

Brussels, 17 April 2026

Dear Commissioner Várhelyi,

We are writing to you as we fear that respect for TFEU Article 13, the foundation stone of EU policy on animal welfare, has eroded over the years so that by now it is in danger of becoming a mere piece of window-dressing rather than playing a key role in this field.

Title II of TFEU lists a number of key principles that should be respected by the EU. Article 13 (part of Title II) provides that in “formulating and implementing the Union’s agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals”.

The ‘full regard’ test in Article 13

The obligation to pay “full regard” to the welfare requirements of animals obliges the Commission to take animal welfare into account in a thorough and serious manner in formulating and implementing policies in the fields specified by Article 13.

However, the Union and the Member States should be able to demonstrate what consideration was given to animal welfare in the formulation and implementation of a particular policy and, where a relatively low priority has been accorded to animal welfare, the reasons and justification for so doing.

Examples of areas where we believe that Article 13 has not been taken seriously by the Commission - or where the Commission has failed to explain why it has decided to give precedence to other factors - include:

1. The Commission’s decision not to propose an amendment to Annex I to Council Regulation 1099/2009 to remove the use of high concentrations of CO₂ from the permitted methods for stunning pigs. This decision has been taken despite:

- EFSA’s conclusion that: “there are no preventive or corrective measures to the pain, fear and respiratory distress caused [in pigs] by the exposure to high CO₂ concentrations as this is inherent to the stunning method”.
- The identification by the PigStun consortium of humane alternative stunning methods.

2. The Commission’s failure to ensure compliance with (i) the ban on routine tail docking of pigs and (ii) the requirement to provide effective enrichment materials set out in Directive 2008/120/EC on the protection of pigs even though these requirements have been in force for over 30 years.

3. The Commission’s refusal to try to end, or at least reduce, the export of live animals to the Middle East and North Africa. As a result, some three million cattle and sheep are exported annually to this region despite the clear evidence of significant welfare problems during the long journeys and the fact that EU animals sent to this region are slaughtered in inhumane ways that breach the international standards on welfare at slaughter of the World Organisation for Animal Health.

Need for a systematic approach to implementation of Article 13

We believe the Commission – and the other Union institutions – should put in place well-defined arrangements to ensure that full regard is paid to the welfare requirements of animals when EU

policy (including legislation) in the areas specified by Article 13 TFEU is being (i) formulated and (ii) implemented.

We believe this should include at least the following steps:

- I. Take account of the scientific opinions and recommendations of EFSA and other pertinent bodies, such as the Federation of Veterinarians of Europe, when a particular animal welfare issue is under consideration.
- II. Take account of other considerations. Some of these may strengthen the case for adopting a particular animal welfare improvement, such as the reduction in the use of antimicrobials that often accompanies improved animal welfare. Others, such as economic considerations, may undermine the case for adopting a particular policy that would be beneficial from an animal welfare viewpoint.
- III. Publish a detailed report that sets out the steps that were taken to pay full regard to the welfare requirements of animals. The report should identify the scientific studies and reports by advisory bodies that were taken into account. It should provide a reasoned explanation and justification as to why in any particular case less weight has been given to animal welfare than might reasonably be expected on the basis of scientific evidence and ethical considerations and why, if that is the case, certain conclusions and recommendations have not been followed.

Yours sincerely,

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