

Message 001

Communication from the Commission - TRIS/(2026) 1841

Directive (EU) 2015/1535

Notification: 2026/0351/ES

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261841.EN

1. MSG 001 IND 2026 0351 ES EN 10-07-2026 ES NOTIF

2. Spain

3A. Ministerio de Asuntos Exteriores, UE y Cooperación

DG Coordinación del Mercado Interior y Otras Políticas Comunitarias

SG Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente

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3B. Ministerio de Derechos Sociales, Consumo y Agenda 2030

Secretaría de Estado de Derechos Sociales

DG Derechos de los animales

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4. 2026/0351/ES - C90A - Well-being of animals and pets

5. Draft Royal Decree developing the list of domestic pet species and the positive list of pet animals.

6. List of domestic pet species and the positive list of pet animals.

7.

8. Article 34(a) of Law 7/2023 of 28 March on the protection of animal rights and welfare states that the relevant ministerial department shall draw up the list of domestic companion species (LEDC).

Article 37 of Law 7/2023 of 28 March stipulates that a Royal Decree shall lay down the procedure for approving the lists of mammals, birds, reptiles, amphibians, fish and invertebrates to be included in the positive list of pet animals, as well as the procedure for inclusion or exclusion and the relevant time limits.

The fourth final provision of Law 7/2023 of 28 March 2023 provides that, within a maximum period of 24 months from the entry into force of the aforementioned law, the Government shall approve the regulation implementing the positive list of animals (LPAC) that may be kept as pet animals, provided for in Chapter V of Title II.

It is therefore necessary to implement these provisions through this Royal Decree in order to comply with Article 37 and the fourth final provision of Law 7/2023 of 28 March.

Its content includes:

The procedure for approving the List of Domestic Companion Animals and its contents.

The procedure for the approval and updating of the Positive List of Companion Animals, and the criteria for the inclusion and exclusion of species from it, as well as the procedure for the inclusion and exclusion of species from the list.

The preparation of the report by the Scientific and Technical Committee for the Protection and Rights of Animals in accordance with the established criteria.

Authorisation for animals not included in the LPAC, as well as specific authorisation for the keeping, breeding, transfer or trade of captive wild animals.

9. The restriction on the species that may be kept as pets, through the establishment of positive lists, as set out in the explanatory memorandum to Law 7/2023 of 28 March, is intended to preserve biodiversity, as well as to ensure the welfare of pets and to protect public health and the safety of people.

The creation of a List of Domestic Companion Species stems from the need to regulate, as companion animals, those domestic species other than dogs (*Canis familiaris*), cats (*Felis catus*) and ferrets (*Mustela putorius furo*), to which the domestic animals defined by Law 8/2003 of 24 April on animal health belong. In this regard, it is worth noting that a domestic animal belongs to a species or subspecies descended from a wild ancestor. Therefore, a wild animal kept in captivity is not a domesticated animal, but one that has become accustomed to the presence of humans.

Furthermore, the positive list fulfils the commitment undertaken through the ratification of the European Convention for the Protection of Pet Animals with regard to their keeping in accordance with Article 4, and in particular, regarding the fulfilment of their ethological needs, in accordance with their species and breed, whilst in captivity.

The creation of this list follows the trend set by other Member States that have already drawn up positive lists of pet animals to regulate the keeping of animals in the home, in connection with potential health, safety, environmental and/or animal welfare risks.

9a. The creation of positive lists, based on scientific assessment, prioritises prevention and is grounded in the precautionary principle, unlike negative lists, whose approach is, by its very nature, reactive and less precautionary, as highlighted in the European Parliament's resolution of 24 November 2022, on improving Union legislation on wild and exotic animals kept as pets in the European Union through a Union positive list.

No alternative measures are proposed, as this is an implementation of Law 7/2023 of 28 March.

9b. The creation of a positive list of pet animals serves as a tool to ensure the welfare and protection of the rights of animals falling within the scope of this Royal Decree, as well as to safeguard public health, public safety and biodiversity.

It also makes it possible to improve the monitoring of illegal trafficking of wild species and to mitigate the economic impact on legal operators that this activity generates. Similarly, the lists set out in this regulation serve as a means of raising public awareness of the responsibility to protect wildlife species and to ensure the responsible keeping of animals in the home, as well as a preventative tool designed to avoid the economic, ecological and health impacts caused by invasive alien species.

9c. The envisaged obligations are considered to be proportionate to the importance of the animal health and welfare and public health objectives pursued.

The measure is limited to setting out requirements without imposing any obligations that go beyond what is necessary to ensure appropriate conditions for animals classified as wild species that are kept as pets.

The lack of up-to-date basic regulations could make it difficult to ensure the welfare and safeguards relating to safety, health and the protection of the natural environment for the animals in question. This damage is greater than the burden resulting from compliance with the lists.

10. References to the basic texts: There are no basic texts

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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