblower Protection

FEBRUARY 2022

Whistleblower Protection – In three rulings issued in February 2022,<sup>111</sup> February 2023,<sup>112</sup> and July 2024,<sup>113</sup> respectively, the French highest civil court (Cour de cassation) determined that the protection of farmers' property rights did not automatically take precedence over the freedom of expression of animal advocates in cases involving the publication of footage and images documenting animal abuse on farms. The Court specified that judges in lower courts must conduct a proportionality test between the interests of farmers and those of animal advocates.

### Farm Animals

APRIL 2022

In April 2022, a French district court sentenced the operator of a 9,000-pig farm to pay a €25,000 fine for violating the prohibition on the routine tail docking of pigs. The defendant in the case has said he would appeal the decision.

### Farm Animals

JULY 2022

In July 2022, the highest administrative court in France (Conseil d'État) ruled<sup>114</sup> against the animal protection nonprofit, Œuvre d'Assistance aux Bêtes d'Abattoir (OABA), and decided that French consumer protection laws do not require the State to disclose consumer information related to the slaughter method.

**Wild Animals**

MAY 2023

In a decision handed down in May 2023, the French high administrative court (Conseil d'Etat) struck down three regulations that allowed the use of glue traps to hunt birds. This decision followed a 2021 preliminary ruling by the CJEU.<sup>115</sup>

**Farm Animals**

DECEMBER 2023

In December 2023, the highest administrative court in France (Conseil d'État) ruled<sup>116</sup> that the regulation implementing a moratorium on the construction of cages for egg-laying hens did not apply to the renovation of farms using cages. As a result, these farms are authorized to renovate cages used for egg-laying hens and are not required to transition to cage-free systems. This decision was handed down as a result of a legal action by several animal protection organizations, including Compassion in World Farming France.

**Animals Used for Scientific Purposes**

FEBRUARY 2024

In a February 2024 ruling,<sup>117</sup> a French administrative court of appeal found 18 research projects involving the use of mice, hamsters, and macaques to have been illegally conducted on the grounds that the ethics committees that approved these research projects had not been authorized by the French competent authorities.

**Animals Used for Scientific Purposes**

MAY 2024

In a series of rulings<sup>118</sup> handed down in May 2024, a French administrative district court ordered a research laboratory to provide the animal protection organization One Voice with footage from a research project involving the use of animals. The Court ruled that the footage qualified as administrative documents subject to disclosure.

**Legal Personhood**

MAY 2024

In a ruling<sup>119</sup> handed down in May 2024, the French highest administrative court struck down the decision of the province of the Loyalty Islands to recognize living species (including turtles and sharks) as "legal entities" whose interests can be defended in court by a legal representative. This decision was codified in the New Caledonian environmental code (Articles 110-3, 242-16, and 242-17). The Court determined that the Loyalty Islands province lacked competence to make this decision.

**Farm Animals**

JUNE 2024

In a ruling handed down in June 2024, the Strasbourg Administrative Court rejected a legal action from L214, which challenged the legality of geese and duck force-feeding for foie gras production.

**Whistleblower Protection**

JULY 2024

In a ruling<sup>120</sup> handed down in July 2024, the French highest civil court (Cour de cassation) determined that a plaintiff, a farmer, was entitled to ask for an injunction to cease the dissemination of footage taken on his farm, on the grounds that the plaintiff suffered damages from such dissemination.

**Wild Animals**

OCTOBER 2024

In an emergency ruling<sup>121</sup> handed down in October 2024, the highest administrative court in France (Conseil d'État) suspended authorizations for hunting the rock ptarmigan bird. The decision was based on the French constitutional right to a healthy environment, which could pave the way for additional hunting prohibitions.

**Wild Animals**

OCTOBER 2024

In a ruling<sup>122</sup> handed down in October 2024, France's Constitutional Court upheld the constitutionality of laws that restrict the building of fences in natural areas.

**Whistleblower Protection**

NOVEMBER 2024

In a ruling<sup>123</sup> handed down in November 2024, France's highest administrative court (Conseil d'État) confirmed the legality of a special enforcement unit whose mission is, among other things, to monitor and prevent investigative activities of animal protection groups.

**Wild Animals**

DECEMBER 2024

In a ruling<sup>124</sup> handed down in December 2024, France's highest administrative court (Conseil d'État) decided that the regulation on the protection of cetaceans in the Bay of Biscay did not sufficiently minimize accidental captures. In this ruling, the Conseil d'État canceled certain provisions of the existing regulation and strengthened fishing bans in the Bay of Biscay.

**Wild Animals**

DECEMBER 2024

In a ruling<sup>125</sup> handed down in December 2024, France's highest administrative court (Conseil d'État) ruled that the competent authorities were not allowed to authorize the transfer of captive orcas if they are likely to be used primarily for commercial purposes. The Court further specified that the competent authorities must take the welfare conditions of the animals at the place of destination into account, and ensure that animals will not be used for commercial purposes. This ruling resulted from a challenge by animal protection organizations, who opposed the transfer to Japan of two orcas held by an aquatic park in France. The owners of the orcas must transfer them outside of France to comply with the ban on the keeping of cetaceans introduced in French legislation by way of a 2021 law,<sup>126</sup> which will enter into force on November 30th, 2026.



## Italy



### Farm Animals

JANUARY 2021

In January 2021, an Italian court fined a supplier of certified Protected Designation of Origin Prosciutto di Parma for violating the EU Italian farm animal welfare legislation. An exposé by the Lega Anti Vivisezione (LAV), which joined the proceedings as an intervener, had revealed systematic violations of the law in the facility, thus triggering criminal pursuits.

### Freedom of Speech

NOVEMBER 2023

In November 2023, the district court in Ravenna ruled that the organization Essere Animali had not committed defamation against the Parma Ham Consortium, following the release of an exposé by Essere Animali revealing the cruel conditions to which pigs were subjected on farms that supply ham to the Consortium, which benefits from official EU quality labels (Protected Designation of Origin, Protected Geographical Indication)

## Greece



### Farm Animals

OCTOBER 2021

In a 2021 ruling, Greece's Higher Administrative Court ruled<sup>127</sup> slaughter without stunning contravenes Greek legislation on animal welfare. This ruling came as a result of a challenge brought by the Panhellenic Animal Welfare and Environmental Federation seeking annulment of a regulation<sup>128</sup> by the Greek Ministry of Agriculture, which allowed slaughter without stunning for animals used for religious purposes. In its ruling, the Greek Court largely relied on the CJEU's case law, which confirms the legality of Member States' law requiring the stunning of animals, even in cases of ritual slaughter.



## Netherlands



### Farm Animals

MARCH 2022

In a ruling<sup>129</sup> handed down in March 2022, the Netherlands' highest administrative court (College van Beroep voor het bedrijfsleven) ordered the Dutch Ministry of Agriculture to carry out scientific research to establish the number of hours laying hens can be deprived of food and water before their welfare is impaired and to base relevant rules on the scientific findings of this research. This ruling was handed down as the result of a lawsuit filed by Wakker Dier.

### Free Speech

NOVEMBER 2022

In a ruling<sup>130</sup> handed down in November 2022, a Dutch district court determined that the statement "Dairy causes serious animal suffering" ("Zuivel veroorzaakt ernstig dierenleed")—used by the animal protection organization Dier&Recht in a campaign criticizing mother-calf separation—was lawful and did not constitute defamation.

### Farm Animals

APRIL 2024

In a ruling<sup>131</sup> handed down in April 2024, the Netherlands' highest administrative court (College van Beroep voor het bedrijfsleven) determined that farmers must comply with Directive 98/58 Concerning the Protection of Animals Kept for Farming Purposes (Annex I, paragraph 12) by protecting their animals against bad weather conditions at all times. The court further ruled that the competent Dutch authorities should take temperature and humidity levels into account when assessing compliance and that the existence of physical signs of heat stress in animals were not required to substantiate breach; competent authorities should however interpret the existence of physical signs of heat stress as suggestive of additional instances of non-compliance. Lastly, the court determined that the Dutch administration is required to investigate violations of animal welfare rules, substantiated by photos and video materials provided by Wakker Dier. This ruling was handed down as the result of a lawsuit by Wakker Dier.

### Farm Animals

JUNE 2024

In a ruling<sup>132</sup> handed down in June 2024, the Netherlands' highest administrative court (College van Beroep voor het bedrijfsleven) determined that catching chickens by the legs is unlawful in light of EU Regulation 1/2005 on the Protection of Animals During Transport and Related Operations. The court further ruled that the Dutch administration must issue penalties to non-compliant operators, taking into account the number of offenses and their duration in time. This ruling was handed down as a result of a request for enforcement filed in 2020 by the animal protection organization, Wakker Dier, with the competent Dutch authorities (Nederlands Voedsel -en Warenautoriteit [NVWA]).

### Farm Animals

AUGUST 2024

In a ruling handed down in August 2024, the Netherlands' highest administrative court (College van Beroep voor het bedrijfsleven) decided against the Dutch Ministry of Agriculture in a challenge brought by the pig protection group Varkens in Nood. More specifically, the Court found that the ministry had failed to provide a reasonable justification for allowing the caging of sows in a regulation. The Court thus required that the Dutch administration justify the proportionality of allowing the use of cages in pig production in light of animal welfare legislation and best available science.

### Farm Animals

DECEMBER 2024

In December 2024, the Rotterdam district court ruled<sup>133</sup> that the presumption of innocence takes precedence in enforcing rules on chicken handling under EU Regulation 1/2005 on the Protection of Animals During Transport and Related Operations. The Court reasoned that abuse to chickens can take place at any point between the farm and the slaughterhouse; therefore, evidence of physical abuse observed at the slaughterhouse alone does not provide a valid basis for issuing penalties against chicken handlers. This ruling was handed down as the result of an enforcement request filed in 2020 by the animal protection organization, Wakker Dier.



Gina, an Asian elephant at a zoo. France, 2016. © Jo-Anne McArthur / Born Free Foundation / We Animals

# Endnotes

## 1. About

- 1 Pamela D. Frasch, *The Definition of Animal Law*, Global Journal of Animal Law (2019). Frasch proposes a more updated definition of animal law as the “field of study, scholarship, practice, and advocacy in which serving the best interests of nonhuman animals through the legal system is the primary goal” – a definition we adopt at the Institute in our daily work, beyond the purpose of this document.
- 2 For more on the EU legislative process, see Coller Animal Law Forum, *Advocating for Animals*, available online: <https://go.fairr.org/CALF-A-Guide-To-Legislative-Advocacy-Report-Collection-2023>.

## 2. Introduction: Five Years of Key Advances in Animal Protection

- 3 Proposal for a Regulation of the European Parliament and of the Council on the Welfare of Dogs and Cats and Their Traceability, COM/2023/769 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023PC0769>.

## 3. EU Law

### 3.1. New Legislation

#### 3.1.1 Farm Animals

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- 5 Commission Implementing Regulation 2020/464 laying down certain rules for the application of Regulation 2018/848 as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States, OJ L 98, 31.3.2020, p. 2–25.
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- 8 Regulation 853/2004 laying down specific hygiene rules for food of animal origin, OJ L 139, 30.4.2004, p. 55–205.
- 9 Commission Delegated Regulation 2021/1374 amending Annex III to Regulation 853/2004 on specific hygiene requirements for food of animal origin, OJ L 297, 20.8.2021, p. 1–15.
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- 11 Regulation 2021/2115 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy, OJ L 435, 6.12.2021, p. 1–186.
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- 13 Regulation 2019/4 on the manufacture, placing on the market and use of medicated feed, OJ L 4, 7.1.2019, p. 1–23.

- 14 Regulation 2019/6 on veterinary medicinal products and repealing Directive 2001/82/EC, OJ L 4, 7.1.2019, p. 43–167.
- 15 For more on this issue, see Alice Di Concetto and Grace Martin, *Resisting Antimicrobial Resistance: Regulating the Use of Antibiotics in EU Animal Agriculture*, The European Institute for Animal Law & Policy and Jeremy Collier Foundation (2022), available online: <https://animallaweurope.org/wp-content/uploads/Animal-Law-Europe-Research-Note-4.pdf>
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- 17 Regulation 2024/1143 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, OJ L, 2024/1143, 23.4.2024.
- 18 Regulation 1151/2012 on quality schemes for agricultural products and foodstuffs, OJ L 343, 14.12.2012, p. 1–29.
- 19 Directive 2024/1785 amending Directive 2010/75/EU on industrial emissions and Council Directive 1999/31/EC on the landfill of waste, OJ L 2024/1785, 15.7.2024.
- 20 Directive 2010/75/EU on industrial emissions, OJ L 334, 17.12.2010, p. 17–119.

### 3.1.2 Wild Animals

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- 22 Regulation 2023/1115 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation 995/2010, OJ L 150, 9.6.2023, p. 206–247.
- 23 Regulation 2024/3234 amending Regulation 2023/1115 as regards provisions relating to the date of application, OJ L 2024/3234, 23.12.2024.
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### 3.1.4 Economic Law

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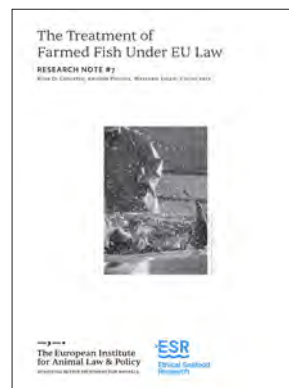
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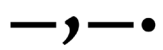
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