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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

Subject: Proposal for a regulation of the European Parliament and of the Council on the welfare of dogs and cats and their traceability
- *Preparation for the trilogue*

I. INTRODUCTION

1. On 7 December 2023, the Commission submitted to the Council and the European Parliament a proposal for a Regulation of the European Parliament and of the Council on the welfare of dogs and cats and their traceability¹.
2. The proposal is based on Article 43(2) and Article 114 of the Treaty on the Functioning of the European Union (TFEU) and is hence subject to the ordinary legislative procedure. Its objective is to regulate the trade in dogs and cats on the internal market, including imports from third countries, in order to ensure the rational development of the sector, avoid barriers to trade and combat illegal trade in dogs and cats, while ensuring a high level of animal welfare protection.

¹ 16406/23 + ADD 1

3. The proposal was not accompanied by an impact assessment. On 27 March 2024, the Commission submitted to the Council and the European Parliament a Staff Working Document “summarising evidence supporting the legislative proposal on the welfare of dogs and cats and their traceability”².
4. Both the European Economic and Social Committee (EESC) and the European Committee of the Regions (CoR) were consulted on the proposal. EESC delivered its opinion on 21 March 2024³. CoR decided not to deliver an opinion⁴.
5. On 26 June 2024, the Permanent Representatives Committee agreed on a mandate for the Presidency to enter into negotiations with the European Parliament⁵. The Permanent Representatives Committee also agreed to consult the European Data Protection Supervisor (EDPS) on the provisions concerning the processing of personal data introduced in the text. EDPS delivered its opinion on 18 November 2024⁶.
6. In the European Parliament, the Committee on Agriculture and Rural Development (AGRI) has the lead responsibility, with Veronika Vrecionová (ECR, Czechia) appointed rapporteur.
7. The European Parliament adopted its mandate of negotiation on 19 June 2025.

II. STATE OF PLAY OF THE NEGOTIATIONS WITH THE EUROPEAN PARLIAMENT

8. On 15 July 2025, the first trilogue on the file was held under the Danish Presidency and gave a broad mandate for interinstitutional negotiations to start at technical level. Since then, ten interinstitutional technical meetings (ITMs) took place.
9. The European Parliament and the Council have provisionally agreed at technical level on several provisions highlighted in green in the four-column table in document 14806/25 ADD 1.

² 8615/24
³ 8613/24
⁴ 12015/24
⁵ 11615/24
⁶ 15838/24

10. The preliminary agreed provisions are composed of initial European Commission provisions which have not been modified either by the Council or by the European Parliament; of Council provisions which are similar to European Parliament provisions; of Council provisions which were modified to reflect EDPS recommendations; of linguistic modifications; and of provisions considered by the Presidency as reasonably acceptable for the Council in light of its original mandate.
11. Among the provisionally agreed provisions, there are also concessions of the European Parliament that took on board requests from the Council, most notably as regards:
- The empowerment of the Commission to establish animal-based indicators to monitor progress towards the policy objectives of this Regulation (rows 133a and 133b). To secure the European Parliament’s agreement the Presidency had to better frame this empowerment and agreed to specify that these animal-based indicators relate to behaviour and physical appearance.
 - The maximum number of dogs and cats that can be placed in a foster home, including the derogation allowing Member States to provide for the placement of more of these animals (rows 132a and 132b). To gain the European Parliament’s support the Presidency suggested to set objective criteria for this derogation, i.e. to indicate that foster homes should have sufficient space and animal keepers.
 - Requirements applicable to establishments, in particular as regards the table developed by the Council on minimum space allowances for dogs and cats in breeding and selling establishments (row 365b), as well as all new provisions introduced by the Council on socialisation, enrichment and separation (rows 372 to 377g).
12. The following issues, highlighted in yellow/red in the four-column table in document 14806/25 ADD 1, were identified as requiring further discussion at the trilogue on 25 November 2025:
- **Approval of breeding establishments (Article 7a)**
- The Council’s text suggests that the approval requirements should only apply to those establishments having a significant production of dogs and cats (i.e. that either produce or intend to produce more than five litters per calendar year or that keep more than five bitches or queens at any given time).

During the negotiations, the European Parliament insisted that all establishments should be approved following a prior inspection to certify that they meet the requirements of the Regulation (row 144h). However, after explaining that the availability of official veterinarians in the Member States was limited and that inspections for approval should thus focus on establishments of a certain size, the Presidency opposed this request.

– **Advisory welfare visits (Article 10)**

The European Parliament calls for advisory welfare visits to be carried out at least once a year (row 159), while the Council is of the opinion that, following the first visit, subsequent visits should take place on the basis of a risk analysis. During the negotiations, the Presidency clarified that these visits are carried out by private veterinarians chosen by the operators of the establishments and not by official veterinarians. This has been accepted by the European Parliament which maintained however the need of periodic visits. While this being a possible way forward the co-legislators still need to agree on the periodicity of these visits.

– **Identification and registration (Article 2b)**

The European Parliament proposes that all dogs and cats kept under the responsibility of natural persons (row 86b), and not only those kept in establishments or placed on the EU market - as proposed by the Council - shall be identified and registered. By this, they aim to effectively combat fraudulent practices and illegal trade.

– **Agricultural holdings (new element from the European Parliament)**

The European Parliament added a new provision to exonerate all dogs and cats kept on agricultural holdings from the overall requirements in the Regulation, except for the general welfare principles (row 86a). The European Parliament argues that in rural and remote areas, veterinary services and compliance infrastructure can be limited, and that stray cats that roam freely and control rodent populations have long been part of this rural balance.

- **Ban on pet shops (new element from European Parliament)**

The European Parliament proposes to prohibit the keeping and selling of dogs and cats in pet shops (row 182a). During the negotiations, the Presidency stressed the need to provide evidence on the consequences and benefits of this provision for the assessment of proportionality, as well as to provide a clear definition of pet shops to avoid any ambiguity with selling establishments.

III. REQUESTS FOR FLEXIBILITY

13. With a view to preparing for the forthcoming trilogue, the Presidency would like to enquire about possible flexibilities it could obtain from delegations on the following issues:

- On **approval of breeding establishments**, the Presidency believes that the European Parliament will insist on either the approval of all establishments or on reducing the threshold in the current Council mandate (see point 12 above). The Presidency would therefore like to know whether delegations can be flexible as regards this threshold.
- On **advisory welfare visits**, the Presidency understands that the European Parliament could show flexibility by not imposing a mandatory annual visit and would like to know whether delegations would be willing to accept the principle of periodic visits after the first visit.
- On **identification and registration**, the Presidency sees reasons of considering positively the European Parliament's amendment provided that there is proper justification, that stray animals are not covered, and that an appropriate transition period is defined, especially for cats. The Presidency would like to know if delegations could support the European Parliament's request under the conditions outlined above.
- On **agricultural holdings**, the Presidency considers that the proposed amendment could be considered favourably but only if the scope of the exemption is limited to farmers hosting free roaming cats - without being their owner - for pest control purposes. The Presidency would like to know whether delegations could accept the derogation proposed by the European Parliament, under the conditions outlined above.
- On **pet shops**, the Presidency would like to know whether delegations see a merit in meeting the European Parliament's request in the context of an overall agreement.

14. In light of the results already achieved during the ITMs, the Presidency considers that obtaining the necessary flexibility on the above issues is essential for concluding the negotiations with the European Parliament.

IV. CONCLUSION

15. In light of the above, the Permanent Representatives Committee is invited to:
- endorse the preliminary agreements reached between the negotiators as presented in document 14806/25 ADD 1 (green highlight), and
 - discuss the open issues referred to in point 12 and agree to provide the Presidency with additional flexibility on these along the lines provided in point 13.
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