

Ms Ursula von der Leyen
President

Ms Stella Kyriakides
Commissioner for Health and Food Safety

Ms Sandra Gallina
Director-General
Directorate General for Health and Food Safety

Brussels, 30 October 2023

Subject: complaint to the EU Commission on the failure to follow up on the European Citizens' Initiative "End the Cage Age"

Dear President,
Dear Commissioner,
Dear Director General,

We, Eurogroup for Animals and 54 of our member organisations from 26 EU Member States, are writing to call on you, the European Commission, to urgently take action to fulfil the public commitments you took in response to the European Citizens' Initiative (ECI) "End the Cage Age", which gathered the signatures of **over 1.4 million citizens**.

We contend that the Commission has failed to act in accordance with the rules governing the European Citizens' Initiatives after generating legitimate expectations among European citizens. These shortcomings can be characterised as maladministration, both in light of the provisions of Regulation (EU) 2019/788 and the very *raison d'être* of European Citizens' Initiatives as an instrument of transnational democracy.

Facts

The ECI "End the Cage Age" called on the Commission to come forward with legislation to prohibit, through a phase out, cage systems for specific species of farmed animals.

On 30 June 2021, through its communication on the ECI "End the Cage Age" (C(2021)4747), the Commission gave a positive response: it stated that legislation prohibiting and phasing out cages, for the identified farmed species, would be part of a revision of EU animal welfare legislation to be published **in the third quarter of 2023**. The Commission confirmed this timeline at numerous official meetings and hearings, with both the Council and the European Parliament.

However, at his hearing in the European Parliament on 3 October 2023, Executive Vice-President (EVP) Maroš Šefčovič stated that the Commission would only come forward with a proposal on the protection of animals during transport, by December this year, and failed to provide any clarity or timeline concerning legislative proposals that deal with the keeping of farmed animals in cages.

Our claim

This position by the EVP is in stark contradiction with the commitments made in the communication on the ECI “End the Cage Age” and is in breach of article 15(3) of Regulation (EU)2019/788 as the Commission failed to:

(...) provide, in the register and on the public website of the European Citizens' Initiative, up-to-date information on the implementation of the set out in the communication adopted in response to the initiative.

The Commission's discretion in determining whether or not to propose new legislation and on the timing of the latter does not absolve it from abiding by the principles of good administration - including duty to motivate and transparency - or respecting provisions of regulations in force.

By publicly - and repeatedly - confirming to EU citizens that the legislation addressing their concern would be delivered by the end of 2023, as laid out in communication (C(2021)4747), the Commission created legitimate expectations in the public. Hence, the contradictory decision communicated by EVP Šefčovič is a manifest case of maladministration as the Commission thereby fails to respect the provisions of Regulation (EU)2019/788 and undermines the very credibility of the democratic participatory process that ECIs represent.

Consequently, we formally request that the Commission **comes forward with a definite timeline** for the publication of legislative proposals within the current Commission mandate and communicate the decision through the appropriate channels as required by the ECI Regulation, thus fulfilling the commitments made in the communication on the ECI “End the Cage Age”.

We respectfully ask for a response to these requests within 15 working days. In absence of a response or should the response fail to satisfactorily address our requests, we shall initiate formal proceedings with the **European Ombudsman**.

We look forward to your swift response to our missive.

On behalf of the European animal protection movement:

Reineke Hameleers, CEO, Eurogroup for Animals

Debbie Tripley, Global Director of Campaigns and Policy Advocacy, Compassion in World Farming (CIWF)

Joe Moran, Director, European Policy Office, Four Paws

Sharon Nunez, President and CEO, Animal Equality

Jan Sorgenfrei Nielsen, Director of Global Impact, Anima International

Michel Vandenbosch, President, Global Action in the Interest of Animals (GAIA), Belgium

Petya Altimirska, Chair of the Board, Campaigns and Activism for Animals in the Industry (CAAI), Bulgaria

Judit Laura Krásná, Chairwoman, Spolecnost Pro Zvirata - Society for Animals, Czech Republic

Britta Riis, CEO, Dyrenes Beskyttelse - Animal Protection Denmark

Gitte Buchhave, Director, World Animal Protection, Denmark

Anu Tensing, Program and Project Manager, Board Member, Animal Advocacy Organisation (LOOMUS), Estonia

Kati White, CEO, SEY Animal Welfare Finland

Heidi Kivekäs, Executive Director, Animalia, Finland

Louis Schweitzer, Président, La Fondation Droit Animal, éthique et science (LFDA), France

Christophe Marie, Deputy Director, Fondation Brigitte Bardot, France

Marion Bigouin, Director European Department, Code Animal, France

Ghislain Zuccolo, CEO, WELFARM - Protection Mondiale des Animaux de Ferme (PMAF), France

Thomas Schröder, President, Deutscher Tierschutzbund e.V., Germany

Dr. Barbara Felde, Vice-Chair, Deutsche Juristische Gesellschaft für Tierschutzrecht (DJGT), Germany

Iris Baumgärtner, Director, Animal Welfare Foundation (AWF), Germany

Thomas Hecquet, Director, Animal Society, Germany

Christina Ledermann, CEO, Menschen für Tierrechte, Germany

Irini Molfessi, Chair of the Board, Hellenic Animal Welfare Federation, Greece

Caroline Rowley, Director, Ethical Farming Ireland

Cyril Sullivan, CEO, The Irish Society for the Prevention of Cruelty to Animals (ISPCA), Ireland

Gianluca Felicetti, President, Lega Anti Vivisezione (LAV), Italy
Alessandro Ricciuti, President, Animal Law Italia (ALI), Italy
Simone Montuschi, President, Essere Animali, Italy
Ellen Bien, Director, Dierenbescherming, Netherlands
Paul Denekamp, President, Vissenbescherming, Netherlands
Frederieke Schouten, Vice-president, Caring Vets, Netherlands
Debby Weijers, Director, Proefdiervrij, Netherlands
Frederieke Schouten, Director, Dier&Recht, Netherlands
Dirk Jan Verdonk, Director, World Animal Protection Netherlands (WAP), Netherlands
Anne Hilhorst, Director, Wakker Dier, Netherlands
Maite van Gerwen, Director, CAS International, Netherlands
David van Gennepe, CEO, Stichting AAP, Netherlands
Anna Spurek, COO, Green REV Institute, Poland
Grzegorz Stachacz, Director, Albert Schweitzer Foundation (ASS), Poland
Peter Begonha Janson, President, Animais de Rua, Portugal
Joana Machado, President of the General Assembly, Associação Vegetariana Portuguesa (AVP), Portugal
Daniel Constantin Ioniță, President, Freedom and Respect for Everything Earthling (F.R.E.E.), Romania
Pavla Dugovičová, CEO, Sloboda Zvierat, Slovakia
Martin Smrek, Executive Director, Humánný Pokrok, Slovakia
Samo Curk, President, Animal Enterprise Transparency Project (AETP), Slovenia
Alberto Díez, Director Campañas, Asociación Nacional para la defensa de los animales (ANDA), Spain
Carla Cornellá, President, Fundación para el Asesoramiento y Acción en Defensa de los Animales (FAADA), Spain
Aïda Gascón, Director, AnimaNaturalis, Spain
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Benny Andersson, CEO, Djurens Rätt, Sweden
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