

Brussels, 27. 01. 2010
D(2010)46

Dear Dr Lucas,

Thank you for your letter of 30 November 2009 concerning the welfare of stray and pet animals in Macedonia and Bosnia-Herzegovina.

You are referring in this email to the numerous contacts and correspondence you have received from your constituents regarding the situation of stray dogs in Skopje, Macedonia, and the hunting of dogs and cats, both pets and strays, in the town of Bosanski Brod in Bosnia-Herzegovina.

As you know, the Commission attaches great importance to animal welfare. Animals are recognised as sentient beings by Article 13 of the Treaty on the Functioning of European Union¹ (TFEU). European Institutions are obliged to pay full regard to the welfare requirements of animals when formulating and implementing Union legislation. At the same time, however, the European institutions must stay within the competences conferred on them by the Treaties. Their power to act in improving the welfare of animals extends only to the policy areas covered by the Treaties, such as agriculture.

The Union legislator has no power to act in order to protect stray dogs and cats or pet animals, as this is not a policy area covered by the Treaty (TFEU). Therefore, this issue remains purely under the responsibility of the Member States and is not part of the "*acquis communautaire*" which constitutes the basis of discussions with candidate or potential candidate countries such as respectively Macedonia and Bosnia-Herzegovina.

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Ms Caroline Lucas, MEP
President of the Intergroup
on the Welfare and Conservation of Animals
European Parliament
Rue Wiertz 103
B-1047 Brussels

Cc.: Commissioner Benita Ferrero-Waldner

¹ Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union (Official Journal C 115 of 9 May 2008).

I would like to add that the Commission understands fully the concerns of your constituents. In this regard the Commission has actively supported the work performed by the World Organisation for Animal Health (OIE) to develop specific guidelines for the control of stray dog populations. These guidelines were adopted by the 175 OIE Member Countries, Macedonia and Bosnia-Herzegovina included, at the last OIE General Session in May 2009.

The OIE guidelines on stray dog population control² are based on the main principle that the promotion of responsible dog ownership can significantly reduce the number of stray animals. Such guidelines outline objectives, evaluations and possible control measures to be implemented in combination according to the national and local context.

I hope that this reply is of some use for your contacts with your constituents.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Vassiliou', with a horizontal line underneath.

Androulla Vassiliou

²http://www.oie.int/eng/normes/mcode/en_chapitre_1.7.7.htm