Introduction

Any discussion of animal welfare legislation in Europe must consider the relevant European Union (EU) law (European Commission, n.d.b). This is set out in two framework treaties: the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). Europe is a continent of those countries inside and outside the EU (Europa, n.d.) (World Atlas, 2021). Those within will have a degree of conformity if the law is set out in treaties and regulations that have direct effect and affect, which means that they become part of the Member State’s legal systems with no additional legislation required. Directives form the rest of legislation in the EU and leave to the Member State discretion in meeting the directive’s aims (European Commission, n.d.d). So, whilst there may be some conformity in some areas of animal welfare legislation, in others there is less so. Implementation may also vary within the states due to the constitutional make up of each country. For those European countries outside of the EU the situation becomes more fragmented. Some non-EU countries such as Belarus have no animal welfare legislation, although it does have legislation on animal health. It is not clear what the situation is in Moldova. Bosnia and Herzegovina and Russia do have some animal welfare legislation, and the Ukraine is aligning its animal welfare law with the EU. The UK’s law is in the process of being reformed (DEFRA, 2021a).

The basis for the legal systems in European countries can be from Roman law, the Germanic tradition, Scandinavian, or the common law (Carozza, 2015). This leads to different constitutional and legal bases for each European country’s approach to animal welfare legislation. Many European countries have a constitution and a civil and penal code. Many have a federal system of government, or law may be devolved into nations such as in the UK, leading to differing legislative coverage.

The chapter begins by considering the legislative or constitutional recognition of sentience; the adherence to international conventions and/or compliance with international animal protection laws, animal welfare, and protection against cruelty. It will then consider specific areas, such as animals used in farming, in zoos and aquaria, companion animals, animals used for sport and recreation, scientific research, the protection of wild animals, and will conclude on the overall protection of animals in Europe.
Legislative or constitutional recognition of animal sentience

Article 13 of the TFEU covers animal sentience which EU countries have applied in varying degrees, for example, the Netherlands has gone further. Outside of the EU Switzerland has not specifically mentioned sentience but considers the physical and mental state of animals and focuses on their dignity (Animal Welfare Act 2005).

Animals have traditionally been seen as “things” rather than “beings”, and the issue of legal personality differs across Europe. The Dutch civil code (Article 3:2a) states that animals are not “things” whilst others such as Austria, the Netherlands, the Czech Republic, and Germany have taken legal steps to recognise legal personality. Of non-EU countries, Switzerland and Moldova have also introduced similar provisions. Switzerland amended its constitution so that animals were acknowledged as “beings” rather than “things” (Federal Constitution of the Swiss Federation (1999)). Some European countries, such as Austria, Germany, and Slovenia, have included animal protection within their constitution (WAP, n.d.). The UK has recognised sentience (DEFRA, 2021b).

Whilst it is important to have animal sentience and welfare recognised, there also needs to be accountability for decision making. The legal structure of the EU is split between the Commission, the Council, the Parliament, and the European Court of Justice (European Commission, n.d.e). Law on animal welfare has three legal bases: the first relates to a level playing field in agriculture and fisheries, which means that provisions for ensuring animal welfare standards are consistent across the EU. The second is trade and ensuring that consumer products are safe. Finally, human health and veterinary public health (Eurogroup, 2021).

There are varying legal structures used by European countries for ensuring political or government accountability for animal welfare and bodies providing scientific/ethical advice. Some countries such as Belarus have limited political or governmental accountability for animal welfare issues, with no ministry responsible for animal welfare or for specific issues such as experimentation. Animal health is covered by the Department of Veterinary and Food Control within the Ministry of Agriculture and Health. Others such as Austria have an integrated approach, with a Federal Ministry of Health which cooperates with the Federal Ministry of Agriculture, Forestry, Environmental, and Water Management on animal welfare. Each of the nine states has an ombudsperson for animal welfare with independent non-governmental members. The Animal Protection Commission advises the Ministry of Health on animal welfare issues. The scientific Animal Protection Council and the Animal Protection Enforcement Advisory Board monitor compliance with animal welfare legislation (WAP, n.d.). In Denmark the Ministry of Environment and Food is responsible for animal welfare legislation, a national committee of agricultural organisations, research institutes, animal welfare societies, and relevant ministries. Denmark has an Animal Welfare Council, the Ethical Council for Animals, a Danish Centre for Animal Welfare, and the Council concerning the Keeping of Certain Animals Ministry of Food, Agriculture, and Fisheries of Denmark (n.d.).

Reform

Whilst the move to recognise animals as sentient by the EU Member countries and others, and the inclusion of animal welfare measures or anti-cruelty measures for animals in some constitutions, is to be welcomed and encouraged, there needs to be a wider recognition of animals as “beings” rather than “things” enshrined in law throughout Europe. Animal welfare in the EU and in many countries is split between different bodies and ministries. The Austrian and Danish models provide good examples of an integrated approach. Having a minister or better a min-
Adherence to international conventions and/or compliance with international animal protection laws

In relation to the OIE animal welfare standards many EU states meet and often go beyond these, for example in relation to broiler chickens. Many EU countries have transposed the OIE animal welfare principles and standards into legislation. Sweden, Denmark, and Austria have effective bodies for enforcement: in Sweden the Swedish Centre for Animal Welfare and the 3Rs and in Denmark the Animal Welfare Commission and the 3Rs bodies whilst Austria has the Animal Protection Commission. France, Spain, and Germany have enforcement mechanisms in place in relation to the OIE standards that have been transposed into legislation. Germany is the European observer on the steering committee. Other EU countries such as Poland have a lack of commitment to implementing and enforcing EU legislation related to these standards. Italy has incorporated these standards, but the EU Commission has had to take enforcement action to uphold some of the law relating to these areas. Romania has covered EU requirements only and penalties are weak. In some non-EU countries such as Switzerland and Russia not all provisions have been transposed into national legislation. Some countries such as Ukraine are members and participate in the OIE but have not yet implemented all the requirements (WAP, n.d.).

In relation to the Universal Declaration of Animal Welfare (WAP, n.d.), many EU states and the EU Commission have supported this initiative. Within the EU, Austria, Poland, and the Netherlands have provided government support for this. Other European states such as Switzerland have also given full government support to it. Some European countries such as Ukraine, Russia, and Belarus have not made a pledge of support.

The EU and some European states outside of the EU have signed up, and or ratified and implemented the European Conventions on animal welfare. These include: the European Convention for the Protection of Animals kept for Farming Purposes No 087, during International Transport No 193, for Slaughter No 102, of Pet Animals No 125, and for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes No 123.

Reform

It is to be hoped that more European countries will support these soft legal instruments that cover animal welfare in Europe.

Animal welfare and protection against cruelty

Article 13 of the TFEU has a very general welfare requirement which leaves much discretion to the individual Member State in implementation. Many European countries within the EU such as Austria and the Netherlands have legislation covering animal welfare. Austria’s Animal Welfare Act (2004) covers all vertebrates, cephalopod, and decapod crustaceans and is seen as progressive in terms of its approach to animals. The Netherlands Animals Act (2011) establishes a duty of care for animals based on the five freedoms. There is a duty to act and there is a duty of care including protections from anxiety and stress to helpless animals, which applies to all animals including animals in the wild. They are also protected through the Nature Conservation Act (2017), but this does not cover hunting. Some such as Belarus have no overall animal
welfare legislation. Some countries outside of the EU but inside the Schengen Zone such as Switzerland, Lichtenstein, Norway, and Iceland also have Animal Welfare Acts.

Many European countries have laws protecting animals from cruelty. Denmark has legislation prohibiting specific forms of animal cruelty. It creates a duty of care and covers failures to act as well as deliberate acts of abuse. It covers physical and psychological well-being, as does the law in Sweden which has similar provisions that cover both animals in captivity and wild animals (WAP, n.d.).

Some EU countries such as Romania have undefined laws. Some European countries such as Belarus have no laws preventing animal cruelty. Austria’s Animal Welfare Act (2004) goes beyond EU requirements and covers all animals in relation to cruelty but there are exceptions in relation to wild animals that are hunted or fished and for non-stunning in religious slaughter. Outside of the EU, Switzerland protects against a wide variety of animal cruelty and not only prohibits inflicting pain, suffering, and harm but also anxiety and protecting an animal’s dignity and a failure to act (Animal Welfare Act (2005) and Animal Protection Ordinance (2008)).

Some countries such as the Netherlands and Finland have police resources dedicated to the enforcement of animal cruelty law. In England and Northern Ireland, punishment for the most serious cases of cruelty is five years, as is the case in Ireland (Animal Health and Welfare Act, 2013). Greece has recently increased its punishment to ten years (Kokkinidis, 2021).

Reform

Animal cruelty provisions should cover failure to act as well as deliberate acts of abuse and deal with both physical and psychological well-being. It should cover all sentient animals and their late-foetal developmental stages with effective punishment and enforcement of the law. A duty of care should apply to all sentient animals including wild animals.

Animals used in farming

For EU Member States the law on the welfare of animals used in farming has been based on the ‘five freedoms’ set out in the European Convention for the Protection of Animals kept for Farming Purposes (1976). These are freedom (i) from hunger and thirst; (ii) discomfort; (iii) pain, injury, and disease; (iv) to express normal behaviour; and (v) from fear and distress. These are the basis for the EU directive on the protection of animals kept for farming purposes (Council directive 1998/58/EC). It includes as animals, “fish, reptiles or amphibians bred or kept for the production of food, wool, skin or fur or for other farming purposes” (Article 2). They should not suffer any unnecessary pain and suffering (Article 3). It also covers the conditions

under which animals (other than fish, reptiles or amphibians) are bred or kept, having regard to their species and to their degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with established experience and scientific knowledge

(Article 4)

The Commission has announced that it will propose legislation to phase out cages for many farmed species.

There are also directives covering specific animals, including minimum standards for the protection of calves (Council directive 2008/119/EC), pigs (Council directive 2008/120/EC), laying hens (Council directive 1999/74/EC), and broiler hens (Council directive 2007/43/
Veal crates have been banned, and sow stalls are to be phased out although they can still be used as farrowing crates before birth and for 28 days after (European Commission, 2021b). In the EU piglets cannot be castrated without anaesthetic, but this only applies to piglets being castrated who are at least seven days old. Beak trimming can take place without anaesthetic for broiler chickens. Calves can be isolated under eight weeks old, and animals can be transported for over eight hours. In relation to the EU, the transport of animals is set out in a regulation (Council regulation (EC) No 1/2005) as are the rules for slaughter (Council regulation (EC) No 1099/2009). The UK is proposing to ban the export of live animals for slaughter and fattening (DEFRA, 2021d).

Some European countries go further than EU standards, Austria is phasing out farrowing crates by 2033, limiting the stocking density of broiler chickens and banning the tethering of cattle and calves. It also limits transport within Austria to 4.5 hours, and long-distance travel over 8 hours is forbidden. Sweden imposes increased space requirements, a maximum of eight hours transport for slaughter and stipulates that cows must be kept at pasture in the summer. Beak trimming and tail docking are not allowed. The Netherlands has banned enriched cages for egg laying hens and set a four-day limit for the use of sow gestation stalls. There is more space for pigs than the minimum EU requirements and it forbids concrete fully slatted floors. The UK bans sow stalls throughout a sow’s pregnancy. Denmark has outlawed the slaughter of non-stunned animals (WAP, n.d.).

Whilst there is EU legislation in this area there are still concerns over the welfare of farmed animals, and there are other specific concerns over some forms of production. Ducks and geese are not protected by species-specific provisions and the law is contradictory. Ducks and geese need to reach minimum weights (Commission regulation (EC) No 543/2008) which would seem to contradict the Farm Animal Welfare Directive (Council directive 98/58/EC). Most Member States have implemented a ban on the production of foie gras. But some countries such as France still allow it. Some devolved regions in Belgium have banned it for example, Flanders will ban the production of foie gras from 2023 (Eurogroup, n.d.a).

Under EU law, the welfare of farmed fish is covered by EU legislation only during rearing, transport, and slaughter. The welfare of wild-caught fish is not covered at all. The EU has recently published updated guidelines for fish farms which include provisions for the welfare of fish (European Commission, 2021c).

The use of animals such as horses and donkeys for draught raises welfare concerns (The Donkey Sanctuary, n.d.). In Europe the welfare of horses used as meat and other products is an issue. The biggest exporters of horses for slaughter are the Netherlands, Poland, and France (Eurogroup, n.d.m). The countries where horse meat is eaten include France, Italy, and Belgium. EU legislation in this area relates to consumer protection (Eurogroup, n.d.d). A regulation covers the transport of horses for meat (regulation (EC) No 853/2004), but this raises welfare concerns within and outside of the EU.

The EU has published a Farm to Fork strategy, with new EU animal welfare rules and an aim to consider the whole food supply chain. It has an action plan of 27 legislative and non-legislative measures to be enacted from 2020 to 2024. It is revising animal welfare legislation, including on animal transport and the slaughter of animals, working in conjunction with new plans and guidance on aquaculture and considering options on animal welfare labelling “to better transmit value through the food chain” (European Commission, 2020). The European Commission has stated that legislation is proposed in 2023 to ban caged animal farming by 2027 (Abnett, 2021).

It is not clear whether these reforms will cover other forms of farming such as for fur. Cat and dog fur are banned in the EU (regulation (EC) No 1523/2007) but not fur from rabbits, minks, or foxes (Eurogroup, n.d.e). There are no EU guidelines on humane slaughter for fur. 11
Key animal law across Europe

Member States such as Austria, Croatia, and Slovenia have totally or partially banned or strictly regulated fur farming, sometimes with phasing-out periods, as in the Netherlands and Ireland, in relation to mink farming (Eurogroup, n.d.f). Denmark is phasing out fur farming in relation to foxes but not mink although it is currently banned until 2022 (Murray, 2020). Outside the EU, Norway has a phased approach regarding mink farming. Other countries such as Spain, Belarus, Poland, and Russia allow it. Switzerland and Italy allow fur farming with some minimum standards of care. Sweden allows fox, mink, and chinchilla farming with regulations on breeding and keeping these animals for fur although the last chinchilla farm closed in 2014 and the controls on fox fur farming set very strict conditions which have effectively phased it out (Humane Decisions, n.d.).

Reform

It is to be hoped that the new Farm to Fork strategy will consider some of the concerns raised by the Eurogroup, who call in their No Animal Left Behind campaign for a strategy to improve the welfare of farmed animals. The end to cages is a welcome step forward. There should also be a ban on fur farming in Europe (Fur Free Alliance, 2021) and on the import and export of fur products. The welfare of farmed fish also needs to be improved. The use of horses as meat and in other products should be banned.

Animals in zoos and aquaria

Zoos are regulated in the EU by Council directive 1999/22/EC and a non-binding good practice document (European Commission, 2015). The directive sets out measures for the licensing and inspection of zoos to respect conservation and protection measures including appropriate accommodation (Council directive, 1999/22/EC).

Council regulation (EC) No 1/2005 allows the transportation of wild animals for rehabilitation or reintroduction for example in captivity. The transportation should not cause injury or undue suffering and if the animals are wild, timid, or dangerous then written instructions should be given on care and feeding, etc., and acclimatisation to the mode of transport prior to the journey.

Outside the EU many countries have laws covering zoos, but these need better enforcement as in the case of Poland and Romania. In some such as Belarus it is limited to veterinary services to protect animals against extreme natural and other factors. In the UK there is a proposal to amend the Zoo Licensing Act to improve the regulations and contribute to conservation (DEFRA, 2021d).

In terms of other animals in captivity, 14 EU countries keep cetaceans in captivity and 14 do not. Of these three, Croatia, Cyprus, and Slovenia have banned dolphinaria outright (Eurogroup, n.d.p). Outside of the EU, Switzerland imposed an import ban on dolphins which led to the closure of its last dolphinarium. The UK also has no dolphinarium but lacks legislation imposing this. At a regional level Brussels has banned the keeping of sea mammals in tanks for human entertainment and is the first in Europe to include seals, sea lions, and walruses. Orcas are found in Tenerife and Russia (WDC, n.d.a).

Reform

There needs to be a more comprehensive licensing system for zoos, with frequent and consistent licensing review periods that also cover sanctuaries and rescue centres, and effective enforce-
ment mechanisms through a minimum number of inspections (Eurogroup, n.d.p). There should be a focus on the animals’ mental well-being and the provision of enclosures large enough for social interaction and to express normal behaviour. In some countries such as Austria and the Netherlands the anti-cruelty measures as well as the Animal Welfare Acts apply to animals in zoos, and this should be encouraged across all European countries (OIE). There should be a ban on the keeping, display, and breeding of marine mammals in captivity and where this has stopped legislation should ensure that no more can open.

**Companion animals**

Regulation (EC) No 998/2003 sets out the law on the transportation of companion animals. It covers kept and wild animals including animals and products within the Union and from the Union, and non-commercial movements of pet animals into a Member State from another Member State, or from a third country or territory (European Commission, n.d.c). These new rules take over the rules from the existing regulation (EU) No 576/2013 on the non-commercial movements of pet animals. However, there is a transitional period until 21 April 2026, during which regulation (EU) No 576/2013 will continue to apply. Regulation (EU) 2016/429 covers companion animals in relation to the control or eradication of strays (Eurogroup, n.d.j). There are provisions for stray animals laid down by the World Organisation for Animal Health (OIE) and the International Companion Management Coalition (ICAM).

In terms of the welfare of companion animals, legislation is left to the Member States. In France it is an offence to abandon companion animals. In the Netherlands, there is a free spay and neuter service for dogs (Eurogroup, n.d.j) and it has police resources dedicated to animal cruelty, as does Finland. In relation to stray companion animals the identification and registration of dogs is required in 22 of the 27 Member States but only Belgium, France, and Greece require it for cats (Eurogroup, n.d.b). In the countries outside of the EU, Belarus allows the culling of stray animals and there has been concern about the treatment of strays in other countries such as Romania. Slovenia has some joined-up provisions to stop the abandonment of dogs including anti-cruelty measures, laws against abandonment, guidance on euthanasia, requirements for owners to care for their animals and to keep them on a lead, controls on the breeding and selling of animals and limits on the numbers of animals that can be owned. There is a compulsory microchipping programme for dogs whilst the animal rescue centres also take part in education. Switzerland and Sweden have similar provisions that cover stray dogs, but the situation for cats allows for them to be killed (Tasker, n.d.). The UK has a licensing system for dog breeding and pet sales, has banned the commercial third party selling of puppies and kittens, and protects service animals. It is introducing laws on puppy smuggling and compulsory cat microchipping as well as other proposals (DEFRA, 2021d) and has introduced a pet abduction offence (DEFRA, 2021c).

**Reform**

It would seem sensible that there is a coordinated approach to the welfare of companion animals, as in Slovenia for dogs, that includes provisions that discourage and regulate breeding including a ban on certain features such as ear cropping, put controls on the way animals are sold and transported, provide for microchipping and a national owner database with licencing and prohibit abandoning any companion animal. Stray animals should be covered by anti-cruelty and welfare legislation. There have been calls for an EU-wide mandatory system for the identification and registration of cats and dogs, more control, and tougher sanctions against those
supplying false pet passports. There are also calls for a common EU definition of puppy and kitten farms and EU breeding rules for pets are needed while EU countries should be encouraged to put in place registers of authorised breeders and sellers. People should be encouraged to adopt, rather than buy, companion animals (European Parliament, 2020). There are also calls for humane stray animal population management to be embedded in all EU Member States (Eurogroup, n.d.j).

**Animals used for sport and recreation**

There are welfare concerns on the use of animals such as horses and donkeys for recreation (The Donkey Sanctuary, n.d.), including the breeding and transportation of equines and responsible ownership (Eurogroup, n.d.i). The EU has a regulation on identification and ownership (regulation (EU) 2016/429) and a lifetime passport within the EU. The single lifetime identification document will only be required under Commission regulation (EU) 2015/262 until 28 January 2022 when regulation (EU) 2019/6 will be applicable., but “the tracing of equines outside the EU remains a continuous challenge” (Eurogroup, n.d.l). The UK is considering further protections for equines and horse racing (DEFRA, 2021d).

In terms of other “sporting” use of animals, France and Spain allow bullfighting and France allows cockfighting. Greyhound racing takes place in Ireland and the UK (Welfare of Racing Greyhounds Regulations 2010) but the UK is considering further protections (DEFRA, 2021d).

Directive 2009/147/EC and Council directive 92/43/EEC apply to the hunting of wild animals and birds and there is a European Charter on Hunting and Biodiversity (European Commission, n.d.g). Many European countries allow hunting, and whilst some European countries have banned hunting with dogs, some such as Austria and the Netherlands allow this. In Poland hunting with dogs is allowed with the permission of the landowner. Outside of the EU, Switzerland allows hunting, subject to welfare provisions in some provinces, but the Canton of Geneva has banned all hunting. The UK allows trail hunting, which needs to be further regulated (RSPCA, 2021) or hunting banned outright. Many countries have a licensing system, some with examinations. The breeding of birds and other animals, such as deer for shoots, is also a welfare issue as is the intensive breeding and release of game birds. There are concerns over the shooting and hunting of hares (RSPCA, 2021). The UK is considering legislation for a hare close season (DEFRA, 2021d).

There is no EU law on circuses, so it is left to individual European countries to develop the law in this area. Some countries have banned the use of wild animals in circuses (Eurogroup, 2020) whilst others restrict the use either of all or exclusively of wild animals (Eurogroup, n.d.n). In some European countries, such as Belarus, there are no restrictions on the use of animals for fun fairs or circuses. The problem with individual countries developing their own law is that circuses regularly move between Member States. Therefore, collective action through EU-wide regulation is required to address the problem (Eurogroup, n.d.n) and a wider European solution is needed.

**Reform**

It would seem clear that the use of animals for “sport” or “recreation” should be banned throughout Europe particularly in the case of cock fighting, bullfighting, and greyhound racing. At the very least the cruellest forms of hunting such as with dogs, live baiting, poisoning, trapping, falconry, and hunting with bows should be banned. Horse and greyhound racing have welfare issues and at the very least there should be a registration system for equine premises and
regular inspections by outside bodies. The use of animals in circuses should be banned throughout Europe.

**Animals used in scientific research**

Animal experimentation in the EU is governed by directive 2010/63/EU based around the 3Rs: Replacement (fostering the use of alternative methods), Reduction (trying to use fewer animals for the same objective), and Refinement (efforts to minimise pain and suffering) (Eurogroup, n.d.h). There has been a delay in Member States passing legislation to implement the directive, and there is little monitoring of this or the effectiveness of using animals (Eurogroup, n.d.k).

The European Commission has been working on databases on alternative approaches and the European Parliament has called for the use of animals to be phased out. Many countries are also looking into alternatives such as the Danish Consensus Platform for 3R Alternatives to animal experimentation, a collaboration between the industry and animal welfare organisations. Many countries have animal ethics committees which evaluate the usefulness of animal experiments; however, their compositions and effectiveness vary substantially. Sweden’s ethics committee has several different stakeholders, but it does not include animal welfare organisations and wild animals can be used in experiments. Switzerland and Austria have similar systems (WAP, n.d.). Denmark has a wide variety of stakeholders on its ethics committees.

There is a ban in the EU on cosmetics testing on animals (regulation (EC) No 1223/2009). There is no cosmetic testing in the EFTA countries. Turkey is cruelty-free. The Ukraine and Russia are phasing out animal testing (Grum, 2019). However, some testing on ingredients only used for cosmetics may happen under chemicals regulations after a decision made by the European Chemicals Agency (Eurogroup, n.d.g).

**Reform**

The 3Rs is a welcome framework for regulating animal experiments and it is to be hoped that more European countries follow the lead in banning the use of great apes and other primates. It is also to be hoped that they look to the Danish example in terms of multi-stakeholder inclusion on ethics and other animal experimentation regulatory bodies. The EU needs to close the loophole that allows for procedures likely to cause pain or distress, that are severe, or prolonged which are currently permitted under the directive.

**Protection of wild animals**

The protection but not welfare of wild animals and birds in Europe is set out by the Bern Convention (European Council 1979). It has been signed by the EU and 50 European countries. The EU’s Natura 2000 (European Commission, n.d.f) and the Emerald Network have been set up under the Bern Convention. There are two wider initiatives that also impact on conservation: the European Green deal (European Commission, n.d.a) which includes the 2030 Biodiversity strategy and a forest strategy. The protection of wild animals is also covered by EU directives on birds (directive 2009/147/EC) and seals (Council directive 83/129/EEC). Other provisions protect their habitat (Council directive 92/43/EEC) or ban methods of trapping such as leg holds (Council regulation (EEC) No 3254/91) or glue traps for birds (Judgment of the Court (First Chamber) of 17 March 2021 (request for a preliminary ruling from the Conseil d’État – France) – Association One Voice, Ligue pour la protection des oiseaux v Ministre de la Transition écologique
et solidaire (2021) Case no. C-900/19 OJ C 54, 17.2.2020). However, glue traps for mice are still widely used although the UK has introduced a ban (DEFRA, 2021c).

The EU supports the moratorium on whaling by the International Whaling Commission (IWC), n.d. a) and whaling is banned in EU waters. However, whales, dolphins, and porpoises are suffering from death in nets (bycatch) in European waters as current EU measures are inadequate, poorly implemented, and enforced (Groves, 2020). Greenland and the Faroe Islands are not covered by the law in Denmark, although it represents these areas on the IWC, but there is no commercial whaling in these areas although dolphins are killed in the Faroe Islands (Berry 2021). Outside the EU, Iceland, Monaco, Norway, Switzerland, and the Russian Federation are members of the IWC (IWC, n.d.b). Norway still hunts the minke whale which takes place under an “observation” to the global ban on commercial whaling (Groves, 2021). It is reported that Iceland is not hunting whales anymore (WDC, n.d.b). There is one region in Russia where an aboriginal subsistence hunt is allowed (IWC, n.d.c). Commercial seal hunting takes place in Greenland under its own legislation (OIE). The UK has proposed to ban the shark fin trade (DEFRA, 2021d).

The EU implements the Convention on the Trade of Endangered Fauna and Flora (CITES) through Council regulation 338/97/EC, which provides controls on the sale and possession of wild animals, birds and plants found within the territory of the EU, as well as CITES-listed species. The Euro group for Animals argues that the regulation needs stronger controls “including the designation of species, import controls, transport and housing, as well as internal EU trade” (Eurogroup, n.d.o). In 2016, the EU released its wildlife trafficking action plan (European Commission, n.d.h). The issue of invasive alien species had been covered by regulation (EU) No 1143/2014 but there is concern that it is vague on animal welfare (Eurogroup, n.d.f).

Some countries have implemented stricter regulations on the sale or import of some wildlife products. France has implemented a ban on the import of lion trophies. In terms of ivory the EU only permits the sale of antique or “pre-Convention” ivory that was acquired before elephants were included in the CITES appendices (Council regulation (EC) No 338/97) but the law on this area is being strengthened (European Commission 2021a). Luxembourg, France, the Netherlands, Belgium, and the UK have all adopted, or are set to adopt, stricter measures on the trade in ivory (Eurogroup, n.d.o). The UK proposed to ban the import of hunting trophies from endangered animals and ensure that import and export does not threaten conservation (DEFRA, 2021d).

Whilst the EU has set up the Committee on Trade in Wild Fauna and Flora, the Scientific Review Group, and the Enforcement Group (Eurogroup, n.d.o)), it seems that enforcement is needed as EU Member States are being used as transit countries to smuggle illegal ivory from elephants poached in Africa with the destination of Asia, and this will be covered by new legislation (European Commission 2021a).

The other issue in terms of the protection of wild animals is the keeping of wild animals as pets. Wild animals kept as pets are covered by CITES. Some EU States such as Belgium, the Netherlands, Luxembourg, Malta, and Croatia have adopted legislation including Positive Lists: lists of species that can be kept and traded as pets. Other EU States such as Spain, Austria, and Germany have negative lists of banned species, but these lack clarity, because of the emergence of new species, which importers can then exploit. Some European countries such as Belarus have no legislation (WAP, n.d.). Outside of the EU, Ukraine’s law needs better enforcement whilst in Romania there is law but the keeping of animals is seen as a status symbol. Switzerland has a list of species that need permission and some that need specialist certificates (Swiss Animal Protection Ordinance (2008) Articles 39 and 40). The UK proposes to introduce a ban on keeping primates as pets, with interim zoo standards in the meantime (DEFRA, 2021d).
Hunting is allowed in many countries in Europe (European Commission, n.d.g). The hunting of animals for “sport” has been covered above but there are also welfare concerns over how wild animals are killed when they are culled for other reasons.

**Reform**

Both international law and EU legislation in this area focuses on conservation rather than the protection of individual animals. There is a need for an offence of cruelty to all animals. There should also be a European ban on all hunting that is not for subsistence; a ban on the import and export of hunting trophies, the import and sale of animal fur, the trade in wild animals and the keeping of primates as pets (RSPCA, 2021).

**Conclusions**

Overall, when compared to other regions, animal welfare in Europe would seem to be well supported by the law but not consistently so. However, for those countries outside of the EU this coverage can be variable and limited. Within the EU there can be a gap between Member States in terms of implementation and enforcement. Some areas, such as the use of animals in circuses, are poorly protected by EU law making the law in the Member States more significant. Europe-wide there is a huge divergence in the way animal welfare is regulated and protected, and the Council of Europe’s initiatives are one way that a Europe-wide solution to some of the issues raised above could be met.

**Acknowledgments**

This chapter has relied heavily on, and is indebted to, the World Animal Protection Index (WAP n.d.), Eurogroup for Animals (Eurogroup, n.d. a–q), and the Global Animal Law database.

**Note**

1 For EU law, see EU law – EUR-Lex (europa.eu). The European Commission has an EU Platform on animal welfare see EU Platform on Animal Welfare (europa.eu).

**References**


Eurogroup for Animals (Eurogroup), 2020. The show can’t go on: The fight for an EU-wide ban on wild animals in circuses. Available at: The show can’t go on: The fight for an EU-wide ban on wild animals in circuses | Eurogroup for Animals (Accessed 15 September 2021).


Eurogroup for Animals, n.d.b. Cats and dogs are neglected by the law. Available at: Cats and dogs are neglected by the law | Eurogroup for Animals (Accessed 13 September 2021).

Eurogroup for Animals, n.d.c. Ensuring that all farmed species are covered by EU animal welfare legislation. Available at: Ensuring that all farmed species are covered by EU animal welfare legislation | Eurogroup for Animals (Accessed 13 September 2021).


Eurogroup for Animals, n.d.g. It’s time to take action for animals in laboratories. Available at: It’s time to take action for animals in laboratories | Eurogroup for Animals (Accessed 15 September 2021).

Eurogroup for Animals, n.d.h. Promotion of the 3Rs and non-animal research methods. Available at: Promotion of the 3Rs and non-animal research methods | Eurogroup for Animals (Accessed 13 September 2021).

Eurogroup for Animals, n.d.i. Responsible ownership of equines. Available at: Responsible ownership of equines | Eurogroup for Animals (Accessed 13 September 2021).


Eurogroup for Animals, n.d.k. The use of animals in science is still too high. Available at: The use of animals in science is still too high | Eurogroup for Animals (Accessed 13 September 2021).


European Commission, 2021b. European Citizen’s initiative: Commission to propose phasing out of cages for farmed animals. Available at: Commission to propose phasing out of cages for farm animals (europa.eu) (Accessed 21 September 2021).

European Commission, 2021c. Final communication from the commission to the european parliament, the council, the european economic and social committee and the committee of the regions strategic guidelines for a more sustainable and competitive eu aquaculture for the period 2021 to 2030 {swd (2021) 102 final} 1.


Groves D, 2020. WDC report critical of inadequate EU regulations as over 1,000 dolphins a month face death in nets this winter. Available at: WDC report critical of inadequate EU regulations as over 1,000 dolphins a month face death in nets this winter - Whale and Dolphin Conservation (whales.org) (Accessed 16 September 2021).

Groves D, 2021. Over 100 whales killed in opening days of Norway hunt season. Available at: Over 100 whales killed in opening days of Norway hunt season - Whale and Dolphin Conservation (Accessed 16 September 2021).


The Donkey Sanctuary, n.d.. Issues. Available at: The issues donkeys face today | The Donkey Sanctuary (Accessed 13 September 2021).


