REGULATORY IMPACT ANALYSIS REPORT

EXECUTIVE SUMMARY

Proposing Ministry/body	**MINISTRY OF SOCIAL RIGHTS AND 2030 AGENDA**	**Date**	**27.07.2026**
Title of the regulation	Royal Decree implementing the list of domestic companion animal species and the positive list of companion animals.		
Type of Report	Normal ■ Abbreviated ☐		
TIMELINESS OF THE PROPOSAL			
Subject	The procedure for approving the List of Domestic Companion Animal Species, and its content. The procedure for approving and updating 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 therein. 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.		

Objectives pursued	To ensure the welfare and protection of the rights of animals falling within the scope of this Royal Decree. Protect health, public safety and biodiversity. Facilitate the control of keeping companion animals.
Main alternatives considered	None.
CONTENT AND LEGAL ANALYSIS	
Type of regulation	Royal Decree
Structure of the regulation	The Royal Decree consists of an explanatory part, 14 articles, divided into four chapters, two final provisions and an annex.

Reports received	It is necessary to obtain the following reports: A. Report of the autonomous communities and the cities of Ceuta and Melilla B. Reports, in accordance with the provisions of Article 26, Point 5, first paragraph, of Law 50/1997, of 27 November, from the following Ministerial Departments: i. Ministry of Finance ii. Ministry of the Interior iii. Ministry of Industry and Tourism iv. Ministry of Agriculture, Fisheries and Food v. Ministry for the Ecological Transition and the Demographic Challenge vi. Ministry of Economy, Trade and Business vii. Ministry of Health C. Report of the Office of Coordination and Regulatory Quality of the Ministry of the Presidency, Justice and Relations with the Courts, in application of Article 26, Point 9, of Law 50/1997 of 27 November 1997. D. Preliminary report on the division of powers between the State and the autonomous communities, drawn up by the Ministry of Territorial Policy and Democratic Memory, in accordance with the provisions of Article 26(5), sixth paragraph, of Law 50/1997 of 27 November 1997. E. Other reports: ▪ Spanish Federation of Municipalities and Provinces ▪ Council of Consumers and Users, in accordance with the provisions of Article 39 of Royal Legislative Decree 1/2007 of 16 November 2007 approving the consolidated text of the General Law for the Protection of Consumers and Users. F. State Council for the Protection of Animals. G. Report from the Technical General Secretariat, in accordance with the provisions of Article 26(5)(4) of Law 50/1997 of 27 November 1997 on the Government. H. Notification to the European Commission and the other Member States, in accordance with Directive (EU) 2015/1535 laying down a procedure for the

Public information and public hearing procedures	It is necessary to carry out the procedures relating to public information and consultation, as this impacts citizens' rights and obligations in the field of animal welfare, in accordance with Article 26(6) of Law 50/1997 of 27 November 1997. The preliminary public consultation was launched on 13 October 2025, with a closing date of 28 October 2025. It received contributions from 1,124 individuals and 46 legal entities, making a total of 1,170 contributions. In addition, 23 contributions were recorded after the deadline. As regards the public information, it was submitted on 17 April 2026 with a deadline of 8 May 2026. Contributions were received from 3,260 individuals and 127 legal entities, making a total of 3,387 contributions; there is no record of any late contributions.
IMPACT ANALYSIS	
COMPLIANCE WITH THE DISTRIBUTION OF COMPETENCES	This Royal Decree is issued under the exclusive powers conferred on the State by Article 149, Point 1.10, of the Constitution, with regard to customs and tariff regulations and foreign trade; Article 149, Point 1.13, with regard to the basic rules and coordination of general economic planning; Article 149, Point 1.16, with regard to the basic conditions and general coordination of health matters; Article 149, Point 1.23, with regard to basic legislation on environmental protection; and Article 149, Point 1.29, with regard to public safety, without prejudice to the powers conferred on the autonomous communities, in accordance with their Statutes, with regard to the protection of animals

ECONOMIC AND BUDGETARY IMPACT	Effects on the economy in general.	The regulation has an impact on the economy in that it restricts trade in certain animal species for the purpose of keeping them as companion animals.
	With regard to competition	■ the regulation has no significant effects on competition. ☐ the regulation has positive effects on competition. ☐ the regulation has negative effects on competition.
	With respect to administrative burdens	☐ It entails a reduction in administrative burdens. ■ It incorporates new administrative burdens. Estimated total: EUR 585,610 ☐ It does not impact administrative burdens.

	With regard to budgets, the regulation ☐ Impacts the budgets of the State Administration. ☐ Impacts the budgets of other Regional Administrations.	☐ involves an expense: ☐ involves an income. ■ does not involve income or expenditure.
GENDER IMPACT	The regulation has the following gender impact:	Negative ☐ None ■ Positive ☐
IMPACT ON CHILDHOOD, ADOLESCENCE AND FAMILY	The regulation has an impact on childhood, adolescence, and the family	Negative ☐ None ■ Positive ☐
OTHER IMPACTS CONSIDERED	**Impacts of a social and environmental nature:** positive **Impact on public health and safety:** positive **Climate change impact:** none **Impact due to the development or use of digital government tools and services**: none **Impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities:** none	
OTHER CONSIDERATIONS	The draft is included in the 2026 Annual Regulatory Plan.	

ROYAL DECREE ESTABLISHING THE LIST OF DOMESTIC COMPANION ANIMAL SPECIES AND THE POSITIVE LIST OF COMPANION ANIMALS

REGULATORY IMPACT ANALYSIS REPORT

I. JUSTIFICATION OF THE REPORT.

This report has been drawn up in accordance with the provisions of Royal Decree 931/2017, of 27 October, regulating the Regulatory Impact Analysis Report and in the Methodological Guide for the preparation of the Regulatory Impact Analysis Report in accordance with the first additional provision of the repealed Royal Decree 1083/2009, of 3 July, regulating the Regulatory Impact Analysis Report.

In accordance with the provisions of Article 2 of the aforementioned Royal Decree 931/2017 of 27 October 2017, it is considered that a comprehensive report must be drawn up, given the impact that restricting the domestic and wild species that may be kept as companion animals could have on society.

II. TIMELINESS OF THE REGULATION.

A. Rationale

- Grounds for the proposal

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

Article 37 of Law 7/2023 of 28 March 2023 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 companion 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 companion 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 2023.

- Groups impacted and addressees of the regulation

According to data published by the European Pet Food Industry Federation (FEDIAF), in its 2025 report, the estimated number of companion animals in Spain is 5,082,000 ornamental birds, 1,548,000 small mammals, 1,488,000 terrarium animals, and 703,000 aquarium animals.

The legislation is directly addressed to citizens, since its purpose is to establish a list of both domestic and wild species that may be kept as companion animals.

Furthermore, the regulation also applies indirectly to professionals who breed and market animals for sale as companion animals; they must ensure that the animals they offer for sale are included in the relevant lists.

- Public interest impacted by the situation and appropriateness of adopting this regulation.

The development of the positive list responds to society’s growing awareness of animal welfare, the environment, human safety and public and animal health.

The welfare of animals kept in the home requires that the animal's needs be met by providing accommodation, care and attention that take into account its ethological needs, in accordance with its species and breed, as stated in the European Convention for the Protection of Pet Animals, done at Strasbourg on 13 November 1987 and ratified by Spain in 2017.

In relation to the environment, by limiting the species that can be kept as companion animals, it contributes to the protection of biodiversity globally, since it contributes to reducing the extraction of animals from their original environment and likewise, the release of these animals in another environment in which they are not naturally present is limited, thus ensuring the balance of ecosystems.

The safety of persons also implies the keeping of animals in the home that do not represent a risk to their owner or person responsible insofar as they do not cause accidents that may pose a danger to persons.

Similarly, restrictions are placed on the keeping of animals that may carry pathogens and thus contribute to the spread of diseases, some of which have zoonotic potential – a significant

issue that is a cause of great concern to the public, particularly in the wake of the COVID-19 pandemic.

Positive listing is a procedure in line with the One Health approach recognised by both the World Health Organisation and the World Organisation for Animal Health, which affirms that both public and animal health, as well as the environment, are interdependent and that problems and challenges need to be addressed through a holistic approach.

Furthermore, the development of the positive list in Spain is in line with regulatory developments in other European Union countries and with the growing demand for a positive list at EU level. Proof of this is the support received from nineteen Member States for the Position Paper on a new EU legislative framework concerning an EU positive list for the keeping of companion animals, presented by Cyprus, Lithuania, Luxembourg and Malta at the Agriculture and Fisheries Council meeting on 24 May 2022. This position paper calls for the creation of positive listings as the most appropriate measure, as they prioritise prevention and are based on the precautionary principle, unlike negative listings whose approach is by nature reactive and less precautionary.

In addition to these four Member States, others such as Belgium, the Netherlands and Italy, along with Norway, already have approved lists of animals that may be kept. This situation has led the European Commission to carry out a feasibility study on the matter.

It should be noted that the Royal Decree also takes into account those species that may not be included in the lists, by providing for measures such as exceptional or specific authorisations.

B. Aims and objectives

As anticipated, the objectives pursued by the Royal Decree are as follows:

- To develop an LEDC and an LPAC that may be kept as companion animals, with a view to ensuring animal welfare, public and animal health, and public safety, and to protecting the environment.
- To simplify the monitoring carried out by the competent authorities in relation to the keeping of companion animals.

  In this regard, it should be noted that the Resolution of the European Parliament of 24 November 2022 on the improvement of Union legislation relating to wild and exotic animals used as companion animals in the European Union through a Union positive list (2022/2809(RSP)), indicates that Union databases designed to monitor trade in animals

in and between Member States do not record the origins of animals, and that CITES only refers to the relatively small proportion of animal species listed in its appendices.

- To combat the illegal trade in wildlife and reduce the abandonment of companion animals by restricting the species that may be kept and raising public awareness of the conditions required for keeping these species.

  With regard to illegal trafficking, the current system offers few guarantees of market control of domestic animals belonging to wild species. According to the preliminary results of the study commissioned by the European Commission, ‘ *: Study on the need for, added value of, and feasibility of introducing a “positive list of pets” across the EU’* (2025), the various databases (CITES, TRACES, Eurostat, etc.) differ in terms of scope, level of detail, coverage and reliability, and are not interconnected, whilst many species are not subject to mandatory reporting or control.

- To set out the exceptions provided for in Law 7/2023 of 28 March 2023 in relation to specific authorisations for the breeding, transfer and trade of captive wild animals, whilst respecting the areas of competence of the autonomous communities, as well as exceptional authorisations for the keeping of species not included in the LPAC which were kept, transferred, traded or bred as companion animals prior to the adoption or updating of the LPAC.

C. Analysis of alternatives

No other alternatives have been considered, as Law 7/2023 of 28 March 2023 stipulates, in Article 37(1) and (2), that the procedure for the approval of the lists and the procedure for the inclusion or exclusion of species must be set out in regulations. Furthermore, its fourth final provision sets out the implementation of the LPAC, whilst Article 24(2)(a) sets out the general conditions for the care of companion animals; to this end, it is necessary to know the species being kept.

D. Principles of good regulation

This Royal Decree complies with the principles of good regulation established in Article 129 of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations.

The principles of necessity and effectiveness are complied with by addressing aspects of general interest such as the protection of the environment, animals and public health, simplifying the regulation and administrative control of the keeping of companion animals.

The principle of proportionality is observed by establishing the minimum necessary regulation to respond to the regulatory development required by Law 7/2023 of 28 March 2023.

It complies with the principle of legal certainty by establishing a clear procedure and facilitating awareness, understanding and decision-making on the part of both individuals and businesses regarding animals that may be kept as companion animals, and the conditions under which wild animals must be kept in captivity.

The Royal Decree complies with the principle of transparency, by clearly defining the objectives of the provisions introduced, while enabling the participation of those to whom they apply.

It also complies with the principle of efficiency by rationalising the use of public resources, since the establishment of the positive lists simplifies the administrative procedure.

E. Annual Regulatory Plan

The Royal Decree IS included in the 2026 Annual Regulatory Plan.

III. LEGAL BASIS AND SCOPE OF THE DRAFT

A. Legal basis

This draft Royal Decree is considered basic legislation under the provisions of Article 149(1) (10), (13), (16), (23) and (29) of the Spanish Constitution, which respectively reserve the State exclusive competence over bases and coordination of general planning of economic activity, bases and general coordination of health matters, and basic legislation on environmental protection. Although animal welfare is not a matter of competence set out in the Spanish Constitution, it should be noted that the Council of State, in its Opinion 2409/2010, states that the State does have competence in the area of animal welfare, even though this new public policy is not based on a specific provision but on several provisions of the aforementioned Article 149(1).

The proposed regulation is in line with the order of distribution of powers between the State and the autonomous communities and respects the distribution of powers contained in the sixth final provision of Law 7/2023 of 28 March 2023. Furthermore, in those cases of concurrent jurisdiction over the same space, cooperation and coordination mechanisms are established to allow for their integration. Specifically, the exceptions provided for in Article 32(4) of Law 07/2023 of 28 March 2023, which confers on the autonomous communities the competence to

decide on applications for special authorisation for the keeping, breeding, transfer and sale of kept wild animals, are contemplated and regulated.

B. Scope

Royal Decree.

IV. DESCRIPTION OF THE CONTENT AND PROCESSING

A. Content

The Royal Decree consists of an explanatory part, 14 articles, divided into four chapters, two final provisions and an annex.

Chapter I states that the purpose of the Royal Decree is to develop the content of the LEDC and the specific criteria, as well as procedures for the inclusion or exclusion of species from the LPAC.

The aim is to ensure the welfare and protection of the rights of animals, as well as to protect health, public safety and biodiversity and to facilitate control over the keeping of companion animals.

The scope of application of this regulation covers the animals defined in Article 3(b) and (d) of Law 7/2023 of 28 March 2023.

In addition, the definitions of application are indicated and determined to the competent authority in the application of this Royal Decree.

Chapter II lays down the procedure for the approval of the LEDC, as well as its content.

Chapter III specifies the content of the LPAC, its initial approval, as well as the specific criteria for inclusion in the LPAC. It also sets out the procedure for inclusion and exclusion from the scheme, outlines the application of the precautionary principle, and details the process for drawing up the opinion of the Scientific and Technical Committee for the Protection and Rights of Animals.

Chapter IV sets out the exceptional authorisations applicable where animals cease to be classified as companion animals, as well as the specific authorisations for the breeding, transfer and trade of captive wild animals in the exceptional cases provided for in Article 32(4) of Law 7/2023 of 28 March 2023.

The first final provision sets out the legal basis empowering the State to draw up the relevant regulations, and the second final provision stipulates that the Act shall enter into force on the day following its publication, except as provided for in Article 8 concerning the initial approval of the Positive List of Companion Animals, which shall enter into force six months after the publication of the list, so as to allow the sector a period to adapt similar to that available to members of the public for applying for exceptional authorisation.

B. Process

Prior consultation

It is necessary to carry out the procedures relating to public information and consultation, as this impacts citizens' rights and obligations in the field of animal welfare, in accordance with Article 26(6) of Law 50/1997 of 27 November 1997.

The preliminary public consultation was launched on 13 October 2025, with a closing date of 28 October 2025. It received contributions from 1,124 individuals and 46 legal entities, making a total of 1,170 contributions. In addition, 23 contributions were recorded after the deadline. The summary of the contributions is attached in Annex I.

With regard to the contributions made to the legal drafting of the regulation, specifically concerning Article 31, 32 and 34(e) of Law 7/2023 of 28 March 2023 would only concern 'wild specimens in captivity', it is clarified that the articles referred to in the contributions belong to Chapter III of Law 7/2023 of 28 March 2023, intended for 'wild animals in captivity', which are indicated as the subject matter of the chapter in Article 31. Article 32 refers to 'wild animals in captivity' in relation to the specific conditions governing the prohibition of their possession, breeding and trade. Given the context set out in Chapter III and the purpose set out in Article 31, the definition of 'wildlife' contained in Law 8/2003 of 24 April on animal health – which refers to animals living in the wild – does not apply. Furthermore, the use of the term 'specimen' is also incorrect, since, according to Article 2(t) of Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, a 'specimen' is not defined solely as a live animal.

With regard to the project's compatibility with judgements handed down concerning the legislation governing the positive list in other countries – specifically the Andibel judgement – consideration has been given to the points set out therein regarding:

- The list must be based on objective and non-discriminatory criteria (set out in Article 9(2) of the regulation).
- It must provide for a procedure allowing species to be included within a reasonable period of time and, in the event of refusal, for reasons to be given (referred to in Article 10).
- Any refusal to grant inclusion or an exemption must be justified on the grounds of a genuine risk (it is stated that the criteria set out in Annex I will be assessed by a Scientific and Technical Committee for the Protection and Rights of Animals, whose composition is set out in Article 12)
- The requirements are limited to protecting the objectives set out in the positive list (Annex I sets out the specific criteria that are consistent with the purpose of the regulation as described in Article 1(2)).

For its part, the Didier Vergy judgement is upheld in the text of the Act, as the application of European and international environmental legislation on biodiversity conservation is set out in Article 9.3.b, which refers to the conditions of ownership.

Finally, with regard to the comments raising concerns about a conflict of competence with the Ministry for Ecological Transition and Demographic Challenge, it is noted that Article 1(2) of the Royal Decree stipulates that the purpose of the legislation is not only to protect biodiversity, but also to ensure animal welfare and protect animal rights, as well as public health and safety. Aspects of biodiversity conservation relating to the keeping of species are addressed, in accordance with the relevant environmental legal framework, in Article 9(3) or Annex I(j) and (l); consequently, there is no overlap of competences.

Public hearing and information

The information and public hearing procedure was carried out because the content of the project affected citizens' rights and obligations, in accordance with Article 26(6) of Law 50/1997 of 27 November on animal protection and welfare.

The public consultation took place from 17 April 2026 to 8 May 2026. Contributions were received from 3,260 individuals and 127 legal entities, totalling 3,387 contributions, with no record of any late contributions.

The public consultation process has led to the inclusion of exceptional and specific authorisations in the explanatory memorandum, as well as a more detailed explanation of the conditions governing the granting of both types of authorisation within the body of the legislation.

The comments received highlight the need to clarify the scope of Law 7/2023 of 28 March 2023 in relation to certain exceptions to its application, as well as the conditions governing these exceptions; these points have been incorporated into the updated text.

Similarly, aspects relating to the identification and registration of animals considered to be companion animals have been included in response to requests made during the public consultation.

Other points raised in the submissions during this stage of the process include greater publicity regarding the opinion of the Scientific and Technical Committee for the Protection and Rights of Animals, and greater clarity and assessment of the criteria established for drawing up the LPAC, as well as the setting of deadlines for submitting applications for inclusion. Furthermore, administrative silence is deemed to constitute a negative decision in response to a request for inclusion, as set out in Article 24(1) of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations, the second paragraph of which allows the administration to deem silence to be a negative decision where the activities in question may harm the environment.

In addition, the precautionary principle has been detailed with regard to decision-making.

It should also be noted, with regard to the second final provision, that a period of six months has been included following the publication of the initial lists set out in Article 8, so that the

sector has the same amount of time as members of the public to adapt to the new situation and may sell any animals they held at the time of publication of the lists and which are not included therein.

It has not been necessary to include deadlines for the initial approval of each of the lists since these are already established in the fourth final provision of Law 7/2023 of 28 March 2023.

With regard to the specific criteria of the LPAC, some have been included on the basis of welfare considerations or conservation criteria, whilst certain restrictions have been removed, with a view to establishing a set of criteria that are more easily assessed and in line with the purpose of this regulation.

However, no consideration has been given to those submissions that fall outside the scope of this regulation, nor to those that referred to aspects already covered by Law 7/2023 or suggested the inclusion or exclusion of species from the LEDC or LPAC, as the Royal Decree merely sets out the procedure for drawing up the lists.

Nor has any attempt been made to include criteria relating to animals based on their management and rearing in captivity, as determined by their owners' individual experience, since the lists provided refer to species, not to specific individuals.

Finally, with regard to the definition of domestication, the observations received have not been taken into account since the definition is in accordance with the provisions of Law 7/2023 of 28 March 2023, which defines a captive wild animal as any wild animal whose geno/phenotype has not been significantly altered by human selection and which is kept in captivity by humans. The concept of domestication set out in the regulation reflects this consideration and indicates that the wild species has undergone significant alterations to its genotype and phenotype in order to be maintained in captivity by humans, and that the result of this significant alteration is, therefore, a species distinct from the original one.

Reports

It is necessary to obtain the following reports:

A. Reports from the autonomous communities and the cities of Ceuta and Melilla, which are compiled in the report by the State Council for the Protection of Animals.

B. Reports, in accordance with the provisions of Article 26, Point 5, first paragraph, of Law 50/1997, of 27 November, from the following Ministerial Departments:

   i. Ministry of Finance

   The technical comment on the text of the MAIN is accepted, and the Act 7/2023 of 28 March 2023 on the protection of the rights and welfare of animals is cited.

   ii. Ministry of the Interior

iii. Ministry of Industry and Tourism

iv. Ministry of Agriculture, Fisheries and Food:

The revision of the concept of 'definitive' in the list of domestic companion animal species is accepted, as is the reference to the General State Administration in the procedure for deciding on LPAC applications, and the regulatory provision enabling the establishment of tacit refusal. Reference to animal health has also been included for the appointment of experts to the Scientific and Technical Committee. The comment regarding the reference to the Scientific and Technical Committee for deciding on applications for inclusion or exclusion has not been included because it is a consultative and advisory body with no power to process administrative procedures or files, and the reference to 'deciding' in Law 7/2023 of 28 March 2023 refers to a technical, rather than an administrative, decision.

v. Ministry for the Ecological Transition and the Demographic Challenge

vi. Ministry of Economy, Trade and Business

With regard to the first comment on regulatory competence, it is noted that the LPAC is based not only on environmental considerations, but also on public health, public safety and animal welfare.

As regards the justification for the need for comment 2, Law 7/2023 of 28 March 2023 already establishes the LPAC in Article 35; therefore, there is no need to argue its justification, as the legislation has been passed.

With regard to the scope, it should be noted that it is duly defined in Chapter III of Law 7/2023, of 28 March, dedicated to wild animals in captivity, and in Chapter V, which covers the LPAC.

Similarly, as regards the precautionary principle, its application is justified where there are potentially dangerous effects that may affect animal welfare, the environment or human, animal or plant health, as stated in COM (2000) 1 final, 2 February 2000, referred to in the explanatory part of the project.

With regard to the reference to the CITES Regulations, it is clarified that, under Article 9(3)(b) of the Act, the conditions for the keeping of wild animals set out in environmental legislation are complied with, as are the relevant international treaties.

With regard to comments 5, 6, 9, 10 and 11 concerning the incompatibility with Community legislation, it should be noted that Article 36 TFEU provides for possible prohibitions or restrictions on trade on grounds of the protection of the health and life of humans and animals, as referred to in this draft. It is noted that there are already Member States that have submitted an LPAC, such as Belgium, Cyprus, Italy, Lithuania,

Luxembourg and the Netherlands, which set out criteria relating to public health and animal welfare, amongst others; in any case, it is stated that this draft will be subject to the European Union's procedure on technical standards and regulations, within which any trade-related discrepancies, if any, may be raised.

With regard to the current regulation of trade under the CITES Convention, it is noted that, according to Europol (2021), the trafficking of species is increasingly targeting endemic species not listed under CITES – particularly birds – in an attempt to circumvent international legal frameworks and evade the enforcement of the regulations. The same conclusion is drawn from *the Study on the need for, added value of, and feasibility of introducing a 'positive list of pets' across the EU* (2025), which highlights the lack of controls on non-listed species.

Regarding the possibility of legal businesses being closed under current regulations, it should be noted that this legality stems from compliance with environmental and health standards. However, it should be noted that the European Parliament Resolution of 24 November 2022 on the improvement of Union regulations relating to wild and exotic animals used as companion animals in the European Union through a Union positive list (2022/2809(RSP)) underlines that *"Union animal health legislation was not designed to address trade in exotic companion animals...".*

Furthermore, the departmental report notes that private individuals seeking wild animals as companion animals tend to prefer professional suppliers and animals sourced from breeding centres for species listed on the website *and in Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.* This assertion is not accepted, because the aforementioned report *Study on the need for, added value of, and feasibility of introducing a 'positive list of pets' across the EU*(2025), commissioned by the European Commission, lists a number of challenges associated with the captive breeding of these animals (not only those listed under CITES), including the preference among private individuals for animals taken from the wild, as well as the fact that traders are not required to declare the origin of individuals belonging to species not listed under CITES. For these reasons, among many others such as the presence of illegal trade in these animals on illegal platforms, the report points to the need to establish comprehensive trade policies, giving as an example the positive lists.

Finally, it should be noted that the European Union does not currently regulate a positive list of companion animals based on criteria of public health, animal health, human safety and animal welfare; it is therefore incorrect to infer that this draft bill has an objective parallel to that already set out in European legislation, since, as has been indicated, the provisions of the text are based on compliance with environmental legislation regarding the keeping of wild animals.

viii. Ministry of Health

It is not possible to require mandatory health reports because Law 7/2023 of 28 March 2023 does not provide for them; nor is it acceptable to establish health criteria for exceptional authorisation, as these are already taken into account in the LPAC assessment; nor is it acceptable to establish criteria for monitoring species in the event of escape and the associated risks, as it is considered that this is already reflected with sufficient clarity in the specific criteria.

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C. Report of the Office of Coordination and Regulatory Quality of the Ministry of the Presidency, Justice and Relations with the Courts, in application of Article 26, Point 9, of Law 50/1997 of 27 November 1997.

D. Preliminary report on the division of powers between the State and the autonomous communities, drawn up by the Ministry of Territorial Policy and Democratic Memory, in accordance with the provisions of Article 26(5), sixth paragraph, of Law 50/1997 of 27 November 1997.

E. Other reports:

i. the Spanish Federation of Municipalities and Provinces (FEMP);

On the consideration that the current draft may generate significant protection gaps with respect to individual animals admitted to centres, shelters, veterinary clinics or reception houses, especially when they belong to species that fall outside the LPAC, it is clarified, by means of the reference in Article 9(3)(c) to Articles 32(1) and 46 of Law 7/2023 of 28 March 2023, that kept wild animals are outside the LPAC because the aforementioned law does allow them to be kept in entities engaged in the rescue and rehabilitation of wild animals from captivity (RAS-type entities).

The remaining comments have not been accepted:

- With regard to wild animals already present in the urban environment, it follows that the report refers to those defined in Article 3(t) (urban wildlife) of Law 7/2023 of 28 March 2023, which, as stated in the definition itself, have no recognised owner or person responsible for them, and are therefore not kept as companion animals; consequently, the draft does not apply to them.
- The remaining comments, relating to the management of animals not covered by the LPAC, have not been accepted because they fall outside the scope of the Royal Decree, which merely sets out the procedure for implementing the LPAC.
- With regard to the involvement of local councils in Articles 5 and 7, it is noted that experts to form the working groups of the Scientific and Technical Committee for the Protection and Rights of Animals, tasked with drawing up the LPAC, may be nominated through the members of the State Council for Animal Protection.
- The reference to the exclusion of feral or wild urban pigeons has not been accepted because the Royal Decree sets out the procedure and criteria for drawing up the lists, but does not refer to specific species, as the assessment must be carried out in accordance with the provisions of the text.
- In response to the comment that the inclusion of other species in the LPAC does not imply their automatic inclusion in municipal censuses or registers, unless expressly provided for by law, this has not been accepted because animals belonging to species listed in the LPAC are considered companion animals and must therefore be registered in the companion animal register, in accordance with the identification system to be established.
- With regard to the transitional period, the draft already provides for a transitional period for exceptional and specific authorisations.
- As regards awareness-raising measures, this is not accepted because it is a measure already provided for in Law 7/2023 of 28 March 2023, and is therefore not subject to regulation under this Royal Decree.

- Finally, regarding the designation of specialist centres for the placement of animals and their funding, Law 7/2023 of 28 March 2023 already sets out, in Articles 45, 46, 47 and 48, the different types of specialist organisations categorised by their activities, and the possibility of funding and implementing specific measures relating to animal welfare.

ii. Council of Consumers and Users, in accordance with the provisions of Article 39 of Royal Legislative Decree 1/2007 of 16 November 2007 approving the consolidated text of the General Law for the Protection of Consumers and Users.

iii. State Council for the Protection of Animals.

The deadline for comments started on 18 June and will end on 3 July.

The observations received to date are as follows:

With regard to the autonomous communities:

- Autonomous Community of Galicia: the following comments were accepted:
  - Explain the presence of experts in the Scientific and Technical Committee for the Protection and Rights of Animals when requested by the members of the State Council for Animal Protection.
  - Delete the reference to the 'initial assessment' of the precautionary principle, as this term is not defined in the draft.

  The following comments were not accepted:

  - To provide for the powers of the autonomous communities, since they are not mentioned in Law 7/2023 of 28 March 2023.
  - Specify, within the scope of the law, which animals are not covered by the bill.
  - Establish a review procedure, traceability mechanism or transitional period in the case of the LEDC, as Law 7/2023 of 28 March 2023 does not set out a procedure similar to that of the LPAC. Reference to national legislation on invasive alien species is already included in the text as part of the general criteria set out in Article 36 of Law 7/2023 of 28 March 2023.
  - Comments on the precautionary principle, since it is considered to comply with a reasoned assessment and a review of the opinion in the light of new information provided not linked to any deadline.
  - To specify animal welfare as a compliance requirement for obtaining a specific authorisation, given that it is considered sufficient to set out the conditions of keeping.
  - Establish a procedure for the specific application, or assessment of administrative silence, since it is the competence of the autonomous communities to establish the procedure.

- Those relating to Annex I. Their classification will be set out in the report, which will be made public as an annex to the decision.
- Those relating to the burden of proof, as Law 7/2023 of 28 March 2023 states in Article 37(2) that the application must be accompanied by the scientific documentation on which the request is based.

- Autonomous Community of Madrid: no comments on the project.
- Autonomous Community of Valencia: the following comments were not accepted:
  - The request to include the definition of 'exotic companion animal' on the grounds that Law 7/2023 of 28 March 2023 already provides for the categories of animals to which the scope of the project itself refers.
  - The establishment of a procedure for exceptional and specific applications, as this falls within the remit of the autonomous communities.
  - Consideration of the degree of domestication in Annex I, as the listings address species, not individuals.

<u>With regard to the other members:</u>

- Spanish Federation of Municipalities and Provinces: they submitted, via the State Council for Animal Protection, the same report that had been compiled previously.
- Ministry of Agriculture: in addition to the points set out in the relevant ministerial report, it is agreed to exclude Article 1(3) of Law 7/2023 of 28 March 2023 in its entirety from the scope of the draft, as it better defines that scope; animal health is included within the specific criteria as set out in Article 36(1)(d) of Law 7/2023 of 28 March 2023. It is not acceptable to refer the matter to your department's governing body, as it is already represented on the Scientific and Technical Committee for the Protection and Rights of Animals.
- Consumers and Users Council: does not comment on the project.
- General Council of Official Associations of Biologists: the proposal to include in Annex I the physico-chemical quality of water has been accepted. The inclusion of the size or volume of animals in Annex I has not been accepted, nor have the references in the main text to transport conditions, which are, in fact, included in Annex I.
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F. Report from the Technical General Secretariat, in accordance with the provisions of Article 26(5)(4) of Law 50/1997 of 27 November 1997 on the Government.

G. Notification to the European Commission and the other Member States, in accordance with Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules relating to information society services.

H. Prior approval by the head of the Ministry of Digital Transformation and the Civil Service, in accordance with the provisions of Article 26, Point 5, fifth paragraph, of Law 50/1997, of 27 November

I. Opinion of the Council of State.

C. Impact analysis

I. COMPLIANCE WITH THE DISTRIBUTION OF COMPETENCES

This Royal Decree is issued under the exclusive powers conferred on the State by Article 149, Point 1.10, of the Constitution, with regard to customs and tariff regulations and foreign trade; Article 149, Point 1.13, with regard to the basic rules and coordination of general economic planning; Article 149, Point 1.16, with regard to the basic conditions and general coordination of health matters; Article 149, Point 1.23, with regard to basic legislation on environmental protection; and Article 149, Point 1.29, with regard to public safety, without prejudice to the powers conferred on the autonomous communities, in accordance with their Statutes, with regard to the protection of animals

II. IMPACT ON THE ECONOMY

This Royal Decree will have a temporary impact on the economy insofar as it limits the number of species that may be kept as companion animals; however, this impact will be mitigated by the fact that a grace period is provided for the lists to come into force, so that animals already in people’s possession at the time of publication of those lists may still be sold.

Furthermore, most of the species that might be affected by the positive list are traded outside legal economic channels by amateur breeders who do not declare this activity; therefore, overall, the effect on the economy would be positive, as it would regulate the commercial trade of these species.

III. IMPACT ON COMPETITION

The project does not have a significant impact on competition, as the harmonisation of requirements for breeding and sales will enable operators to carry out their activities under similar conditions, thereby preventing market distortion and improving transparency in commercial transactions.

IV. BUDGETARY IMPACT

At national level, the project will have no budgetary impact, as the administrative management of the Ministry of Social Rights, Consumer Affairs and Agenda 2030, as well as the functions carried out by the Scientific and Technical Committee for the Protection and Rights of Animals, will be covered by the budget allocated to the relevant unit responsible for their management.

From the budgetary perspective of the autonomous communities, the processing of exceptional and specific authorisations as set out in Article 32(4) is of an exceptional nature; consequently, they are not expected to have a significant impact.

V. IMPACT WITH RESPECT TO ADMINISTRATIVE BURDENS

The Royal Decree imposes administrative burdens on the application for exceptional authorisations to keep animals not included on the positive list.

In accordance with the method for measuring administrative burdens, based on the Standard Cost Model (SCM), applicable to all public administrations, the measurement of an administrative burden—expressed in euros and in annual terms—is carried out by multiplying three values:

- Unit cost of meeting the burden.
- Annual frequency with which it should be carried out.
- Population that must comply with the burden.

1. Unit cost of meeting the burden:

In this case, submitting an exceptional application incurs a fee of 5 euros for the electronic processing of the application.

2. Annual frequency with which it should be carried out.

The three applications will only be made once.

3. Population that must comply with the burden.

According to statistical data produced by the Directorate-General for Animal Rights, the number of Spanish households keeping animals other than dogs or cats is 1,171,221. However, not all households would need to apply for an exceptional permit, as there are animals that are either already considered companion animals, such as ferrets, or may be included on the list of domestic pet species. Furthermore, not all households keeping wild animals in captivity will be required to apply for such authorisation, as the Positive List of Companion Animals will include species already kept in these households. Taking these considerations into account, it is estimated that a maximum of 10% of households will have to apply for an exceptional authorisation.

Therefore, the estimated maximum amount is as follows:

5 x 1 x 1.171.221 x 0,10 = 585.610 euros.

VI. OTHER IMPACTS

Gender impact

According to Article 19 of Organic Law 3/2007, of 22 March, for the effective equality of women and men, as well as Article 26, Point 3(f), of Law 50/1997, of 27 November, the impact due to gender of this draft has been subject to evaluation.

The measure is considered to have no gender impact.

Impact on childhood, adolescence and the family

In accordance with the fifth provision of Article 22 of Organic Law 1/1996 of 15 January 1996, on the Legal Protection of Minors, partially amending the Civil Code and the Civil Procedure Act, as amended by Law 26/2015 of 28 July 2015, amending the system for the protection of children and adolescents, the draft regulation has no impact on childhood or adolescence.

The draft is considered to have no impact on childhood, adolescence or family.

Impact on public health and safety.

Article 36(1)(d) of Law 7/2023 of 28 March 2023 provides that the list shall include those species which do not pose a risk to the health or safety of humans or other animals, or any other specific reasonable danger.

The development of these lists and the restriction of species that may be kept to those that do not pose any of these risks will have a positive impact both on maintaining safety and on safeguarding public health.

Social and environmental impacts.

The regulation is considered to have a positive impact on the environment, since, as set out in the explanatory memorandum, limiting the wild species that may be kept contributes to the preservation of ecosystems both in the natural habitats of these species – by preventing their removal from the wild – and in the destination habitats, where they cannot be released as they may not be kept.

Furthermore, the positive list clarifies the concept of a companion animal – which can sometimes be confusing to the public – and, once the list of species has been approved, the conditions for keeping these animals will be set out, enabling the public to gain a better understanding of the characteristics and needs of each of the species included on the list.

The regulation includes a system of exceptional and specific authorisations covering animals already present whose species are excluded from the LPAC, thereby preventing such animals from being released into the wild and regularising their presence.

Climate change impact

The regulation does not have a direct impact on climate change.

Impact due to the development or use of digital government media and services

The measure has no direct impact on the development or use of digital government tools and services.

Impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities

The measure has no direct impact on equal opportunities, non-discrimination or universal accessibility for persons with disabilities.

VII. EX POST EVALUATION

Given the existence of administrative burdens imposed on citizens, ex post evaluation is required under the provisions of Article 25(2) of Law 50/1997 of 27 November 1997.

ANNEX I – LIST OF SUBMISSIONS RECEIVED DURING THE PUBLIC CONSULTATION PRECEDING THE DRAFT ROYAL DECREE ESTABLISHING THE LIST OF DOMESTIC COMPANION ANIMAL SPECIES AND THE POSITIVE LIST OF COMPANION ANIMALS.

SUBMITTED ON 13 October 2025 (deadline 28 October)

TYPE OF SUBMISSIONS	
NATURAL PERSONS	1124
LEGAL PERSONS	46
SUBMITTED AFTER THE DEADLINE	23
TOTAL SUBMISSIONS RECEIVED:	1170

DATE	NUMBER	NAME	SUBMISSION
15/10/2025 15/10/2025 15/10/2025 15/10/2025	1.1 1.2 1.25 1.39	International Unified Force Grouping Lawyer of the animals Report citizen Rac9	Lack of scientific rigour. The fact that it will cause many animals to die won't protect them; on the contrary, many will die because they've been abandoned.
20/10/2025	1.3 1.32	Amics dels Animals Santa Particular Instituto Jane Goodall España	Supports the list. It is a preventive and effective instrument to protect animal welfare, public health and biodiversity, also helping to combat illegal species trafficking and promoting the European One Health approach. In addition, its implementation will improve the traceability of the trade in animals, prevent the introduction of invasive species and promote responsible coexistence between humans and other animals.
26/10/2025	1.4	Animal Interfaith Alliance (in support of FAADA)	They express their support. Its implementation will improve the traceability of the trade in animals, prevent the introduction of invasive species and promote responsible coexistence between people and animals.
27/10/2025	1.5	Tximas Animal Shelter Association	We request that animals of the bovine, caprine, ovine, porcine, avian, cunicine and equine species which are housed in shelters, rescue centres, animal protection centres, sanctuaries or any other similar establishment – having been rescued from situations of abuse and neglect, and not kept for productive purposes – be included in the positive list of domestic companion animal species.
01/11/2025	1.6	Libera Animal Welfare Association	It is essential that the legislation adopts an inclusive approach that takes into account:

			- The physical and mental well-being of animals in human custody, - The conservation of native fauna and ecosystems affected by possible releases or abandonments, - Effective monitoring of the trade in species and their invasive potential. Please ensure that the list clearly distinguishes between the following categories of companion animals: - Traditional domestic species (dog, cat, etc.); - Wild species permitted for educational, scientific, or protective purposes; - Alien species the keeping of which poses a risk to biodiversity or animal welfare; Reorientation of communities and organisations towards native wildlife; A clear exclusion list must be established for species whose holding poses a high risk to native fauna, public health or the welfare of the animal itself. Provision should also be made for a flexible temporary ban mechanism based on new scientific evidence or risk assessment. Keepers, breeders, and animal holding centres managing species on the list must have accredited training in animal welfare, positive ethology, and the prevention of ecological impacts. It is proposed that mandatory ethical certification be introduced, to which a system of regular inspections must be linked. The creation of an interoperable public state register containing information on authorisations, inspections and penalties relating to the list of species is requested. Furthermore, the legislation should encourage the participation of animal welfare and environmental organisations in the

			relevant advisory bodies. -
20/10/2025- 04/11/2025 20/10/2025 27/10/2025 29/10/2025 25/10/2025	 1.13 1.7 1.15 1.36	BULK EMAIL (405 emails with the same text, some of which were sent more than once by the same senders) National Association for the Defence of Animals (ANDA) Association BENANIMAL Associació Animalista de Manlleu Pensión Bellavista	Positive Lists are an essential and fundamental tool for ensuring – whilst respecting everyone's rights – that the trade in exotic companion animals does not give rise to environmental, health, safety or animal welfare issues. The Positive Lists also have a preventive component of the utmost importance, which has so far been lacking. They express their support.
28/10/2025	1.8	Asociación Española de la Industria y el Comercio del Sector del Animal de Compañía (AEDPAC).	Given the inadequate definition of the legal interest and the omission of the category 'domesticated' (Civil Code + European Convention), there is no justification for extending the list to include domesticated animals or those bred in captivity. By legal design (Articles 31, 32 and 34(e) 7/2023 + EU Directives), the positive listing could only impact – where applicable – wild specimens collected in nature (born free). Any extension beyond that scope would be disproportionate and hardly compatible with EU law, the Convention and the Civil Code.

30/10/2025	1.9	Galician Association of Veterinary Companies (EVGAL)	However, we consider that the proposed approach, based on a closed list of species, is an excessively restrictive tool that starts from the erroneous premise that species, and not management, is the main risk factor. The main problem that has not been taken into account is the creation of a vast black market. It is recommended that these be combined into a single list with two sections (one for domestic animals and the other for wild animals). We request a specific impact assessment on the productive fabric (e.g. CNAE 75, Veterinary Activities) and the approved centres in Galicia (Registro SERGAS) to avoid disproportionate impacts that have already caused a paralysis of the investment. For the veterinary profession, the Positive List represents a curtailment of professional autonomy and gives rise to constant ethical dilemmas. We will find ourselves faced with the dilemma of treating an animal that requires urgent treatment but whose species is not included on the list, caught between our professional duty and the patient's legal status, and at risk of being penalised for helping to keep an 'illegal' animal. We propose a regulation based on: Transparent technical and scientific criteria. - Focus on management, not on the species. - Expert participation and Technical Committee. - Graduated regime and Negative Annex. - Transitional Arrangements and the Health Safeguard Clause.
28/10/2025	1.10	HAIEKIN Association, 'Towards Animal Consciousness'	Domestic animals are those that belong strictly to domestic species. The concept of 'domestic animal' should therefore be applied to the species, not to the individual or to its function. It is proposed that the Royal Decree establish a transitional period during which the breeding and sale of wild animals as companion animals would be prohibited, whilst allowing those already kept in homes to remain in their owners' care. There must be a specific register in which animals such as horses, sheep,

			chickens or pigs can be registered as ‘companion animals’, stipulating that under no circumstances throughout their entire lives will they be used for productive purposes or for the production of by-products.
29/10/2015	1.11	Asociación Madrileña de Veterinarios de Animales de Compañía (AMVAC) (Madrid Association of Veterinarians of companion animals)	Incorporate in the Royal Decree technical criteria for the assessment of species (welfare, health, safety, conservation and invasive potential). Prevent the keeping of species that pose a risk to public safety due to their aggressive or poisonous nature, or to public health due to their zoonotic potential. Take into account the classification methodologies developed by veterinarians specialising in exotic animals in Madrid. Ensure the participation of professional associations and veterinary colleges in the preparation and review of the list, to ensure technical rigor and practical applicability. Provide for periodic review mechanisms, based on scientific evidence and accumulated professional experience. Incorporate training requirements and minimum facility standards, in accordance with the provisions of Regulation (EU) 2016/429.
21/10/2025	1.12	National Association of Manufacturers of Pet Feed (ANFAAC)	A comprehensive analysis of the implications for society.
27/10/2025	1.14	Spanish Association of Small Animal Veterinarians (AVEPA)	Problems that the list aims to solve: - Impact on biodiversity. - The keeping of animals in conditions that do not guarantee their needs as a species and whose animal welfare is compromised. - The risk of disease transmission due to the movement of species with zoonotic potential. The scientific criteria on the basis of which we can include the different species in the positive lists would be as follows: - Animal born in captivity. - Easy to maintain. - No risk to humans. Species that could pose a danger, such as venomous species, big cats or primates, must be excluded from any positive list.

			- No risk to the environment. - Sufficient bibliographical information available to a tutor on the specific needs and conditions for keeping the listed species in captivity. It is recommended that the positive list be dynamic in nature, so that, on the one hand, an authorisation can be requested to maintain a species that does not appear in the list and, on the other hand, species can be added or deleted from the list. Dialogue with experts and consultation of the management carried out by other countries to date is considered essential.
13/10/2025- 31/10/2025 18/10/2025	1.16	BULK EMAIL (748 emails with the same text, some of which were sent more than once by the same senders) Aviornis	Positive listing may only concern specimens collected in the wild that are to be kept as companion animals. Incorporating clear, objective and proportionate technical criteria. Law 7/2023 has no competence. It stems from MITERD and the commitments made following the signing of the European Convention for the Protection of companion animals. The list should only apply to wild animals kept as companion animals (domesticated animals), as the Civil Code treats them in the same way as domestic animals.
28/10/2025	1.17	Associació Birds Friends	We request that the control, monitoring and coordination mechanisms between administrations be clearly specified, as well as the technical and scientific criteria that will be applied for the inclusion or exclusion of species. We would like clarification on whether the species will be classified as 'invasive' or under another category, and on the basis of which scientific criteria. We would ask that the regulation provide for a transitional regime. We request information on the budget heading foreseen for the implementation of the Positive List. We consider it necessary to establish a traceability and origin registration system for the species included. We reject any suggestion that animals should be slaughtered simply

			because they are not included on the Positive List. The regulation must clearly distinguish between illegal activities and protection measures upon the entry into force of the Positive List. We are calling for clarification on the situation regarding citizens entering Spain from other European Union countries with their companion animals. Will they be allowed to do so, or will they be forced to give them up at the border? The new rules must be based on criteria of proportionality, education, social cooperation and, above all, animal protection.
28/10/2025	1.18	Official College of Biologists of the Community of Madrid	Provision should be made for the establishment of a permanent Scientific Committee to ensure the objectivity and constant updating of the list, in which biology graduates are compulsorily represented.
20/10/2025	1.19	Official College of Veterinarians of the Province of Santa Cruz from Tenerife	The list should be comprehensive, balanced and technically sound, whilst avoiding becoming a restrictive instrument that could give rise to undesirable economic and social consequences. Excessive restriction on positive listing could have adverse effects.
28/10/2025	1.20	Official College of Veterinarians of the Balearic Islands	Breeders of the species on the list must be registered in a specific register. For all animals included on the positive list, the minimum requirements for their care and accommodation, feeding, veterinary care and any other measures to be taken into account must be specified. It must be indicated what would happen if these animals were left in the environment. It should be indicated whether these animals will be allowed to be placed in public conservation centres. The budget heading must be specified. It is also important to specify that veterinary care should be available in animal reception centres. An inspection and control of the animals considered to be companion animals should be carried out in order to assess the health status of each animal at least once a year. Procedure for the inclusion or exclusion of species in the positive list of companion animals. Training course for keeping the different species included in the positive

			list.
29/10/2025	1.21	Official College of Veterinarians of Madrid (COLVEMA)	Avoid species with invasive potential. They provide a list of species categorised as ‘suitable’, ‘acceptable (with reservations)’ and ‘unsuitable’. The list is based on criteria relating to welfare and risk.
27/10/2025	1.22	Spanish Veterinary Business Confederation (CEVE)	In accordance with the definitions set out in Law 8/2003, this should include all species that can live comfortably in a domestic environment that ensures their welfare, do not pose a risk to public health or public safety, and do not threaten biodiversity.
28/10/2025	1.23	Andalusian Council of Official Colleges of Veterinarians	It is essential that the regulatory development takes into account the various types of species in a comprehensive and differentiated manner. Ensure that all species suitable for keeping as companion animals are assessed on the basis of scientific, ecological and animal welfare criteria. Provide for a transitional regime, which must of course be clear and sufficient
28/10/2025	1.24	Valencian Council of Veterinary Colleges	The establishment of a positive list of companion animals requires being based on scientific, health and ethical criteria, ensuring the protection of animal welfare and public health. The participation of the veterinary sector in the preparation of the positive list will contribute directly to the objectives pursued. A clear and uniform definition of the term ‘exotic pet’ should be ensured, using the definition set out in Law 2/2023 of the Valencian Community as a reference, given its rigour and applicability. Promote regulatory coherence between the different regional and national legislations, ensuring traceability, animal welfare and the protection of biodiversity.
27/10/2025	1.26	Veterinary Companies (EmpreVet) An association formed through a partnership between the following veterinary trade associations:	The creation of a closed list of permitted species is an excessively restrictive measure that will lead to a problem which is not being taken into account: the emergence of a vast black market. Only those species designated as domestic animals under Act 8/2003 may be classified as such. There are animal species whose possession is already deemed lawful under Law 7/2023 itself or other regulations and which, therefore, should

		- aemave: Málaga Business Association of Veterinarians. - aeVAR: eterinary Business Association of Aragon. - CEVE Sevilla: Business Association of Clinical Veterinarians of Seville. - EVGal: Veterinary companies in Galicia.	not appear on the positive list.
22/10/2025 22/10/2025	1.27 1.43	FAUNA Society Valencian Herpetological Society (SOHEVA)	The positive listing of companion animals should only concern specimens taken from the wild that are to be kept as companion animals. Domesticated animals of non-native species supported by documentation proving they were bred in captivity – such as EU CITES certificates or any other supporting documentation in accordance with Royal Decree 7/2018 – are classified as companion animals under Article 34(e). The ECJ does not conclusively assess the proportionality of a ‘positive list’ approach in the ‘Andibel’ judgment. The positive listing is not at all defined in the law and can only be inferred. As for the concept of 'needs as a species', it is an extremely volatile criterion and even phrased in a frivolous manner. Within the same species there is a lot of behavioral variation. A positive list for regulating domesticated animals of wild species makes no sense, nor is the legal interest to be protected truly justified – just as a positive list of dog breeds would not be justified
24/10/2025	1.28	Catalan Hunting Federation	Opposition to the inclusion of finch bird species in the list. I oppose the inclusion of game species on the list, including rabbits, fallow deer, mallards and wild boar. Any native wild species should be excluded.

			The positive listing should only include domestic species.
28/10/2025	1.29	Spanish Animal Protection Federation (FEPA)	An essential requirement for considering the inclusion of a species on the list is that individuals of that species must be identifiable by microchip. Animals not included on the Positive Lists that have been temporarily detained, confiscated, abandoned or handed over must be referred to specialist animal welfare organisations or centres that have facilities appropriate to the species and ensure they are treated ethically at all times. Handling and breeding: reference documentation or bibliographical information must be available to demonstrate that, given their physiological and ethological characteristics and biological needs, they are suited to coexistence with humans without suffering harm, as well as details regarding the appropriate housing, maintenance and care of that particular species or a similar one in captivity. Transitional provision for breeders and pet shops that fall outside the Positive List.
28/10/2025	1.30	Spanish Federation of Animal Sanctuaries (FESA)	Ensure that only animals whose welfare can be guaranteed may be kept in the domestic sphere, To prevent situations of inappropriate captivity and prolonged suffering, Contribute to the protection of the environment and biodiversity, Legal and administrative certainty in the field of animal welfare should be strengthened.
28/10/2025	1.31	Fundación Animals Shelter Standards	Proposals Institutional communication should be clear and accessible; institutional information and awareness-raising campaigns should involve collaboration with animal welfare organisations and professionals in disseminating information and advising the public; there should be a clear protocol for action in cases of abandonment, seizure or voluntary surrender; establish a national registration and traceability system for all affected animals; ensure consistency with the Central Animal Protection Register and with regional systems; put in place control and monitoring mechanisms for animals not included on the List; provide for specific central and regional government funding, as well as protocols for referral and inter-administrative coordination; and encourage collaboration with accredited organisations with expertise in exotic wildlife and animal

			welfare.
28/10/2025	1.33	INTERCIDS	Particular attention must be given to the following points: - Aptitude of the species to be kept as a companion animal. - Risk assessment. - Principle of precaution. - Conditions for keeping animals not definitively included. Finally, in accordance with Article 37(3) of the Act, the Royal Decree must specify the possible conditions for the keeping of animals not definitively included, which in any event must be consistent with the provisions of this Act regarding the protection of companion animals and, under no circumstances, shall result in their euthanasia.
28/10/2025	1.34	Mis Amigas las Palomas (MALP)	The positive list should only contain species of domestic animals, not wild animals in captivity. Particular attention should be paid to excluding all species of aquatic and terrestrial turtles.
27/10/2025	1.35	Veterinary Professional Body	It is therefore essential that this list be comprehensive, balanced and technically sound, so as to avoid it becoming a restrictive instrument that could have undesirable economic and social consequences. A very positive side effect of this controlled breeding programme is that it also helps to prevent illegal hunting in the natural habitats of these wild animals – whether of adult specimens or of eggs and young – thereby contributing to the conservation of the species in their natural environment.
28/10/2025	1.37	Platform Balear per a la Defensa dels Animals, Baldea	Animals that have lived alongside humans to date and are currently in a home, shelter or on a farm, and which are not included on the positive list of domestic companion animal species, may remain with their current owners until their death, given the emotional bonds that may have been formed between them, provided that the conditions of their accommodation and care ensure the animal's welfare and that appropriate birth control measures are in place.
26/10/2025	1.38	Protector of Exotic Animals (APAECATALUNYA)	The list is in line with the European 'One Health' approach, ensuring a holistic view of the relationship between animals, people and the environment. They consider a transparent and accessible information campaign

			essential, accompanied by a clear and concise guide to action for all the bodies involved; it also calls for the transformation of the current Municipal Development Plans and budget allocations.
28/10/2025	1.40	Rainfer – Primate Rescue and Rehabilitation Centre	The Positive List constitutes a preventive and effective instrument to protect animal welfare, public health and biodiversity, and is aligned with the European One Health approach. Its implementation will improve the traceability of the trade in animals, prevent the introduction of invasive species and promote responsible coexistence between people and animals. At Rainfer, we particularly value: • The scientific and technical basis that underpins the Positive Listing model. • Its contribution to preventing health and public safety risks associated with exotic wildlife. • Its role in the protection of animal welfare and the conservation of ecosystems.
28/10/2025	1.41	Salvando Peludos	Each species must be assessed on a technical basis, taking into account its welfare needs, health considerations and environmental impact. Extensive interpretations and market-friendly analogies will not be accepted. Registration and traceability of animals already kept in private homes, administrative controls, a deterrent system of penalties, and consistency with other relevant regulations.
29/10/2025	1.42	SEO/BirdLife	Creation of an Interministerial Scientific Commission and mandatory scientific opinion. The positive list must be dynamic yet stable, so that updates to it are based on objective scientific criteria rather than commercial pressures or private interests. The regulation should establish a public consultation mechanism prior to the adoption of each list or its amendments. Avoid contradictions between regulations and ensure that the positive list

			contributes to biodiversity conservation policies rather than interfere with them.
24/10/2025 24/10/2025 28/10/2025	1.44 2.845 2.1019	Societat Ocellaire La Vella de Ripollet Individuals	The positive list should be restricted exclusively to domestic species with a long history of coexistence with humans and which do not pose a risk to biodiversity, public health or animal welfare. Any native wild species would have to be expressly excluded from the positive list, with priority always being given to their protection in the wild. In the light of the above, I request that the future Royal Decree explicitly exclude the following from the positive list of companion animals: The finches. (goldfinches, chaffinches, greenfinches, linnets, etc.)
27/10/2025	1.45	UPF Centre for Animal Ethics	Establishment of a permanent expert working group within the Scientific and Technical Committee. The implementing regulations for the legislation should define, as strictly as possible, the criteria for the appropriate keeping of an individual in captivity. All individuals belonging to animal species found in urban or peri-urban areas that meet the requirements of Article 36 should be included in the lists
27/10/2025 28/10/2025 27/10/2025 28/10/2025	2.18 2.382 2.770 2.869	Individuals	To comply with the European Union standard and ensure consistency with CITES-EU. Assessment of the economic and social impact. Any prohibition/limitation shall: (i) be based on a technical and scientific analysis specific to each species or type; (ii) set out in detail the sources, expert opinions and standards applied; (iii) assess less restrictive alternatives; (iv) include transitional provisions and an ex post evaluation; and (v) be published in full to allow for public and judicial scrutiny. The absence of these safeguards increases the risk of the contract being declared null and void and of financial liability.
28/10/2025 28/10/2025	2.58 2.1124	Individuals	It should be as restrictive as possible for birds and reptiles, prohibiting the keeping of all turtles, whether aquatic or terrestrial. Regarding animals belonging to native species, their keeping should also be prohibited. Animals excluded from the list who are already accustomed to human contact and are physically or emotionally dependent on it must remain as companion animals with the same owners/carers, provided that their

			welfare and that of others is safeguarded (with or without the right of the previous owners/carers to visit, depending on the circumstances and the animal's physical and emotional bond with them). And the work of associations, sanctuaries, rescuers and managers of feline colonies and other groups must be taken into account and facilitated.
28/10/2025 28/10/2025 16/10/2025 27/10/2025 20/10/2025 28/10/2025 27/10/2025 27/10/2025 22/10/2025	2.84 2.103 2.249 2.687 2.695 2.869 2.927 2.945 2.1068	Individuals	They support the listing.
27/10/2025	2.105	Particular	In the positive list, the criterion of animal protection should take precedence over profit and trade, as well as the protection of biodiversity. The list should be as restrictive as possible for birds and reptiles, prohibiting the keeping of all tortoises, whether aquatic or terrestrial.
25/10/2025 24/10/202	2.128 2.602	Individuals	He expressed his support and indicated that he appreciated: - The scientific and technical basis that underpins the Positive Listing model.

5			- Its contribution to preventing health and public safety risks associated with exotic fauna. - Their role in the protection of animal welfare and the conservation of ecosystems.
26/10/2025 27/10/2025	2.209 2.658	Individuals	I believe that only dogs and cats should be included in this list. They are the only species that, under domestic conditions, can develop a relatively full life and express their natural behaviours without the need for extreme confinement.
26/10/2025	2.234	Particular	Consideration should be given to adding a provision whereby, if an animal is found with injuries or health problems and, after receiving treatment, cannot be released back into the wild (a bird that can no longer fly, for example), and due to the nature of the species cannot be taken to a sanctuary for protected species or similar, arrangements can be made to find a new home for that animal.
15/10/2025	2.344	Particular	In the UK or Germany, if you want to keep venomous reptiles, you have to take a course in herpetology where you’re taught how to handle these animals. It can lead to illegal animal trafficking and people becoming totally disconnected from the animal world. It is vital to find out about their needs, how to care for them, and their general character and temperament.
14/10/2025	2.388	Particular	It is recommended to establish a working group including scientists and representatives from shelters, breeders, animal protection organisations, and conservation groups. The inclusion of crocodiles and venomous snakes on the list will not be considered. This includes arthropods, fish and amphibians whose bite or venom may pose a serious risk to the physical well-being or health of people and animals. Non-human primates, wild mammals that in the adult state exceed five kilograms in weight, and reptiles that in the adult state exceed two

			kilograms in weight shall not be considered, except in the case of chelonians. It is also explicitly stated that the keeping or trading of animals captured in the wild is not permitted. Create inclusion or exclusion procedures. Three documents are sent on the inclusion criteria, the basis for a dynamic list and an example of a positive list of reptiles. A positive list does not address all the welfare issues impacting companion animals. However, positive listing of exotic animals can make a significant contribution to improving the welfare of companion animals, stopping trade in wild caught companion animals, significant impact on the issue relevant to invasive alien species and contribute to the transparency, traceability and verifiability of companion animal species. The dynamic nature of this list is fundamental and is an essential aspect of the current proposal. To this end, regular reviews are crucial, given (and in light of) the variability in trends in the trade in pet and hobby animals amongst enthusiasts, as well as prevailing concerns regarding animal welfare, the problems posed by invasive species, and the input from all stakeholders (animal welfare organisations, conservation groups, rescue centres and sanctuaries, scientists, breeders, enthusiasts, practising vets, etc.). The existence of a positive list may provide a legal basis that contributes to uniformity in the way in which the competent officials assess and control the keeping of companion animals. Confusion with other legislation regulating trade in endangered species (CITES) should be avoided.

27/10/2025	2.519	Particular	Reptiles bred in captivity are not wild animals and should be treated in legal terms in the same way as domestic or companion animals. The Positive List, where applicable, should only apply to wild specimens captured directly in the wild, and never to animals born and reared in captivity.
22/10/2025	2.557	Particular	I support. The Positive List offers a clear and preventive solution to these risks: only those species assessed as safe from a health, environmental and animal welfare point of view may be placed on the market and maintained.
21/10/2025	2.596	Particular	Species that are part of the Spanish Catalogue of Invasive Exotic Species must be excluded from the Positive List of companion animals. The rabbit should be included directly in the positive list of companion animals. The current regulations recognize rabbits as companion animals (Royal Decree 1547/2004 of 25 June 2004). It expresses its support.
27/10/2025	2.663	Particular	Only dogs and cats should be considered companion animals, and supervision must be strengthened while encouraging their owners to care for them and ensure their welfare. At the same time, it is both necessary and equally important, following the introduction of regulations, to control the black market and illegal breeding that may arise following the ban on certain species.
21/10/2025	2.711	Particular	The positive list must comply with the principles of legal certainty, as the provision in question does not conform to these principles, since it is not consistent with the rest of the legal system. Positive lists will tacitly deny indigenous peoples the right to use their natural resources as a means of subsistence, thereby breaching international agreements that have been signed and legally ratified. A positive listing is an absolutely disproportionate measure, especially if objective and non-discriminatory criteria are not applied, as required by the ‘Andibel’ judgment of the CJEU.

			ECJ 'Didier Vergy' Judgment – Case C-149/94: Criminal proceedings against Didier Vergy (Reference for a preliminary ruling from the Tribunal de grande instance de Caen) 'Council Directive 79/409/EEC on the conservation of wild birds — Prohibition on the sale — Specimens born and reared in captivity' – exempts captive-bred birds from the application of the Birds Directive (DAS). The positive listing of companion animals should only concern specimens taken from the wild that are to be kept as companion animals.
26/10/2025	2.874	Particular	Calls for a law banning the total import and purchase of exotic animals.
26/10/2025	2.1028	Particular	He suggests that the criterion of animal protection should take precedence over profit and trade, as well as the protection of biodiversity. It should be as restrictive as possible for birds and reptiles, prohibiting the keeping of all turtles, whether aquatic or terrestrial.
14/10/2025	2.1048	Particular	No to a law without consulting experts.
26/10/2025	2.1094	Particular	I believe this list could be key to preventing the irresponsible keeping of wild or exotic animals, and the entire illicit and illegal trade surrounding them.
22/10/2025	2.1109	Particular	It expresses its support. It appears that the so-called 'negative lists' are not proving effective in tackling this problem. The Positive Lists offer a clear and scientifically supported preventive framework. Thus, only species assessed as safe from a health, environmental and animal welfare point of view may be traded and kept.
26/10/2025	2.1112	Particular	Require a firm and ethical positive list that prioritises the actual welfare of the animals according to the needs of each species.