



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Assemblée nationale for its Opinion on the protection of animal welfare in the European Union.

The Commission welcomes the broad support of the Assemblée nationale for action at the European Union level aimed at improving animal welfare standards, based on sound research and science.

The Farm to Fork Strategy, adopted in May 2020 in the context of the European Green Deal, marked an important step in that direction. Animal welfare, as a key contribution to a sustainable livestock production, is an essential element of the Strategy. In the framework of the Strategy, the Commission will also consider options for animal welfare labelling to improve choice and clarity for consumers and better transmit value through the food chain.

The Commission has drawn up recommendations for the future strategic plans under the common agricultural policy for all 27 Member States. Specific recommendations to take action to improve animal welfare are addressed to a number of Member States, while those that have made good progress are encouraged to continue these positive trends.

The Commission will revise the animal welfare legislation, including on animal transport and the slaughter of animals, to align it with the latest scientific evidence, broaden its scope, make it easier to enforce and, ultimately, ensure a higher level of animal welfare. The Common Agricultural Policy Strategic Plans and the new European Union Strategic Guidelines on Sustainable Aquaculture to be adopted in spring 2021 will support this process.

The Commission is pleased to have this opportunity to provide a number of clarifications regarding its policy and actions on animal welfare. In response to the more technical aspects in the Opinion, it would like to refer to the attached annex.

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The Opinion on the Protection of Animal Welfare in the European Union elaborated by the Assemblée nationale will be carefully considered in the light of the ongoing Commission's work on animal welfare.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Assemblée nationale and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Stella Kyriakides
Member of the Commission*

The Commission welcomes the inquiry that the Assemblée nationale has carried out into the protection of animal welfare in the European Union.

Whilst the Commission does not necessarily share all conclusions drawn in the Opinion, the detailed work that the Assemblée nationale has undertaken constitutes an important contribution to the debate that is now under way.

The Commission has carefully considered each of the issues raised by the Assemblée nationale in its Opinion and is pleased to offer the following clarifications.

On the European method and tools to take animal welfare into consideration

1. *In 2019, the Commission launched an evaluation of the European Union Strategy for the Protection and Welfare of Animals (2012-2015). The Commission plans to present the findings of the evaluation in a Staff Working Document in the first quarter of 2021.*

The conclusions from the evaluation of the 2012-2015 Strategy will be used for the evaluation (“fitness check”) and the revision of the animal welfare legislation envisaged under the Farm to Fork Strategy.

Together with the initial findings from the fitness check, the conclusions from the evaluation of the Strategy will serve as an important source of information and inspiration for the impact assessment supporting the revision of the current animal welfare legislation.

Therefore, considering the ambitious agenda on animal welfare under the Farm to Fork Strategy, the Commission has no plans to adopt a new Strategy on animal welfare until the process of revising the whole European Union acquis on animal welfare takes place.

2. *The Commission is aware of the importance of negotiating and applying animal welfare equivalent requirements in the case of products imported into the European Union.*

However, the inclusion of such equivalent requirements in trade agreements will also require a willingness and consent from the relevant third countries. For this reason, for many years now, the Commission has been working, in particular in the bilateral and multilateral frameworks, to raise the importance of animal welfare requirements.

In addition to the very active international agenda, the Commission is working with trading partners promoting animal welfare in meetings, working groups and training activities.

Furthermore, the Commission strongly supports the work and, in particular, the development and implementation of the international animal welfare standards of the World Organisation for Animal Health (OIE).

3. *The Commission agrees with the Assemblée nationale that science is an essential element of the European Union policy on animal welfare.*

The Commission has always based its food policy on sound scientific advice. Scientific opinions have always been the starting point of any legislative proposal on animal welfare, even before the creation of the European Food Safety Authority (EFSA) in 2002 (Regulation (EC) No 178/2002). Since then, EFSA has provided regular scientific opinions on various animal welfare issues.

In the context of the Farm to Fork Strategy, the Commission has decided to revise the entire body of European Union animal welfare legislation for farmed animals. Against this background, the Commission requested from EFSA a series of scientific opinions that will be essential for future legislative proposals in this area.

In addition, following the adoption of the Regulation (EU) 2017/625 on official controls, the Commission has designated, since 2018, two European Union reference centres for animal welfare and a third one will be designated in 2021. The competence of the first two centres covers pigs, poultry and other small farm animals. The third centre will deal with the welfare of equids and ruminants. These centres provide technical and scientific assistance to the competent authorities of the Member States in their performance of official controls.

The Commission will continue to build its animal welfare policy based on sound science and will require regular updates in order to take into account scientific progress and technical innovations.

On the farming, transport and slaughter of animals for human consumption

4. *The Commission shares the Assemblée nationale's opinion on the need for strengthening and harmonising controls for non-compliance with European Union rules on farm animal welfare.*

For this purpose, the Regulation on official controls introduced a more harmonised and coherent approach to official controls and enforcement actions along the agri-food chain, including on animal welfare. The Regulation on official controls requires Member States to lay down rules on effective, proportionate and dissuasive penalties, which they must notify to the Commission.

Based on the Regulation on official controls, the Commission has adopted Implementing Regulation (EU) 2019/723 on a standard template for the information to be included in the annual reports submitted by the Member States. This is an important step towards more comparable data, including on animal welfare, allowing for even more streamlined controls in the future.

5. *In the Farm to Fork Strategy adopted in May 2020, the Commission envisages the evaluation ("fitness check") and the revision of the animal welfare acquis. As explained in point 1, the Commission will use several sources, e.g. the results of the current*

evaluation of the European Union Strategy for the Protection and Welfare of Animals (2012-2015).

This process will consider the potential need for specific provisions for different species for farmed animals, such as for sheep, rabbits, cattle and further poultry.

6. *The scope of conditionality, which applies to all Common Agricultural Policy (CAP) payments directly received by farmers and other CAP beneficiaries (and not only direct payments), includes the main Directives relative to animal welfare and for the system of conditionality. Poultry farms, in particular specialized undertakings, receive little or no CAP payments, and the inclusion into the scope of conditionality of the animal welfare provisions applying to this sector would be of little or no effect.*

7. *The benefit of coupled CAP support is already conditional upon compliance with relevant animal welfare provisions since these coupled payments are part of the direct payment under Pillar I. However, access to pasture is not part of the compulsory animal welfare provisions under European Union law and therefore is not subject to conditionality rules. Access to pasture may however be part of more demanding animal welfare practices going beyond legal baselines and can be rewarded by various instruments under the current and future CAP.*

More generally, the future CAP's new delivery model will oblige Member States to design coupled support (like other instruments) based on the identified needs, in consistency with all the CAP's specific objectives and with the other instruments. With this in mind, the Commission will carefully assess any proposed coupled support intervention from the perspective of the need for overall sustainability (environmental, social and economic), as expressed in the Farm to Fork Strategy and the Staff Working Document on the Green Deal and the CAP reform.

8. *The Commission's proposals on the future CAP are now being discussed by the co-legislators in the trilogues. The inclusion of animal welfare practices in the "eco-schemes" is being considered in this discussion.*

9. *The proposals for the CAP post-2020 give more prominence to the issue of animal welfare than its predecessor. One of the nine specific objectives of the CAP post 2020 highlights the need to improve the response of European Union agriculture to societal demands on food and health, including animal welfare. When discussing the CAP Strategic Plans with Member States, the Commission will ensure that the needs concerning animal welfare are appropriately assessed and addressed in these plans. The CAP Strategic Plans will also have to take into account the objective of the Farm to Fork Strategy to improve animal welfare standards. Under Pillar II of the CAP (rural development), support is available, among other interventions, for investments which can help improve animal welfare, such as more animal welfare friendly housing.*

10 & 11. *See reply to point number 5. The routine tail-docking of pigs is already forbidden by European Union legislation. Several initiatives have been developed to better enforce these requirements.*

12. *One of the objectives of the European Union Strategy for the Protection and Welfare of Animals (2012-2015) was further investigation on the welfare of farmed fish. Therefore, in 2016, a study was performed to gather information on animal welfare practices in European aquaculture as regards the transport and slaughter of farmed fish. The results of the study were assessed by the Commission in 2018¹. Together with scientific opinions provided by the European Food Safety Authority, this will be included in the information to be considered in view of the upcoming revision of the European Union animal welfare legislation under the Farm to Fork Strategy.*

13, 14, 15 and 16. *The Commission takes note of the Assemblée nationale's opinions concerning animal transport.*

European Union rules on animal transport are included in the revision referred to in point 5. The European Food Safety Authority has been requested to provide a new scientific opinion on the protection of animals during transport. This opinion will consider the impact of the journey duration and will cover the specific situation of unweaned calves.

As for animal transports by sea, the Commission intends to lay down specific requirements to verify compliance with animal welfare rules on livestock vessels, based on empowerments in Regulation (EU) 2017/625 on official controls. These rules will include the practical arrangements for recording official controls of livestock vessels in a common database.

17. *Member States will design the support which they chose to make available under the CAP Strategic Plans in line with an assessment of their specific needs. In the current programming period, investment support for slaughterhouses under Pillar II of the CAP (rural development) is limited to slaughterhouses which are small and medium-sized enterprises and micro-enterprises located in a rural area. It is up to Member States to decide if they wish to make such support available in their CAP Strategic Plans and under which conditions.*

The proposal "to implement a measure specifically dedicated to investments that foster animal welfare in slaughterhouses, within the second pillar of the Common Agricultural Policy" cannot be accepted. A specific measure for slaughterhouses would be burdensome for the Member States' programming and for the Commission. Investments for slaughterhouses are already eligible for support under the horizontal investment measure of Pillar II. The Member States have the possibility to apply the highest available slaughtering standards and to combine the creation and/or the modernisation of a slaughterhouse with other related vertical investment activities, optimising thus the co-funding and profitability. Under the same investment measure, farmers or groups of farmers could also receive support for equipment needed for slaughter on farm. This would avoid the transport of live animals and favour direct marketing and short supply chains

¹ COM (2018) 87 final.

Support, which can be relevant, is also available under the LEADER initiative. For example, support for the establishment of a slaughterhouse where no such facilities previously existed for small husbandry farms or for larger herds of sheep or cattle. In one case, a new slaughter concept was introduced: stunning and bleeding of the animals takes place at the farm before bringing it to the slaughter house².

Operational groups supported by the European Innovation Partnership for Agriculture (EIP-AGRI), financed by Pillar II of the CAP, have – among other things – worked on ways to improve animal welfare at slaughter by improvement strategies for the transport of suckling calves to optimize their health, well-being and productivity³.

Relevant support is also available under the “cooperation” intervention of Pillar II of the CAP: for instance, a meat processor collaborating with a university received support to introduce a number of changes to improve animal welfare. Holding pens were introduced to calm the animals as they arrived. The path pigs follow from the admission point, to the holding pens, to where they are slaughtered was straightened and shortened and the electric stunning method was replaced by a modern CO₂ stunning technique⁴.

18. *The Commission considers that derogation from stunning animals is part of the right to freedom of religion. This right is enshrined in the Charter of Fundamental Rights of the European Union. The Commission thinks that the European Union legislation on the protection of animals at the time of killing – namely Regulation (EC) No 1099/2009 – strikes a right balance between the need to protect animals and the right to freedom of religion.*

The Commission considers that Member States have a certain level of flexibility on how they should implement such derogation. Indeed, Regulation (EC) No 1099/2009 allows Member States to adopt stricter national rules on slaughter without stunning related to religious rites. France, for example, adopted in 2011 stricter national measures (Decree No 2011-2006 and Ministerial Order of 28 December 2011).

The demand for meat obtained from animals slaughtered without stunning varies considerably between Member States due to complex reasons. Each Member State has established its own way in relating with their Jewish and Muslims communities. Therefore, the Commission is of the opinion that Member States are best placed to engage dialogue between these communities and to share views with other stakeholders on animal welfare at the time of slaughter.

Indeed, the Commission believes that dialogue and mutual understanding is essential in this matter.

19. *Regulation (EC) No 1099/2009 contains a general provision applicable to the slaughter of farmed fish. In accordance with the provisions of its Article 27, the*

² https://enrd.ec.europa.eu/projects-practice/hallegaard-slaughterhouse_en

³ <https://ec.europa.eu/eip/agriculture/en/about>

⁴ https://enrd.ec.europa.eu/projects-practice/improved-hygienic-and-veterinary-standards-slaughtering_en

Commission adopted a report on the possibility of introducing certain requirements regarding the protection of fish at the time of killing⁵.

The report concluded, in particular, that, “at this stage, the Commission considers that the evidence suggests that it is not appropriate to propose specific requirements on the protection of fish at the time of killing, taking into account that the objectives of the Regulation may equally be achieved by voluntary measures, as evidenced by the improvements introduced by industry in recent years”.

In the context of the exercise described in the reply to point 5, the Commission will consider which additional initiative should be taken in relation to the killing of farmed fish.

No welfare measures exist for wild fish. Animal welfare is followed by Commission services from the aquaculture side. It is a priority in the new European Union Strategic Guidelines on sustainable aquaculture that will be adopted in spring 2021.

20. In the context of the Farm to Fork Strategy, the Commission will consider options for animal welfare labelling to better transmit value through the food chain.

For that purpose, the Commission will launch in 2021 a study to collect data on the current animal welfare labelling schemes. In addition, in the framework of the European Union Platform on Animal Welfare, the Commission created a subgroup on animal welfare labelling that started to work in October 2020. This subgroup is composed of experts from Member States, professional and business organisations, civil society and academia.

Based on the results of the study and the work of the subgroup, the Commission will consider which actions are the most appropriate to address consumers need for information as well as to improve economic opportunities for farmers.

On the welfare of animals used for scientific purposes

21. The Commission welcomes the support expressed by the Assemblée nationale for advancing the protection of animals used for scientific purposes and for the important role of the Joint Research Centre’s European Union Reference Laboratory for alternatives to animal testing (EURL ECVAM).

The Commission is strongly committed to executing the duties of the EURL ECVAM assigned to it by Directive 2010/63/EU, making best use of the resources allocated to it within the Joint Research Centre’s institutional work programme. This includes significant efforts to validate and promote alternative methods for regulatory application, acknowledging however that the transition to non-animal approaches in regulatory domains relies heavily on the level of commitment and acceptance demonstrated by Member State regulators, particularly those contributing to related

⁵ COM/2018/087 final.

activities within the European Union and at the Organisation for Economic Cooperation and Development.

In addition, modern non-animal methods should be considered as key enabling tools and technologies for achieving important European Union policy objectives, including those set out in the Chemicals Strategy for Sustainability recently published by the Commission.

On the welfare of companion animals and the fight against pet trafficking

22. *The rules for the marking of pet animals subject to non-commercial movements between Member States or from abroad are laid down in Articles 6, 10 and 17 of Regulation (EU) 576/2013. These rules are also valid to trade and import of dogs, cats and ferrets, which are regulated by Council Directive 92/65/EEC.*

The technical rules for the transponders used to mark the animals are laid down in Annex II of Regulation (EU) 576/2013 and they do not contain a reference to the Member State where the animal was identified.

In the frame of the future revision of Regulation (EU) 576/2013, the inclusion of the country code in the information that the transponder should contain will be considered. Regulation (EU) 576/2013 shall continue to apply until 21 April 2026 in accordance with Article 277 of Regulation (EU) 2016/429.

23. *In December 2020, the Commission proposed a Digital Services Act to regulate the responsibilities of digital services when connecting users with goods, services, and content. The new proposed rules aim to protect all users in the European Union, both as regards their safety from illegal goods, content or services, and as regards their fundamental rights. Such rules include a robust know-your-business-customer scheme, a notice-and-action mechanism and cooperation obligations with authorities.*

The proposed Digital Services Act will build on the rules of the E-Commerce Directive, while addressing particular issues emerging in the digital landscape.

24. *Article 84 of Regulation (EU) 2016/429 provides for the obligation of operators to register their establishments. This obligation affects all operators keeping terrestrial animals, including operators of pet shops. In accordance with point 27 of Article 4 of Regulation (EU) 2016/429, “establishment” means any premises, structure, or, in the case of open-air farming, any environment or place, where animals or germinal products are kept, on a temporary or permanent basis, except for households where pet animals are kept or veterinary practices or clinics.*

Therefore, when Regulation (EU) 2016/429 becomes applicable on 21 April 2021, pet shops shall be registered. To be registered, the operator shall provide the competent authority with the information laid down in Article 84.

With this system of registration, pet shops failing to comply with the relevant legislation can be more easily detected and subject to enforcement measures.

25. *Articles 10 and 16 of Council Directive 92/65/EEC already regulates the minimum age of puppies that can be sold following trade between Member States or imports from third countries.*

Before the movement, the puppy should have been vaccinated in accordance with the validity requirements laid down in Annex III to Regulation (EU) 576/2013. This implies that the puppy should have been vaccinated when it was at least 12 weeks old starting the period of validity of vaccination at least 21 days from completion of the vaccination protocol. Therefore, the puppy can be subject to the movement only once it is 15 weeks old.

In the case of trade between Member States, there are some possible derogations to this general rule, always upon a decision taken by the competent authority of a Member State. They have discretion whether or not they allow the introduction onto their territory of younger than 15 weeks old dogs, cats and ferrets subject to certain conditions.

26. *The welfare of pets is not governed by European Union legislation. It remains the sole responsibility of the Member States.*

On the welfare of wild animals

27. *The Commission will propose far-reaching restrictions on the remaining legal ivory trade, both within the European Union and beyond. If endorsed by the Member States, this new approach will amount to a de facto ban on ivory trade.*

When it comes to shark finning and a ban on the sale of shark products, the European Union has already a well-established policy on the conservation and management of sharks, including on shark finning that is considered as one of the main threats for the conservation of these species.

A cruel practice of cutting off the shark fins on-board of fishing vessels and throwing the carcasses back to the sea has been prohibited in the European Union waters and for European Union flag vessels everywhere⁶. The European Union is a frontrunner to advocate the Fins-Naturally-Attached-Policy in the international fora and in particular in Regional Fisheries Management Organisations.

To stop such unsustainable practices and to facilitate monitoring and control of this ban, in 2013 it was reinforced by a strict “fins-naturally-attached” policy through Regulation (EU) No 605/2013. An overview of the monitoring and control activities by Member State is given in the Commission’s report to the Parliament and the Council on the implementation of the Shark Finning Regulation as amended by Regulation (EU) No 605/2013.

More generally, concerning the aspect of shark conservation, under the relevant European Union legislation, such as the fishing opportunities regulations and new

⁶ Regulation (EU) No 605/2013 as amended by Regulation (EU) 605/2013

Technical Measures Regulation, there is a general prohibition on fishing of certain threatened shark species. The species have to be promptly released unharmed, as far as possible, thus further preventing fins of at-risk species ending up on the market place. The European Union will keep these measures in place as long as scientists deem them appropriate to protect these species. The European Union in Regional Fisheries Management Organisations promotes a similar approach.

There are various shark species whose fishing is currently not prohibited and that are legally caught, traded and consumed for food and/or subsistence, also in parts of the European Union. Moreover, depending mainly on their conservation status, there are stocks of the same species that can be prohibited in one region and legally harvested in another.

Therefore, while the prohibition of sale of shark fins is already in place for those shark species whose fishing is prohibited, a generalised ban on the sale of shark fins would not be justified.

28. *Member States have different policies regarding the keeping of wild animals in circuses. The Commission is of the opinion that the presence of wild animals kept in circuses and the conditions under which these animals are treated are not a subject matter that should be decided upon at the European Union level, but rather should be left to the Member States concerned, in line with the principles of subsidiarity and proportionality. In view of the above, the Commission does not intend to make legislative proposals in this area.*

29. *The main objective of Council Directive 1999/22/EC (the “Zoos Directive”) is to strengthen the role of zoos in the protection of biodiversity.*

Between 2016 and 2018, the Commission has carried out a detailed evaluation of the Zoos Directive. The assessment⁷ concludes that the Directive is fit for purpose. However, it underlined that better implementation is needed to fully achieve all of the Directive’s specific objectives.

It is for Member States to implement and enforce the Zoos Directive provisions, including ensuring appropriate accommodation of animals through their licensing and inspection systems.

The Commission does not plan to supplement the Zoos Directive with minimum standards on housing conditions or emergency plans in the event of any crisis. Respecting the subsidiarity principle, Member States are free to do so at national level. According to the Zoos Directive evaluation, seven out of fourteen surveyed Member States have included minimum standards for animal accommodation in their national law or have developed guidelines.

The Zoos Directive, in its last recital, refers to existing guidelines that could be used to develop national standards: “Whereas a number of organisations such as the European

⁷<https://ec.europa.eu/environment/nature/legislation/refitzoosdirective/pdf/SWD%20Zoos%20Directive%20Evaluation.pdf>

Association of Zoos and Aquaria have produced guidelines for the care and accommodation of animals in zoos which could, where appropriate, assist in the development and adoption of national standards.”

This equally applies to the living conditions of cetaceans in dolphinariums falling under the scope of Article 2 of the Zoos Directive.

As follow-up to the evaluation, the Commission is supporting Member States in better implementing the Zoos Directive through translating the European Union Zoos Directive Good Practices Document⁸ (available in 15 languages, including French⁹), organising three Member States and stakeholder meetings¹⁰ in 2020-2022 to exchange knowledge and good practices and providing pilot trainings¹¹ for Member State authorities, zoos and their associations.

30. *Many targets and actions under the European Union Biodiversity Strategy for 2030 presented by the Commission in May 2020 will contribute to the full implementation of the Habitats and Birds Directives. They include the target to establish protected areas covering 30% of European Union land and seas, 10% of which under strict protection; the completion and effective management of the Natura 2000 network of protected areas as well as the implementation of the European Union restoration plan contained in the Strategy, including the goal of halting the deterioration of all protected habitats and species by 2030 and improving conservation status or trends of at least 30% of them. The Commission is committed to work together with all Member States and stakeholders for the achievement of all targets in the Strategy.*

31. *The Commission will continue to monitor the enforcement of the implementation of the EU Nature legislation and its species protection provisions (Article 12 of the Habitats Directive and Article 5 of the Birds Directive). This entails the prohibition of deliberate capture or killing of specimens, deliberate disturbance of species, deliberate destruction or taking of eggs, the prohibition of deterioration or destruction of breeding sites. The respect of those provisions has co-benefits for the welfare of protected free-ranging wildlife. In particular, the Commission has opened an infringement procedure against France to avoid unsustainable by-catches of dolphin and porpoise species by fishing vessels, and to ban several methods for the capture of birds, such as glue for thrushes, nets and traps for skylark and pigeons, which are not selective and are forbidden by the Birds Directive.*

32. *No European Union wild fish welfare measures exist. The Commission is only competent on the welfare of farmed fish (aquaculture). It represents a priority in the new European Union Strategic Guidelines on sustainable aquaculture that will be adopted in spring 2021.*

⁸ https://ec.europa.eu/environment/nature/legislation/zoos/index_en.htm

⁹ <https://ec.europa.eu/environment/nature/pdf/Zoos%20Directive%20Good%20Practices-FR.pdf>

¹⁰ https://ec.europa.eu/environment/nature/legislation/zoos/stakeholdermeetings/index_en.htm

¹¹ <http://www.veteffect.nl/zoos-directive.html>

33. *In a more general context, species strictly protected under the European Union environmental legislation are prohibited to be caught and should be released unharmed. The Common Fisheries Policy provides for various conservation and management measures aimed, inter alia, at reducing and, where possible, eliminating bycatches of sensitive species in fisheries, in particular through the Technical Measures Regulation (Regulation (EU) No 2019/1241).*

As announced under the European Union Biodiversity Strategy for 2030, the Commission will present in 2021 an Action Plan to conserve fisheries resources and protect marine ecosystems. Where necessary, measures will be introduced to limit the use of fishing gear most harmful to biodiversity, including on the seabed. It will also look at how to reconcile the use of bottom-contacting fishing gear with biodiversity goals, given it is now the most damaging activity to the seabed. This Action Plan will be linked to the report on the implementation of the Technical Measures Regulation.

Furthermore, as highlighted under the Biodiversity Strategy for 2030, the by-catches of sensitive species in fisheries must be eliminated or, where this is not possible, minimised so as not to threaten their conservation status.

All this must be done in a fair and just way for all. The European Maritime, Fisheries and Aquaculture Fund (EMFAF) will continue to support the transition to more selective and less damaging fishing techniques.

34. *The Commission strongly promotes the use of remote monitoring technology, including the use of closed-circuit televisions, gear sensors and fish identification technology. The Commission encourages the use of remote monitoring technology for conservation purposes, in particular to improve control and compliance with the landing obligation. The Commission proposal for the revision of the fisheries control system¹² includes the mandatory use of remote monitoring technologies including close circuit televisions on fishing vessels in order to control the compliance with the landing obligation. Remote monitoring technology and innovative technologies have numerous advantages such as aiding the development of fully documented fisheries. Other added values include increasing our understanding, the identification of protected species and reporting on cetacean and seabird bycatch.*

35. *The Commission highlights that designating marine protected areas, including the Natura 2000 sites, does not have to lead to restricting human activities altogether, but rather establishing effective management measures according to the conservation objectives of the areas and on the basis of the best available scientific advice. This may lead to restricting fishing activities only when it is necessary to fulfil the ecological requirements of the natural features, which are the subject of protection. The Commission also emphasizes that marine protected areas may include many other conservation measures which are not linked to fishing.*

As mentioned under point 33, in the Technical Measures Regulation report and Action plan to conserve fisheries resources and protect marine ecosystems the environmental

¹² COM(2018)368

impacts of all fishing gears will be subject to a scientific examination and appropriate mitigation measures will be investigated.

In July 2020, the Commission sent Letters of Formal Notice to France, Spain and Sweden regarding the need to implement the measures required under the Birds and Habitats Directive (Council Directive 92/43/EEC) and under the European Union Common Fisheries Policy establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a) of that Directive, and to take conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact.

In addition, regarding France, the Commission has concluded that it has breached Article 6(2) of the Habitats Directive because it failed to transpose correctly the obligation to take preventive measures within marine Natura 2000 sites in order to avoid significant disturbance of marine species by fishing activities.

The Commission will pursue and expand this enforcement action as appropriate.

36. *The European Union's existing legislative framework for international wildlife trade is based on and aligned with relevant international law, in particular the Convention on International Trade in Endangered Species (CITES). Covering almost 37 000 species of plants and animals, it provides for different levels of restrictions on import (and export, where relevant), depending on the conservation status and on the relevance of trade as a conservation risk to the species. Any exporting country can use existing CITES tools to enlist other Parties to the Convention in reducing risks from international trade for nationally protected species.*

Any additional restrictions on international wildlife trade should be based on sound scientific evidence to avoid unintended negative consequences for the conservation of biodiversity, and to ensure appropriate economic incentives for local populations in source countries to preserve the species' natural habitats.

With regard to moving towards a positive list of species authorised for international trade, some Member States have adopted such national positive lists; a deeper assessment is needed on the legal implications of such an approach at EU and international levels. At the global level, such approach would require a substantial change of the relevant rules.

37. *The European Union Biodiversity Strategy for 2030 was published in May 2020. The focus is now on its implementation, rather than on adding further elements. Nevertheless, the European Union Biodiversity Strategy includes an action to revise the EU Action Plan against Wildlife Trafficking in 2021. Such revision will follow the ongoing evaluation, which will identify if further action in the areas covered by the Plan is warranted, including on legal and illegal trade in exotic pets.*