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THE EU'S ROLE IN ANIMAL LAW: HARMONIZING WELFARE BEYOND BORDERS *

EL PAPEL DE LA UE EN LA LEGISLACIÓN SOBRE ANIMALES:
ARMONIZACIÓN DEL BIENESTAR MÁS ALLÁ DE LAS
FRONTERAS

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Abstract:

Concern for nature as a whole and the different ecosystems that comprise it has led to the incorporation of International Biodiversity Law into the legal sphere. In this sense, damage to biodiversity involves preventing the deterioration and

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loss of ecosystems and their habitats, thereby avoiding the disappearance of the animal species found there, as suggested by non-binding international strategies and directly applicable European regulations. This cross-cutting environmental protection has also given rise to the branch of Global Animal Law.

In line with these statements, the concern for promoting animal welfare and its recognition as sentient beings in the Treaty on the Functioning of the European Union has led to changes in the civil codification of some European countries and legislative developments in their domestic legal systems. However, it is still necessary to take a global approach to animal welfare that is addressed from a transnational perspective.

Only in this way will the progress made at the international level transcend all countries and collaboration between states become a reality, making it clear that the conservation of the ecosystems in which life exists and develops is a global issue.

Resumen:

La preocupación por la naturaleza en su conjunto y de los diferentes ecosistemas que la constituyen incorpora en el ámbito jurídico el llamado Derecho Internacional de la Biodiversidad. En este sentido, los daños provocados a la biodiversidad implican prevenir el deterioro y la pérdida de los ecosistemas, sus hábitats y, de esta manera, evitar la desaparición de las especies animales que allí se encuentran tal y como sugieren estrategias no vinculantes en el ámbito internacional y normativas europeas de aplicación directa. En este entorno de protección transversal surge también la rama del Derecho Animal Global.

En línea con estas afirmaciones, la preocupación por promover el bienestar de los animales y su reconocimiento como seres sensibles en el Tratado de Funcionamiento de la Unión Europea han motivado cambios en la codificación civil de algunos países europeos y novedades legislativas en su ordenamiento jurídico interno. Sin embargo, sigue siendo necesario otorgar al bienestar animal un enfoque de carácter global que sea abordado desde una visión transnacional.

Sólo de esta manera, trascenderán a todos los países los avances que se hagan a nivel internacional y la colaboración entre Estados será una realidad, quedando de manifiesto que la conservación de los ecosistemas en los que existe y se desarrolla la vida, es un asunto de carácter global.

Keywords: Environmental Law. International Biodiversity Law. Animal Global Law. Animal Welfare. European Union. Article 13 TFEU. Transnational. Collaboration

Palabras clave: Derecho Ambiental. Derecho Internacional de la Biodiversidad. Derecho Animal Global. Bienestar Animal. Unión Europea. Artículo 13 TFUE. Transnacional. Colaboración.

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1. INTRODUCTION

Currently, many of the environmental issues that continue to affect countries in one way or another have attained the necessary relevance when, at the international level, they have been given visibility. Accordingly, in environmental matters, numerous international treaties, agreements or declarations have been those that, through their content, have limited different polluting activities, which consequences could have been foreseen or which damages should have been compensated at the time.

You don't have to look back very far to see that there is a clear global awareness that is encouraging many countries to work together on the environmental issues that most concern the world's citizens. Last November 2025, the Climate Summit, known as COP 30, took place in the Brazilian city of Belém. In addition to the goals set for fossil fuels and energy transition, the most important thing is the commitment by participating countries to join forces and share coordinated actions with a special focus on developing countries within the framework of the green economy. Certainly, this collaboration is in line with the global nature of environmental problems.

From this perspective, the concern shown for animals in society has gradually evolved over the years in the direction of implementing, at the international - and European- level, action plans and policies regarding their protection and conservation. In this sense, in the field of Public Law, results have materialized on this matter developing new branches of Law with specific attention to animals.

The aim of this study is to present the advances that have been made with respect to animal welfare from the international and European point of view in order to demonstrate that the legal branch integrating this concept, Animal Welfare Law, has a clear and necessary role in the increasingly established Global Animal Law. It is imperative to understand that animal welfare is a global issue and that it must be approached from a transnational viewpoint.

To achieve this objective, this paper proposes using a dogmatic-legal methodology to analyze and interpret current animal welfare regulations and the categories included therein at the international and European levels. The aim is to strengthen the link between international and European legislation and thus consolidate global collaboration for future legislative initiatives or the implementation of policies and strategies.

Thinking about the relationship between humans and animals has undoubtedly been *in crescendo* since the origin of humanity when humans and species already related¹. However, if attention is focused on the present time, its gradual intensification is justified, not only by an aspect of ethical-compassionate nature, such as allocating greater concern to the state and care of animal species, but also by an aspect of prevention within the framework of food safety or consumer health, both elements directly connected to the economic and social factor of a country. In relation to this sector, companies must pay special attention to the current legislation on animal welfare in order to comply with the established regulatory measures and avoid possible sanctions.

Advances in the protection of animals and their welfare in international and European Law undoubtedly invite concern for these sentient living beings to transcend borders and take on a transnational dimension. Cooperation between States involves not only maintaining international peace and security, but also promoting the economic, social and cultural development of States. Certainly, animal welfare must be considered in the framework of all these sectors.

In this sense, activities involving animals, which, as mentioned above, have a direct connection with social, economic and cultural aspects of a State, are directly linked to the international trafficking of species, industrial exploitation and mistreatment. All this justifies that, from the international and European scope, the appropriate measures on animal welfare should be taken to regulate the relationship between human beings and animals beyond national borders and to provide, on occasions, an ethical vision that justifies the implementation of new perspectives.

The preceding considerations lead to the following research question: To what extent do current international and European legal frameworks on animal welfare effectively reflect and support the understanding of animal welfare as a truly global, transnational issue within the emerging field of Global Animal Law?

¹ RECARTE VICENTE-ARCHE, Ana (†) and ALONSO GARCÍA, Enrique, [Bienestar animal con especial consideración de los animales de ganadería: la Ciencia Aplicada del Bienestar Animal y las restantes ciencias cognitivas, los paradigmas filosóficos y éticos, el Derecho y los movimientos sociales con los que dicha ciencia convive](#), Keynote speech at the First International Conference on Animal Protection and Welfare in Livestock Production, *Journal of Animal Law & Interdisciplinary Animal Welfare Studies* 11, 2023, p. 6, (last consultation, June 14, 2025).

2. AN APPROACH TO INTERNATIONAL BIODIVERSITY LAW

In order to contextualize the following sections, it is important to introduce the international element surrounding animal welfare. In this regard, International Biodiversity Law has its origin in International Environmental Law. This last branch originated more than 50 years ago, including among its subjects the concern for nature as a whole and the different ecosystems that constitute it.

In light of the emergence of International Biodiversity Law and in order to link concepts that will be developed throughout this paper, this writer seeks to briefly recall the origin of the term biodiversity. Concern for the conservation of biology had its origin with the ecologist Edward Wilson who, in 1985, noted that biological diversity was under threat². This conclusion was soon proven right and led to a study of the causes and consequences that loss of biological diversity was —and still is— having on the environment. Gradually and relatively quickly, the term biodiversity became established in the global environmental context. Its consolidation was quickly confirmed; it is a term that had no difficulty in being coined in social, political, economic, legal, and cultural spheres.

In accordance with this statement, the 1992 Convention on Biological Diversity clearly stated the breadth of the term biodiversity³. However, this generality in the definition has often conditioned its use by not allowing for more in-depth explanations and reasoning on the subject.

The question must inevitably arise as to the content of the protection of ecosystems. If, as expressed in the definition mentioned and cited at the foot of the page, biodiversity is composed of various ecosystems (terrestrial, marine and aquatic), how is it possible that wild animals, which are clearly part of these ecosystems, are not included in binding rules that specifically address the need for their welfare? Certainly, in the text of the Convention on Biological Diversity there is no possibility of contemplating considerations in favor of animal welfare because its content is subject to an approach with a strong

² MALJEAN-DUBOIS, Sandrine, *International Biodiversity Law*, The Hague Academy of International Law, Brill & Nijhoff, 2024, p. 29.

³ Article 2 Convention of Biological Diversity (CBD) “Biological diversity means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems”. Available at: [Convention on Biological Diversity \(last consultation, September 8, 2025\)](#).

anthropocentric weight, which prevents such an interpretation⁴. It is therefore difficult to understand the protection of the terrestrial or marine ecosystem without considering the need for the state of the resident animal species.

Under this approach, the relationship between the environment, climate, and biodiversity serves as an example of a comprehensive methodology. These three elements act in a cross-cutting manner and, therefore, policies, plans, or programs carried out at any level must be approached in a comprehensive way.

The cross-cutting nature of how these three elements interact is also reflected, at the international level, in the United Nations Sustainable Development Goals. The goals established in the 2030 Agenda include concern about how climate change is destroying biodiversity in different territories and natural habitats. However, it is worth mentioning at this point how animal welfare acts as a connecting element with goals such as food security, public health, and the conditions in which animals are kept and integrated into production systems. In this sense, animals play a fundamental role in sustainable development, and this role has become even more important since, as will be seen in later sections, animal welfare and protection have been incorporated not only into soft law tools but also into binding regulations⁵.

In line with this idea, the Climate, Environment, and Biodiversity Strategy 2025–2031 published by the International Fund for Agricultural Development in August 2025 is a clear example of how linking all these aspects should address the problems. The main objective of this strategy is to promote solutions that integrate environmental sustainability in the field of biodiversity conservation and to seek sustainable and inclusive rural transformation⁶. Among the consequences suffered by agricultural systems are deforestation and, consequently, the loss of biodiversity. This, combined with water scarcity and pollution, poses a long-term threat to food security. In short, there can be no question about the need to provide global solutions to environmental problems.

Similarly, and complementing the idea of dynamism in the relationship between human beings, animals, and the environment in which they live, the One Health approach emerged. Although it will not be discussed in this article, it is important to remember that the Manhattan Principles —the result of a

⁴ FUTHAZAR, Guillaume, [Biodiversity, Species Protection and Animal Welfare under International Law](#). In: PETERS, Anne (Ed.). *Studies in Animal Global Law*, 2020 Beiträge zum ausländischen öffentlichen Recht und Völkerrecht 290, p. 99.

⁵ KEELING, Linda *et al.*, [Animal welfare and the United Nations Sustainable Development Goals](#), *Frontiers in Veterinary Science*, 2019, p. 2, (last consultation, March 9, 2026) <https://doi.org/10.3389/fvets.2019.00336>

⁶ International Fund for Agricultural Development. Available at: [Climate, Environment, and Biodiversity Strategy 2025–2031](#), p. ii-iii, (last consultation, November 15, 2025).

symposium organized in September 2004 by the Wildlife Conservation Society (WCS)— include recommendations aimed at preventing epizootic diseases in order to protect human health, animal health, and biodiversity “(...) that supports us all”⁷.

In the context of preventing health and ecological threats and promoting the well-being of humans and animals, One Health plays a fundamental role in the interests of all species, not just humans⁸. International organizations such as the *Food and Agriculture Organization* (FAO), *World Organization for Animal Health* (WOAH), *World Health Organization* (WHO), and *United Nations Environment Programme* (UNEP) have joined forces to implement this multisectoral approach which, despite being considered soft law, is becoming a concept that directly connects biodiversity, human health, welfare, and climate. From this perspective, just as human health is linked to animal health, there is a need to link human welfare with animal welfare. In this sense, the concept of One Welfare has emerged, which seeks to encourage reporting and exploring the interconnection and added value that preserving and improving animal welfare can bring to human welfare and the environment⁹. These types of initiatives help to highlight the connection between animal welfare and everything that surrounds it scientifically, ethically, culturally, and, in the future, perhaps in the legislative sphere.

The research by Rockström and his collaborators determines that there are nine processes in the terrestrial environment whose thresholds, if exceeded, would cause “unacceptable environmental change”¹⁰. Following the logic of this statement and as described by the author, there are a series of planetary boundaries that must be considered to ensure the safety of mankind in the terrestrial environment.

“We have found nine such processes for which we believe it is necessary to define planetary boundaries: climate change; rate of biodiversity loss (terrestrial and marine); interference with the nitrogen and phosphorus cycles; stratospheric ozone depletion; ocean acidification; global freshwater use; change in land use; chemical pollution; and atmospheric aerosol loading”¹¹.

⁷ The Manhattan Principles on “One World, One Health”, [The Manhattan Principles](#) (last consultation, March, 8, 2026).

⁸ BULLÓN CARO, Carmen, [Una sola salud y el Derecho: Elementos para la gobernanza integrada de la salud y el medio ambiente](#), *Actualidad Jurídica Ambiental*, n° 160, October 6, 2025, p. 11. <https://doi.org/10.56398/ajacieda.00436>

⁹ [One Welfare World](#) (last consultation, March 8, 2026).

¹⁰ ROCKSTRÖM, Johan *et al.*, [A Safe Operating Space for Humanity](#), *Nature*, vol. 461, September 2009, pp. 472, (last consultation, September 5, 2025).

¹¹ *Ibid*, p. 472.

Attending to the results gathered in the referenced source, in its publication date in 2009, the authors concluded that, of the processes mentioned, the loss of biodiversity — together with climate change and interference with the nitrogen cycle— are the areas which thresholds had already been exceeded, meaning that the extinction of species has accelerated alarmingly¹². If these data date back seventeen years, knowing the situation in which our ecosystems currently find themselves, it is clear that there has been no improvement in terms of biodiversity.

Undoubtedly, the loss of species endangers the survival of the ecosystems in which they are found, and vice versa; thus, the consequences that climate change is generating in more specific ecosystems inhabited by species unique to that territory, put not only the ecosystems but also its resident species in a situation of special vulnerability.

In line with this last statement, in the opinion of this writer, the threat to which biological diversity is subjected in the ecosystems of the different territories implies contrasts in the degree of interest and protection. The sum of a set of territories rich in biodiversity, but with different geolocation, reinforces the idea that its conservation should be perceived globally and thus not generate inequalities in its protection, like other environmental problems such as climate change or atmospheric emissions.

2.1. ANIMAL GLOBAL LAW

As mentioned at the beginning of this paper, within the framework of International Law and more specifically, in its clear interest in establishing legal norms and principles governing the interaction between humans and animals, coordination and coherence between the different jurisdictions is necessary. In accordance with the environmental, economic and social consequences caused by using animals —with their differences in countries and regions— and aware of the concern for promoting the welfare of animals as individuals, as Peters rightly states, “the regulatory response needs to be global”¹³.

Thus, the necessary harmonization in this area has led to the creation of an emerging legal branch in Law under the title of Global Animal Law¹⁴. Although

¹² *Ibid*, p. 473.

¹³ PETERS, Anne, *Animal in International Law*, The Hague Academy of International Law, Brill & Nijhoff, 2021, p. 46.

¹⁴ “Sum of legal rules and principles (both state made, and non-state made) governing the interaction between humans and other animals, on a domestic, local, regional and

it is still in the development and consolidation phase within the scientific community, the start of a global debate that affects not only the lives of individual animals but also the concept of animal welfare will allow the multidisciplinary discussion to be extrapolated to national and local levels within States, thereby creating certain urgency for the gradual integration or modification of legislation. The entry into force of animal welfare regulations cannot be limited to certain jurisdictions alone; it must encompass different territories in order to strike a balance and move in the same direction in this area as well.

On the other hand, but without losing the clear link with Global Animal Law, in the framework of International Environmental Law, the allusion to animals -mainly wild animals- included in the different international treaties is directly linked to the conservation of those endangered and/ or threatened species; both because of their situation of threat and the risk of trading with them¹⁵. Although it is not the subject of study in this paper, the author considers that the distance between conservation and animal welfare of wild animals in the framework of international text is unnecessary.

As mentioned, Global Animal Law’s interests transcend borders in relation to the environment, the economy and the relationship between human beings and non-human sentient beings. In this way, the effectiveness is reflected in maintaining the common normative connection points already existing or working on how to solve the imbalances in the national legislations, the main cause of the main problem of legislative harmonization in this matter.

In line with this statement, as Fillol explains, the differences in animal protection regulations at the territorial level jeopardize the reduction of infractions committed. The alleged offender will try to settle in that State where animal welfare protection standards are less restrictive, thus encouraging the commission of animal-related infractions¹⁶. According to this approach, if economically more interesting prices are set for certain industrial sectors and if animal welfare standards are more permissive in one territory than in another,

international level”. PETERS, Anne, [Introduction](#), in PETERS, Anne (Ed.). *Studies in Animal Global Law*, 2020, Beiträge zum ausländischen öffentlichen Recht und Völkerrecht 290, p. 1.

¹⁵ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Available at: [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (last consultation, June 13, 2025).

¹⁶ FILLOL MAZO, Adriana, Derecho Global Animal: Estrategias de Aplicación y desarrollo en la protección de los animales. In: CERDEIRA BRAVO DE MANSILLA, Guillermo (Dir.) and GARCÍA MAYO, Manuel, (Ed.) *Un nuevo Derecho Civil para los animales, Comentarios a la Ley 17/2021, de 15 de diciembre*. Editorial Reus, 2022, p. 80.

there will be no intention or demand to improve them; consequently, it will lead “to the detriment of the welfare of animals”¹⁷.

3. ANIMAL WELFARE LAW

3.1. INTERNATIONAL ACCEPTANCE OF ANIMAL WELFARE

As mentioned at the beginning of this paper, animal welfare should not be addressed as an internal issue for each State, but rather as an interdependent matter that requires significant legal and political coordination between countries and within the framework of international forums.

The name of the legal branch of animal welfare, although of recent use in the field of Law, has its origins in the nineteenth century in Great Britain when the protection of animals was conceived, not as goods object of property, but as beings that, in themselves, required welfare. As Recarte Vicente-Arche described aptly, this way of conceiving animals was established shortly after in the North American culture to progressive evolve¹⁸. Before advancing in the development of the concept and what surrounds it, it is necessary to clarify that animal welfare does not consist of eliminating the total suffering of animals¹⁹, but to avoid the unnecessary suffering caused by the mistreatment and cruelty that they seek to prevent.

Just as the so-called Animal Law is an area that, culturally and depending on the country to which reference is made, is less consolidated, it seems, *a priori*, that animal welfare has found a greater acceptance in the legal field²⁰.

“The term animal rights is part of the legal conversation in only a few countries. Animal welfare and its supporting concepts is the best available and most acceptable term in most countries”.

However, this apparent acceptance is somewhat conditioned. In this sense, the content of the conventions or international guidelines on the conservation of

¹⁷ PETERS, Anne, [Introduction](#), *op.cit.*, p. 6.

¹⁸ RECARTE VICENTE-ARCHE, Ana (†) and ALONSO GARCÍA, Enrique, [Bienestar animal con especial consideración de los animales de ganadería: la Ciencia Aplicada del Bienestar Animal y las restantes ciencias cognitivas, los paradigmas filosóficos y éticos, el Derecho y los movimientos sociales con los que dicha ciencia convive](#), *op.cit.*, p. 9.

¹⁹ FUTHAZAR, Guillaume, [Biodiversity, Species Protection](#), *op.cit.*, p. 97.

²⁰ FAVRE, David, [An International Treaty for Animal Welfare](#), *Animal Law Review*, Vol. 18, Issue 2, 2012, p. 238, (last consultation, September 8, 2025).

endangered species meets their objective in this regard, but they encounter two major difficulties. Firstly, some of these texts are not binding because they are soft law and, secondly and more specifically, the proportion of threatened or endangered animals is lower in relation to the total number of animal species. Internationally, therefore, there is more work being done on protection and conservation than on animal welfare. It should not be forgotten that animal welfare is linked to important global challenges such as food security, public health and international trade in animal products. Regarding these challenges, the Sustainable Development Goals (SDG) are a significant example of the integrity of environmental aspects and the implementation of common solutions²¹.

Given the evident loss of biodiversity due to habitat degradation and an increase in endangered species, SDG 15 seeks to prevent the arrival of invasive species and protect and restore terrestrial ecosystems. The content of this goal and goal 13—*Climate Action*—is reminiscent in some respects of the Climate, Environment, and Biodiversity Strategy mentioned in previous sections. However, although there is no explicit reference to animal welfare in the 2030 Agenda goals, the allusion to resilience in the food sector and the risk of zoonoses due to intensive agriculture and the excessive exploitation of wildlife is undoubtedly a way of referring to animal welfare, especially in relation to livestock farming and food security. Finally, Sustainable Development Goal 14, entitled *Life below water*, specifically refers to the protection of marine biodiversity and the welfare of aquatic fauna, where carbon dioxide emissions generated by human activities and excessive waste in the oceans clearly threaten marine ecosystems. In all these areas, the decisions made by one country have repercussions on others, which is why cooperation is so essential.

The apparent ease with which the protection of wild animals has been taken up in some international texts -mainly in matters of conservation and illegal trafficking of species- contrasts with the scant perception in these texts of animals as beings endowed with sentience. As will be analyzed in later sections, in recent years, the civil codification of European countries such as Spain, Portugal or France has been modified to recognize animals -in general- as living and sentient beings. At the international level, this novelty does not acquire the prominence that, for example, Article 13 of the Treaty on the Functioning of the European Union grants when considering animals as sentient beings²² or

²¹ [Sustainable Development Goals](#), (last consultation, October 20, 2025).

²² Article 13 TFEU: “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, while respecting the legislative or administrative provisions

even Article 36 of the same text in which, in view of the free movement of goods, allows Member States to impose restrictions equivalent to quantitative limits for non-economic reasons such as, among many others, “the protection of health and life of humans, animals or plants”. Thus, as Peters states, although there is a paradigm shift in recognizing animals as sentient beings and integrating them into regulatory texts, the fact is that “animals are mostly protected without granting them rights”²³.

As Futhazar states, the ethical foundations of the concepts of *conservation* and *welfare* are not the same. While the former has a collective character, the latter is characterized as being more individualistic. In spite of this differentiation, from a global point of view, it is intended that the current existence of animal welfare standards will allow, on the one hand, to complement the agreements and provisions already in force and, on the other, to fill the gaps that still exist in International Biodiversity Law²⁴, but it does not dwell on the individualistic aspect of animal welfare. It is perhaps a more practical and executive vision from a legislative perspective than a philosophical analysis of the status of the animal.

In line with this last reference, the attention paid to animals in law, especially at the European level as will be analyzed in later paragraphs, has been more related to the animal's life, that is, in adequate health conditions, rather than to its sensibility and behavioral character. According to this approach, the legislator has always alluded to animal welfare based on its biology, however, advances in scientific and legislative matters in this aspect have shown that the focus is not only on the breed or species to which the animal belongs, but also on its sensitivity and ethology as an individual being.

In order to fill this gap professor David Favre proposed in 2012 the drafting of the International Convention for the Protection of Animals (ICPA), which would contain guidelines and policies regarding the treatment and use of animals. This interesting proposal would not only address the necessary aspects of animal welfare, but would also represent a legal, social and political tool that would allow progress in the international recognition of this matter²⁵.

and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage”.

²³ PETERS, Anne, [Toward International Animal Rights](#), in PETERS, Anne (Ed.). *Studies in Animal Global Law*, 2020, Beiträge zum ausländischen öffentlichen Recht und Völkerrecht 290, p.112.

²⁴ FUTHAZAR, Guillaume, [Biodiversity, Species Protection](#), *op.cit.*, p. 104.

²⁵ FAVRE, David, [An International Treaty for Animal Welfare](#), *op.cit.*, p. 237, (last consultation, September 8, 2025).

The term animal welfare has been recognized worldwide by, among other intergovernmental bodies, the World Organization for Animal Health or *l'Office International des Epizooties* (OIE)²⁶. Accordingly, practically all standards, binding or not, on animal welfare refer to the content of their guidelines. The main reason is that this organization accepts the term animal welfare and has among its objectives to include it in all the measures implemented to improve animal health worldwide. In line with this statement, one of its reference documents is *Guiding Principles for Animal Welfare*²⁷ where the well-known five freedoms are included, the purpose of which is to establish an orientation of the conditions in which animals under human control must be kept.

Possibly, the easy acceptance of the concept is justified for two reasons. Firstly, animal welfare does not include a meta-legal dimension in its meaning, as is the case with the term animal rights. Animal welfare, in its most technical sense, is associated, especially in the European regulatory sphere, with the economic dimension involved in the industrial exploitation of animals²⁸, thus overlooking the idea based on ethical values. Although it will be alluded to in later paragraphs, the concept of animal welfare at European level has been handled mainly with the aim of justifying the restrictive measures adopted due to the conditions of mistreatment in which farm animals have been found, both in the exploitation of certain facilities and at the time of their transport. Secondly, it should not be forgotten that the standards contained in the aforementioned guide are not binding; they are recommendations that also lose their meaning when it is discovered that they are based on public policies with no scientific basis²⁹.

Following the approach of the advances that have revolved around the concept of animal welfare, and especially from a legal interpretative point of view of International Law, as stated in article 38.1c/ of the Statute of the International Court of Justice:

²⁶ The OIE defines “animal welfare” as “the physical and mental state of an animal in relation to the conditions in which it lives and dies”.

²⁷ Freedom from hunger, malnutrition and thirst, Freedom from fear and distress, Freedom from heat stress or physical discomfort, Freedom from pain, injury and disease and Freedom to express normal patterns of behaviour. [Guiding Principles for Animal Welfare](#), (last consultation, May 7, 2025).

²⁸ BISMUTH, Régis, *The Universal Recognition of Animal Welfare and its Dark Sides*. In: ARAL, Isil and D'ASPREMONT, Jean (Dirs.). *International Law and Universality*. Oxford University Press, 2024, p. 186.

²⁹ It should be clarified that animal health standards have a scientific basis, while animal welfare standards have their origin in public policy. FAVRE, David, [An International Treaty for Animal Welfare](#), *op.cit.*, p. 252, (last consultation, September 8, 2025).

“1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

c) the general principles of law recognized by civilized nations”.

If the concept of “civilized nations” is considered, several ideas can be based on the aforementioned precept. In the first place, it has been demonstrated in previous sections the relevance that International Law acquires in matters of animal protection and conservation, more undoubtedly than in animal welfare. Secondly, the European Union has set important precedents in the field of animal welfare and its consideration as sentient beings and, thirdly and lastly, the Civil Code of many countries has abandoned the idea of considering animals as things and has come to accept that they are living beings endowed with sentience.

Is it possible that a society that incorporates these three ideas into the content of its binding rules and in which animals are an essential part of social coexistence because they interact with humans is not a civilized nation? The Statute of the International Court of Justice is binding for the member states of the United Nations, therefore, and following this reasoning, part of the internationalist scholars advocates the recognition of a general international principle of animal welfare³⁰. Animal welfare thus becomes the “cornerstone objective of the global animal law movement”³¹.

3.2. ANIMAL WELFARE STANDARDS IN THE EUROPEAN UNION

Within the European Union, animal welfare standards originated in 1974 with the entry into force of the Council Directive 74/577/EEC on the stunning of animals before slaughter. Since then, numerous standards, recommendations or reports have been published until Protocol no. 33 on the protection and welfare of animals, annexed to the Amsterdam Treaty of 1997, made animal welfare a cross-cutting policy of the European Community. The text of the Protocol required that animal protection and welfare be considered in the implementation of community policies on agriculture, transport, the internal

³⁰ SYKES, Katie, Nations Like unto Yourselves: An Inquiry into the Status of a General Principle of International Law on Animal Welfare, *Canadian Yearbook of International Law*, Vol. 49, 2011, p. 5. [Nations Like unto Yourselves](#) (last consultation, May 9, 2025).

³¹ BISMUTH, Régis, The Universal Recognition of Animal Welfare..., *op.cit.*, p. 188.

market and research³². Following its entry into force, numerous Community Directives on animal protection were issued.

Years before the Treaty of Amsterdam came into force, Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, known as the Habitats Directive, was adopted in 1992. This source of European law promoted the creation of the Natura 2000 network and addressed the conservation of biodiversity, wild species, and habitats. In this regard, and in relation to species, the European Commission has promoted strategies and guidelines to ensure their welfare and conservation, implementing preventive measures to avoid harm to species when they coexist with humans³³.

Although it will not be analyzed in this paper, it is worth highlighting the conservation of the wolf as a clear example. In recent years, this animal has been the subject of several rulings by the Court of Justice of the European Union in which Article 16 of the Habitats Directive has been called into question³⁴.

These decisions seek to harmonize the application of the law in similar cases within the European Union. It should not be forgotten that these decisions are binding and may influence the management of the conservation of certain species. Likewise, these court rulings highlight the importance of scientific evidence in the application of preventive measures. Decision-making to establish management measures for this or other species based on lethal control must first exhaust all scientifically proven preventive measures before applying one of the exceptions in Article 16; thereby seeking to respect the coexistence of species and humans and ensure their conservation³⁵.

³² “In formulating and implementing the Community's agriculture, transport, internal market and research policies, the Community and the Member States shall pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage”. Following the entry into force of the Lisbon Treaty and its Article 13, fisheries and technological development policies are also included.

³³ *Vid.* [Guidance document on the strict protection of animal species of Community interest](#) (last consultation, November 22, 2025) and [Biodiversity Strategy for 2030](#) (last consultation, November 22, 2025).

³⁴ For a more in-depth analysis of this idea, we recommend reading VIDAL RETTICH, José Alfredo, [El tratamiento jurídico del lobo \(Canis lupus\) según dos sentencias del Tribunal de Justicia de la Unión Europea \(julio 2024\)](#), *DALPS. Derecho Animal (Animal Legal and Policy Studies)*, 3/2025, pp.578-602, <https://doi.org/10.36151/DALPS.066>

³⁵ DURÁ ALEMÁN, Carlos Javier, VALLADARES, Fernando and LÓPEZ-BAO, José Vicente, [Tiempos cambiantes en la política de conservación del lobo](#), *Actualidad Jurídica Ambiental*, January 27, 2025, p. 3. <https://doi.org/10.56398/ajacieda.00397>

On another note, but in line with welfare, in November 2002, the European Commission published a Communication on animal welfare focused on farm animals in Member States and third countries (European Commission, 2002). Bearing in mind that one of the policies that formed part of the founding criteria of the European Union was the common market, a certain alarm arose at the Community level at that time due to possible alterations in the field of competition that could affect all European producers, mainly due to the diversity of legislative requirements that existed in other countries. This is one of the moments when European institutions understood the need to be closely aware of the international animal welfare requirements³⁶.

With this approach, the European Union is reinforcing what began in non-binding texts —the Preamble of the aforementioned Protocol n. 33 is not binding, but merely interpretative³⁷ — and increases the awareness campaign on this issue. However, and this has not changed in the last two decades, European legislation remains rigid regarding farm animals, animal transport, food health, laboratory animals or the slaughter of animals, i.e. those that have an impact on economic policy, agriculture and the exchange of products and goods.

Likewise, the non-binding initiatives were joined in January 2006 by the Communication by the European Commission of an Action Plan for Animal Welfare 2006-2010. At the time, it was necessary to organize the legislation in force to date and to clarify the most relevant concepts in order to locate any gaps that might exist. This work, and this is reflected in the text of Communication, seeks to relate to the progress made at international level, proof of the globality already referred to in the European Union in this matter³⁸.

In 2012, the European Commission published a report to evaluate the results of the entry into force of animal welfare standards and to verify whether there was indeed a level playing field between operators doing business both inside and outside the European Union. As mentioned in the second section of this paper, animal welfare standards vary significantly across Member States. This

³⁶ European Commission, [Study on the Impact of Animal Welfare International Activities](#), April 2017, (last consultation, May 9, 2025).

³⁷ CERDEIRA BRAVO DE MANSILLA, Guillermo, El bienestar animal como ser sintiente: un “nuevo” principio general para el derecho de animales. In: CERDEIRA BRAVO DE MANSILLA, Guillermo (Dir.) and GARCÍA MAYO, Manuel, (Ed.) *Un nuevo Derecho Civil para los animales, Comentarios a la Ley 17/2021, de 15 de diciembre*. Editorial Reus, 2022, pp. 113-114.

³⁸ Communication from the Commission to the European Parliament and the Council of 23 January 2006 [Community Action Plan on the Protection and Welfare of Animals 2006-2010](#) [COM (2006) 13, (last consultation, June 13, 2025)].

encourages, for example, slaughterhouse activity to increase more in one Member State than in another and then be exported to the European Union's common market³⁹. It is considered necessary to harmonize measures and standards in order to maintain a balance in the economic activity of the States. In line with this idea, the aforementioned report refers in its introduction to the need to share the values of the European Union with States that are not part of the Union. Community values in relation to animal awareness and the promotion of animal welfare are a key objective in the European regulatory framework⁴⁰.

Another European Union initiative of a non-binding nature, but whose objective was to give visibility to a problem that became latent because of the entry into force of Article 13 of the Treaty of Functioning of the European Union, was the EU Strategy for the Protection and Welfare of Animals 2012-2015⁴¹.

In the agri-food production sector, the Union realized that the components of agricultural soils, climatic conditions and facilities in some Member States made it difficult to adapt their animal protection standards to the new regulations and, therefore, did not guarantee adequate compliance with them. According to this problem, not all animals in the European Union were treated equally and this, in the long term, generated a competitive disadvantage for farmers in these countries. The purpose of this strategy was to demonstrate to agricultural

³⁹ PETERS, Anne, STILT, Kristen and STUCKI, Saskia, [Global Animal Law in the Making: An Introduction](#). Max Planck Institute for Comparative Public Law & International Law (MPII) Research Paper, 2025-12, pp. 13-14. Forthcoming in The Oxford Handbook of Global Animal Law.

⁴⁰ “The overall objective of the Commission's international activities on animal welfare is promoting EU values regarding animals, to raise awareness and encourage globally, particularly with EU-trading partners, high animal welfare standards, reflecting the EU model and principles. Improving animal welfare standards globally also contributes to ensure a level playing field between EU and non-EU operators. European Commission, Report on the impact of animal welfare international activities on the competitiveness of European livestock producers in a globalized world”.

European Commission, [Report on the impact of animal welfare international activities on the competitiveness of European livestock producers in a globalized world](#), COM (2018) 42 final, 26-01-2018, (last consultation, June 13, 2025).

⁴¹ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the European Union [Strategy for the Protection and Welfare of Animals 2012-15](#) (COM (2012) 6 final/2, (last consultation, June 13, 2025).

markets and consumers that animal welfare is an added value to the final product⁴².

In 2017, the Commission published the Decision establishing the EU Platform on Animal Welfare expert group⁴³. The purpose of this new scenario, whose first effective date was December 31, 2019, and which was subsequently extended until June 30, 2021⁴⁴, sought to generate a dialogue between public authorities, interested experts, entities and economic agents and thus be able to share experiences and opinions on animal welfare.

In accordance with this purpose, Article 2 of the aforementioned Decision clearly states the intention to contribute to the application of European legislation on animal welfare and to the purpose of knowing the international standards in force in this field. Underlying this statement is a clear interest in understanding the direction in which legislation in countries outside the European Union is heading in order to connect elements and work cooperatively. This undoubtedly demonstrates, once again, the necessary global impact of animal welfare.

Although the first Platform Decision did not determine the scope of animal welfare, subsequent years have confirmed that the main concern for the European Union remains the welfare of farm and industrial production animals⁴⁵, with no mention of wild animals. However, the platform has now become an interesting channel for communication on animal welfare, the implementation of non-legislative initiatives and the dissemination of good practices in a field aimed at improving the situation of animals. For this reason, the third effective date— May 7, 2021 —, was extended to June 30, 2025⁴⁶.

It is essential to point out the relevant role of promotion and support assumed by the Common Agricultural Policy (CAP) since its origin. In this sense, EU CAP has an obligation to clearly transmit the animal welfare standards to which

⁴² SÁNCHEZ-HERRERA, Francisco, [Bienestar Animal: Políticas y Sociedad](#), *Revista Andaluza de Ciencias Sociales*, n° 26, 2024, p. 29, (last consultation, November 22, 2025).

⁴³ Decision 2017/C 31/12, 24-01-2017. [Platform on Animal Welfare](#) (last consultation, June 13, 2025).

⁴⁴ Decision 2019/C 405/05, 29-11-2019. [EU Platform on Animal Welfare expert group](#) (last consultation, June 13, 2025).

⁴⁵ See as an example the [Farm to Fork Strategy](#) of May 2020 as one of the key actions under the European Green Deal, (last consultation, May 13, 2025).

⁴⁶ Decision 2021/C 185/04, [EU Platform Animal Welfare expert group 2021](#), p. 9, 07-05-2021, (last consultation, May 13, 2025).

producers must adhere, and to give them the tools, legal or material, to be able to comply with them. As Ryland rightly states, “the EU cannot do this alone”⁴⁷.

According to this idea, the coherence between the work from the EU CAP and what is established by the World Trade Organization, since both establish requirements and standards where animals are used as a food source, requires a common and effective global regulation. Although not the subject of this paper, it is necessary to find a balance between avoiding unnecessary suffering of production animals and improving the situations experienced by animals in agriculture. A combination of binding and non-binding standards may be necessary to achieve this goal, but what is certain is that it must be done transnationally⁴⁸.

In 2019, the Green Deal included the European Union Biodiversity Strategy for 2030, whose objectives include strengthening solutions to everything that endangers life in marine and terrestrial ecosystems (excessive exploitation of natural resources, pollution at any level, climate change, etc.). Although it is not the purpose of this article to dwell on the content of this strategy, it is interesting to note that, despite being a non-binding instrument, its content has had a certain influence on the entry into force of European Regulation 2024/1991 of June 24, 2024, on Nature Restoration. Certainly, this regulation, which is now binding and directly applicable in the Member States of the European Union, arises from the need to work on the recovery of marine and terrestrial ecosystems, setting a deadline of 2030. In this sense, animal welfare is indirectly alluded to when referring to the loss of natural habitats to which species belong and which have been degraded by various practices carried out in the natural environment⁴⁹. In short, it is a question of maintaining biodiversity conservation without forgetting the need to increase it in certain areas by improving the state of ecosystems. As stated in Article 3.3 of the Regulation, using a reference area as an example, it will be possible to progressively achieve a sufficient quantity and quality of restored habitats⁵⁰.

⁴⁷ RYLAND, Diane, *Animal Welfare Governance in EU Agriculture. Hybrid Standards, Trade and Values in the Agri-Food Chain*. Edward Edgar Publishing, 2023, p. 3.

⁴⁸ *Ibid*, p. 5.

⁴⁹ RAMÍREZ SÁNCHEZ-MAROTO, Carlos, [Retos en la aplicación del Reglamento sobre la Restauración de la Naturaleza](#), *Actualidad Jurídica Ambiental*, n. 161, 2025, p. 22-23, (last consultation, December 2, 2025).

⁵⁰ [Regulation 2024/1991 of the European Parliament and of the Council of 24 June 2024 on Nature Restoration](#), (last consultation, September, 25).

3.2.1. Favourable legislative consequences following article 13 TFEU

As mentioned in previous sections, Article 13 of the Treaty on the Functioning of the European Union was a turning point in the development of the regulatory framework for animals, for several reasons. Although the novelty of the sentient beings’ concept goes further in recognizing the value of animals, it does so within the framework of certain policies such as agriculture, fisheries, transport, internal market, research and technological development and space policies.

In this sense, it is striking that two of the most well-known policies at European level have not been included in the precept, such as environmental policy and trade policy⁵¹. Both have a direct relationship with animal welfare either because of the measures addressed with respect to the conservation and protection of animal species, or because of the measures to be followed in trade relations with third countries -as mentioned above-.

Following the reasoning of Alonso García, the rules explicitly included in the Constitutive Treaties prevail over the Directives or Regulations, which in the field of European Union Law is called secondary Community Law⁵². In this sense, the Court of Justice of the European Union has stated the constitutional nature of the Treaty on the Union within the Community system, establishing a complete system of guarantees and judicial remedies through which to defend oneself⁵³. In accordance with the above, if any rule of secondary legislation does not comply with the provisions of Article 13 as a precept of the TFEU and does not consider in its drafting the welfare of those already considered sentient beings, the Court of Justice of the European Union could question the validity of such rules.

It is necessary that doctrine and jurisprudence establish limits of protection that are consistent with what is contained in the normative texts and their developments. If the normative precepts of the legislation, on the one hand, and the legal grounds of the resolutions, on the other, are considered, the legal

⁵¹ ALONSO GARCÍA, Enrique. [El bienestar de los animales como seres sensibles-sentientes: su valor como principio general, de rango constitucional](#). *La Ley*, nº 1120, 2011, pp. 13-14, (last consultation, December 8, 2025).

⁵² *Ibid*, p. 12.

⁵³ “(...) the European Economic Community is a Community based on the rule of law, inasmuch as neither its Member States nor its institutions can avoid a review of the question whether the measures adopted by them are in conformity with the basic constitutional charter, the Treaty”. [ECJ Case 294/83 Parti écologiste “Les Verts” v. European Parliament](#), Judgment of 23 April 1986, § 23, (last consultation, May 12, 2025).

reflection would be carried out in the same direction, jointly and, above all, globally.

As was to be expected, legislative developments at the European Union level, especially Article 13 TFEU, have meant progress in the internal rules of the Member States. Although some countries had already established the concern for the protection and welfare of animals⁵⁴, a legal consideration and the European impulse have led countries such as Germany, France or Spain to elaborate their own legislation on animal welfare or to include this concept in the precepts of the regulatory framework.

a) Germany

First, Germany's role in the field of animal protection and animal welfare was at the time, and in many respects still today, the European example. It was the first member of the European Union and the second country on the European continent — Switzerland recognized the inherent worth of living beings (*die Würde der Lebewesen*)⁵⁵ in its Constitution in 1992 — to raise animal protection to constitutional status. Thus, on May 15, 2002, article 20 a/ of the German Constitution (*Grundgesetz*), with the addition of three words “*und die Tiere*”, made the protection of animals as State objective (*Staatszielbestimmung*)⁵⁶.

⁵⁴ In Germany, the Animal Protection Law (*Tierschutzgesetz*) came into force in 1972, and as in so many other German regulations, there is no difficulty in modifying and improving them in the face of social and technological changes. In line with this statement, the reform of the Law of May 25, 1998 included the ethical protection of animals (*ethischen Tierschutzes*), moving towards a step of an ethical-philosophical nature. Thus, and focusing on the current digital generations, in May 2024, legal and enforcement changes were presented in the online trade in animals, the breeding and keeping of pets and farm animals, and the prohibition of keeping wild animals in travelling circuses.

⁵⁵ NATRASS, Kate M., [“...Und Die Tiere” Constitutional Protection for Germany's Animals](#), *Animal Law Review*, Vol. 10, 2004, p. 283, (last consultation, July 12, 2025).

⁵⁶ “The state also protects the natural foundations of life and animals in its responsibility for future generations within the framework of the constitutional order through legislation and in accordance with the law and justice through executive power and jurisdiction” (*Der Staat schützt auch in Verantwortung für die künftigen Generationen die natürlichen Lebensgrundlagen und die Tiere im Rahmen der verfassungsmäßigen Ordnung durch die Gesetzgebung und nach Maßgabe von Gesetz und Recht durch die vollziehende Gewalt und die Rechtsprechung*). Switzerland ranks among the top in the Animal Protection Index [Staatszielbestimmung](#) (last consultation, May 13, 2025).

ARREGUI MONTOYA, Rocío, [La protección de los animales en Derecho Comparado: una visión internacional del maltrato animal](#). *Revista Internacional de Doctrina y Jurisprudencia*, Vol. 31, July 2024, p. 57.

Likewise, on August 20, 1990, Article 90 a/ was included in the German Civil Code (*Bürgerlichen Gesetzbuch*) under the heading *Things and Animals* making clear in its first point that animals are not things (*Tiere sind keine Sachen*)⁵⁷.

Being the intention of this paper to reinforce the implementation of animal welfare as an essential part of Global Animal Law, it is necessary to mention Germany's contribution in this regard by clearly and specifically stating, in the first article of its Animal Protection Law (*Tierzuchtsgesetz*), the objective that the law aims to achieve:

*“The purpose of this law is to protect the life and well-being of animals out of human responsibility for them as fellow creatures. No one may inflict pain, suffering or harm on an animal without reasonable cause”*⁵⁸.

Beyond the German legislative initiative, advances in animal welfare continue to be implemented in Germany. In this regard, a bill was introduced in February 2024 that aims to amend the aforementioned Animal Protection Law⁵⁹.

The fundamental reason for this reform is the need to update animal protection in light of scientific advances in the field of animal welfare. The aim is therefore to strengthen animal protection in a comprehensive manner.

Among some of the most relevant changes is the prohibition of the sale of animals through platforms that are not legally registered. Furthermore, it will be mandatory to make recordings in slaughterhouses in order to help the authorities supervise the activities carried out in these facilities. Finally, circuses will no longer be able to acquire certain species such as elephants, monkeys, giraffes, seals, or hippopotamuses; however, those animals that are already part of their collections will continue to be kept in their facilities. Finally, in order to strengthen the institutional structure for animal welfare in Germany, the bill seeks to create the position of Federal Commissioner for Animal Welfare (*Amt des Bundesbeauftragten für Tierschutz*). With this new position, the federal and state governments will collaborate jointly in their relationship with citizens and authorities with jurisdiction over animal welfare.

⁵⁷ For a more complete overview of Germany's role in this regard. LÓPEZ DE LA OSA ESCRIBANO, Pilar, *El Derecho del Bienestar Animal en Europa y en Estados Unidos*. Aranzadi Thomson Reuters, Cizur Menor, 2012, p. 36.

⁵⁸ *Zweck dieses Gesetzes ist es, aus der Verantwortung des Menschen für das Tier als Mitgeschöpf dessen Leben und Wohlbefinden zu schützen. Niemand darf einem Tier ohne vernünftigen Grund Schmerzen, Leiden oder Schäden zufügen.*

⁵⁹ At the time of writing, it is still undergoing parliamentary proceedings.

b) France

France is another European example which, without having been historically a forerunner in the field of animal protection but assuming an important tradition in Civil Law, adopted a new civil status for animals in the content of its Civil Code⁶⁰. Law 2015-177, of February 16, amended Article 515 by including a new paragraph stating that they are living beings endowed with sentience.

“Animals are sentient living beings. Subject to the laws that protect them, animals are subject to the rules governing property”⁶¹.

Again, the manifest progress of Article 13 TFEU is evidenced by a clear reflection of a legal nature in French Law. The first relay of this impulse, this time with a stronger focus on animal welfare, was taken by the French Ministry of Agriculture and Food by creating in 2017 the National Reference Center for Animal Welfare⁶² in order to act as a scientific and technical reference and to develop its work close to economic and social actors. Ultimately, the aim is to raise awareness and improve the consideration of animal welfare in the various types of interaction they have with people.

To conclude the reference to the Gallic country, as the last development in the culture for animal protection, the so-called Animal Code was published in March 2018 in France. Although it is a non-binding text, it aims to reinforce possible and future developments in France in the field of Animal Law⁶³.

c) Spain

As per Spain, it is a fact that, over the years, public authorities -possibly driven by social action and sensitivity- have progressively shown greater commitment

⁶⁰ LELANCHON, Loïs, [La reforma del estatuto jurídico civil de los animales en el Derecho francés](#), *Derecho Animal (Forum of Animal Law Studies)*, 2018, vol. 9/3, p. 73, (last consultation, May 20, 2025).

⁶¹ *Les animaux sont des êtres vivants doués de sensibilité. Sous réserve des lois qui les protègent, les animaux sont soumis au régime des biens.*

⁶² [Centre National de Référence pour le Bien-Être Animal](#) (CNR BEA), (last consultation, May 13, 2025).

⁶³ In the words of one of its creators, Professor Jean-Pierre MARGUÉNAUD, it is about “(...) applicable rules to animals in France; rules that equally come from French laws, decrees, regulations as well as from European directives, main French jurisprudence and European Court of Human Rights decisions”.

LAFFINEUR-PAUCHET, Marie, [First Animal Code in France: A Response to a Dissonant Animal Law](#), *Derecho Animal (Forum of Animal Law Studies)*, 2019, vol. 10/2, 97, (last consultation, May 16, 2025).

and interest in animal protection and, more recently, in animal welfare⁶⁴. Attention to the concern for animals and their welfare has not only originated reactions in social and political environments, but has also motivated the intervention of cultural, scientific and philosophical-ethical spheres.

A large part of the achievements made in Spain regarding animals arise from the incorporation of the new article 333 bis of Law 17/2021, of December 15, amending the Civil Code, the Mortgage Law and the Civil Procedure Law, where animals are no longer considered *things* and, within the framework of their legal regime, are considered “living beings endowed with sentience”. In accordance with the new precept, animals should not be treated as objects, which implies a change in the behaviour of people towards them in their treatment, care and attention.

Because of the change in the legal status of animals, the legislator saw the need to publish a regulation aimed at guaranteeing the welfare and protection standards of those animals that coexist in the human environment. The result of this initiative is Law 7/2023, of March 28, on the Protection of the Rights and Welfare of animals. What mainly called the attention of the Spanish society to this new legislation was, undoubtedly, its title. Including the terms *animal rights* and *animal welfare* in the same statement was a sign of progress in this area, but also of a lack of knowledge on how to consolidate these terms in Spanish Law, especially regarding animal rights.

The Explanatory Memorandum of the Law takes Article 13 of the TFEU as a reference to state that Spain, as a Member State, must comply with supranational Law and adapt its regulations to the requirements of the European Union. However, although the concept of welfare is mentioned 54 times throughout the Law and the content of its definition seeks to give it a global character given the obvious allusion to the OIE⁶⁵, it is surprising that when defining the purpose of the Law it expressively stated that guaranteeing welfare is not the main objective⁶⁶.

⁶⁴ SÁNCHEZ-HERRERA, Francisco, [Bienestar Animal](#), *op.cit.*, p. 22.

⁶⁵ Article 3 k) Law 7/2023 of March 28, on the protection of the rights and welfare of animals. Animal welfare definition attending the Law: “The physical and mental state of an animal in relation to the conditions in which it lives and dies, as defined by the World Organization for Animal Health”.

⁶⁶ *El principal objetivo de esta ley no es tanto el garantizar el bienestar de los animales evaluando las condiciones que se les ofrecen, sino el regular el reconocimiento y la protección de la dignidad de los animales por parte de la sociedad.* Law 7/2023 of March 28, on the Protection of the Rights and Welfare of Animals.

“The main objective of this law is not so much to guarantee the welfare of animals by evaluating the conditions offered to them, but to regulate the recognition and protection of the dignity of animals by society”.

In the opinion of this writer, it is possible that this statement in the Law is related to the important paradigm shift that its entry into force has entailed. Firstly, society must be inclined—which is not yet the case—to internalize that animals are definitely living beings endowed with sentience; and secondly, because the five additional provisions included at the end of the regulatory text refer, *ex profeso*, to future developments of plans or regulatory texts in more specific matters (assistant dogs, Great Apes Law, etc) that, possibly, will focus, when the time comes and with greater precision, on guaranteeing their animal welfare.

It should not be forgotten that, if the OIE guidelines at the international level and without being binding, and Article 13 TFEU at the European level and being binding, have motivated the aforementioned legislative reforms, they will all act, little by little, in the words of CANTERO and MÉNDEZ, as a “catalyst to speed up this change”⁶⁷.

4. CONCLUSION

The message that has been conveyed throughout the work at the international and European level regarding the continuing threat to biodiversity in terms of its loss and the degradation of ecosystems and the need for their restoration shows, once again, that environmental problems are cross-cutting and transnational.

In this sense, concern for biodiversity arises from the need to prevent the deterioration and loss of ecosystems and their habitats, as well as the disappearance of the animal species found in those environments. In this context, International Law has played an important role from the outset, collaborating in the integration of this concern into its normative framework, thus allowing for an effective development in domestic Law. It is difficult to achieve the goals of International Biodiversity Law, and thus Global Animal Law, without including a detailed study of animal welfare.

⁶⁷ In the original language: *catalizador para acelerar este cambio*. CANTERO BERLANGA, Manuel Damián and MÉNDEZ ROCASOLANO, María, [La protección de los animales en España: los derechos de los animales como respuesta a las injusticias humanas](#), *Actualidad Jurídica Ambiental*, n° 143, 2024, p. 31, (last consultation, June 29, 2025).

One of the main conclusions reached after the analysis carried out in this paper is that globality is a term that not only affects environmental problems such as climate change or ozone layer depletion. In the field of Law, everything that involves rules and principles that operate at different levels: international, regional, national and local, has a global character. In this sense the safeguarding of animal welfare within the current trend of animal protection is essential to establish a constant and rigorous legal reflection on the subject. This is the only way to improve not only the legislation on the status and care of species, but also to guarantee that they are an essential part of ecosystems. In this way, it will become clear that the conservation of the ecosystems in which life exists and develops is also a global problem.

It is important to mention the challenge faced by Global Animal Law in this regard. It requires harmonization of animal protection and welfare across different geographical legislative contexts. As has been explained, sometimes a national law may not be sufficient to establish cooperation in animal welfare and/or protection. In times of globalization, national and international legislation must complement each other.

The need to conceive Animal Welfare Law in a global way is because animal protection, and not only their welfare as living beings endowed with sensitivity, must be considered by the Law. In this regard, when it comes to limiting human behaviour toward animals, the care that must be provided to them, or the daily relationship that humans have with other animals, the legal system must act. This interrelation between legal science and ethics is what gives rise to Animal Welfare Law.

Throughout this work, it has been found that current international, European, and national animal legislation focuses on the protection and conservation of animals, rarely referring to the ethology of individual animals. However, this essential element would serve to provide insight into the needs of animals in their behavioural development to achieve the well-being appropriate to their species.

From this perspective, International Biodiversity Law, whose aims can be summarized in two clear concepts: “conservation” and “sustainable management of certain species”, will possibly integrate animal welfare into its contents if it is a means to achieve these aims. This means that, to achieve the inclusion of animal welfare of wild animals at the international level, it is a priority to enact new standards based on this matter.

Until that point is reached, and in order to promote awareness of the issue internationally, it would be beneficial to include elements relating to animal welfare in treaties that are already in force. In this way, the willingness and interest in including it in future regulatory texts will obviously be more feasible. In relation to this idea, as has been made clear throughout this paper, the European Union advocated this option, promoting the implementation of animal welfare standards, especially for farm animals, an initiative that made it possible to learn about the standards of third countries and adapt to them.

One of the ideas supported at the end of the paper is that animal welfare itself has become a political and social issue. On the one hand, political parties do not hesitate to include animal welfare as an issue of relevance — without going into the extent of their involvement in this matter — and, on the other hand, civil society has shown permanent concern and worry for animals over the last four decades, which has led to the promotion of action plans and strategies on animal welfare within the framework of the European political agenda. These initiatives are a foretaste of the visibility that this matter has been acquiring and is progressively consolidating in the European legislative framework.

However, attention to the welfare of wild animals remains neglected in the context of globalization. Animal welfare should include all animal species, not only those whose intervention in the economic sector of a State has important consequences. This conclusion underlies the clear legislative interest in animal welfare in the agri-food sector, especially in animal health and farm animal welfare standards in the European framework. It is possible that one of the main arguments behind this conclusion —beyond an obvious interest in the economic results of agricultural trade within and outside the Union— is that farms and livestock facilities have negative consequences for the ecosystem, and acting on this issue is becoming a priority.

In this sense, the permanent connection between the World Trade Organization and the Common Agricultural Policy, both organizations in constant relationship with producers and public authorities of the countries, undoubtedly favours that animal welfare, and its intense link with agriculture, is clearly effectively connected with Global Animal Law.

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