

EU-Wide Positive List

The extended briefing

EU-wide Positive List - Extended briefing

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EU-wide Positive List - Extended briefing

Call to action



We urge the European Commission to conduct an **Impact Assessment on a Regulation** to establish a list of animal species allowed to be Kept and Placed on the Market (Positive List) as soon as the official Study on the Need for, Added Value and Feasibility of an EU-Wide Positive List for Pets is released in 2026.

In addition, we call on the Parliament and the Council to make their support known to the Commission to ensure a timely implementation in the current term.

Introduction

This briefing document provides deeper insights into the key points covered by the **Pocket Guide to the EU Positive List**, providing a detailed explanation of the evidence and arguments for introducing this proactive, flexible and enforceable tool.

Background on the wildlife pet trade in the EU

The issues of the wildlife pet trade

Evidence from scientific papers, [government reports](#), and the [positions](#) of [vets](#) shows the clear [suffering](#) of wild animals kept in captivity as pets by private owners; including birds, mammals, [reptiles](#) and amphibians, with animals also experiencing harm at other stages of the pet supply chain – including [transit and delivery](#). Detailed elements of all of the issues can be found in this [White](#) paper.

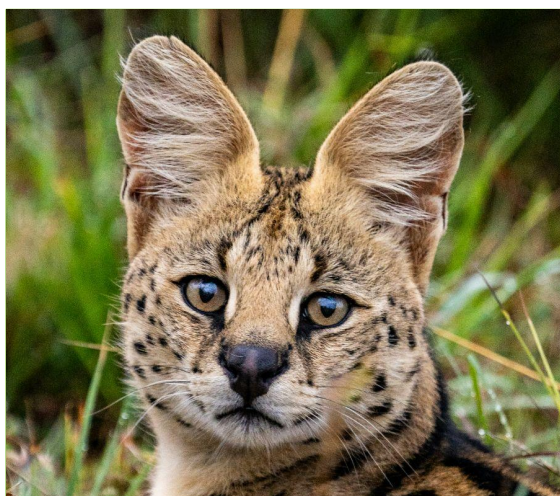
The scale of the exotic pet trade is immense, and largely unknown. Species-specific information on imports is scarce or non-existent for the majority of species in trade,

including protected and non-internationally protected species; yet we know that the scale of the trade is in the order of [many millions](#) of animals from [several thousand different](#) species. The sheer number of traded species makes this trade stand out from other wildlife trade purposes. The range of species kept is also [increasing](#). While the capture of animals from the wild is in some cases being replaced by the [captive breeding](#) of wild animals kept as pets, the **welfare**, **invasive species**, **population decline** and **health issues** [persist](#) (see next section). This is the case [wherever](#) wild animals are kept or traded as pets.



A [mosaic](#) of rules between member states, even with differing rules within MS regions, makes **consumer choices** and **enforcement** of rules difficult. Consumers may find it hard to know what is legal or illegal, receive contradictory information in online searches, or when considering buying a pet animal. The positive list approach provides **clarity**, especially for inexperienced or first time buyers.

Welfare harms



The European pet trade encompasses thousands of wild, non-domesticated species. [Research](#) identified 1,884 reptile and amphibian species in the German pet trade in just one 12-month period, illustrating the extraordinary diversity of wild species available to European consumers. Yet in most current legal systems, the assessment on the suitability of keeping these animals as pets has never been made. This leads to a large number of animals suffering, where their biological, behavioural and physiological needs and desires are not met.

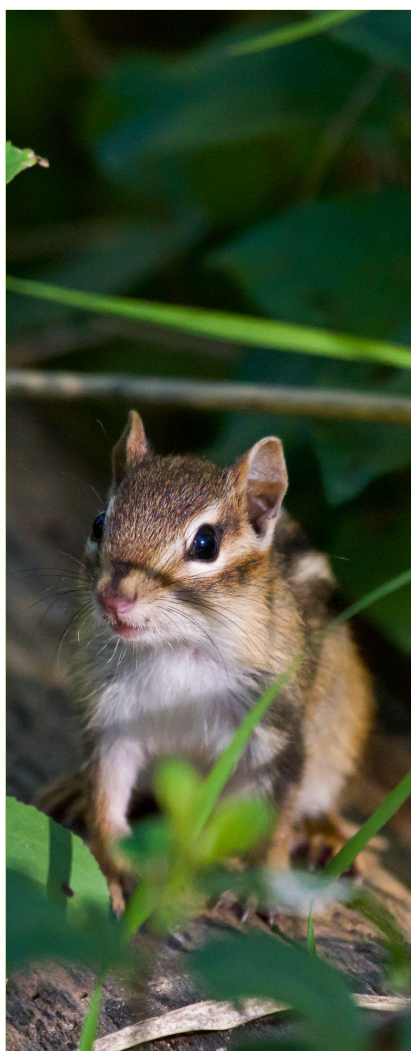
All animals traded as pets are sentient beings, capable of experiencing both positive and negative emotions such as pleasure, joy, pain and distress. The way they are traded and kept by individuals can significantly undermine their welfare. Welfare in this context should be assessed under the "[5 Domains model](#)" for animal welfare. Each species has [complex](#)

[and specific biological and behavioural needs](#), ranging from environmental requirements such as temperature, ultraviolet light and substrate, to the ability to express natural behaviours. These needs are often difficult or impossible to meet in captivity for a person without professional training – and even then, the situation can be challenging.

At every stage of the [trade](#), animals are exposed to stressors including [handling](#), [transport](#) and confinement, leading to pain, fear, hunger, confusion and social deprivation, and in many cases resulting in high [mortality](#) rates. The cumulative suffering experienced by these animals is considerable and often immeasurable, as reflected in evidence from [scientific studies](#) and [policy reviews](#) highlighting widespread welfare concerns.

Reports and studies by veterinarians also provide a valuable source of insight into the welfare of exotic pets, with many pets [missing out on necessary veterinary care](#), among a myriad of problems demonstrated in [extensive veterinary surveys](#).

Taken together, the evidence base points towards the following major concerns:



The Pet Trade:

- **Cruel capture methods** – Wild animals are often caught using harmful techniques that disrupt behaviour and can injure or kill both targeted and non-target animals.
- **Capture myopathy** – Many animals die from extreme stress during or after capture, suffering muscle damage due to severe exertion and trauma.
- **Trauma and stress in captivity** – Wild-caught and captive-bred animals frequently display trauma-related behaviours such as self-harm, fear-based aggression, and repetitive stereotypes¹ when confined.
- **Poor breeding conditions** – Lack of regulation leads to animals bred in inadequate environments, often by inexperienced or profit-driven breeders, resulting in welfare issues and genetic health problems.
 - Selective breeding for particular [morphs](#) (designer breeds) can also result in neurological disorders and health problems for the animal.
 - Poor breeding practices can result in [hybrids](#), leading to behavioural and health issues.
- **Inadequate transport** – Animals are commonly shipped in cramped, poorly ventilated containers without bedding, leading to suffering and sometimes death en route.

¹ Stereotypes are repetitive behaviours that an animal performs again and again, often with no obvious purpose. They can develop when an animal is unable to perform important natural behaviours or cope with a restrictive or stressful environment. Examples can include repeatedly pacing the same route, rocking, circling, or repetitive movements.

Keeping Wild animals as pets:

- **Unsuitable homes** – Domestic environments often fail to provide the space, enrichment, heat, light, and social structures wild species need, causing ongoing physical and psychological harm.
- **Dietary deficiencies** – Many exotic pets receive inappropriate diets, leading to malnutrition, obesity, metabolic disease, and other preventable health conditions.
- **Lack of veterinary expertise** – Few vets specialise in exotic species, meaning many animals do not receive proper medical care, and owners may resort to inappropriate or harmful interventions themselves.
- **Escape, injury and predation risks** – Inadequate housing and handling errors can lead to escapes, accidents, injuries, or conflicts with other pets. When wild animals escape, they can become invasive alien species.
- **Sleep disruption** – Nocturnal animals kept as pets often have their natural sleep cycles disturbed by daytime human interaction, impairing welfare.
- **Frequent rehoming stress** – Exotic pets, especially long-lived species like parrots, are often passed between owners, causing stress, anxiety, and social disruption.
- **Knowledge gaps for kept species** – For many of the species in trade, there are gaps in knowledge about how to ensure their welfare in captivity. This is the case even for animal species kept by [zoos](#).



Challenges arising from the wild animal pet trade

Among the commercial uses of wildlife, the exotic pet trade is especially [fast-growing](#), [commercially important](#), and [ecologically consequential](#). The EU is a major player in the global wildlife pet trade.

Many of the **millions of** [wild caught or captive bred](#) **individuals, from the thousands of species** currently in trade, have complex behavioural, physical, and psychological needs that typically cannot be provided in a home/domestic setting. This [results](#) in animal suffering, and can also pose a severe risk to public health, conservation and the environment. Expert recognition, including at the EU level from [vets](#), the [Council](#) and [Parliament](#), reinforces the need for an EU-wide Positive List.

The European Commission welcomed, in 2025, the agreement by the European Parliament (EP) and the Council of the EU on the first ever [EU legislation on the welfare of dogs and cats](#), yet there are no EU laws on the welfare of wild animals that are currently being kept or traded as pets (although the EP did vote to [include the Positive List explicitly](#)

[within this law](#), see image below). The same issues leading to the adoption of rules for dogs and cats are suffered by other wild or exotic species and the risks of harm are greater given these animals are wild in nature and have not been bred to live in a captive setting. As demonstrated above, existing EU legislation pertaining to wild animals as pets cover only a small [fraction](#) of species, are [slow](#) to adapt when new threats are identified and the [IAS Regulation](#), being a short Negative List, omits many pet species that may pose ecological risks. The EU has the [legal competence](#) to harmonise these rules via a Positive List, a similar legal basis as the [legislative proposal on dog and cat welfare](#).

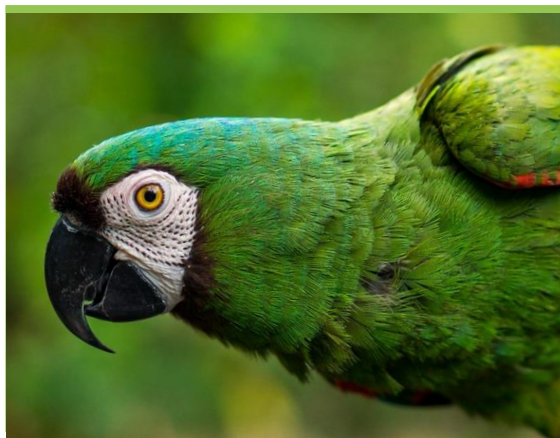
Amendment 301
Proposal for a regulation
Article 26 – paragraph 2 a (new)

2a. *By ... [5 years after the date of entry into force of this Regulation], the Commission shall:*

- (a) carry out an evaluation and a review of this Regulation, including an assessment of a possible maximum age for the breeding of dogs and cats;*
- (b) carry out an assessment of the situation of stray animals;*
- (c) establish a list of animal species allowed to be kept and placed on the market, where a prior impact assessment has shown its added value and feasibility;*
- (d) assess the potential extension of the scope of this Regulation to include other animals by amending this Regulation;*
- (e) assess the possibility of using alternative means of identification which are less invasive than the implantation of a transponder; and*
- (f) present a report on the main findings of points (a) to (e) to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.*

Source: Language adopted by the European Parliament on June 19 2026

Conservation risks



Direct exploitation of natural resources is the [second largest driver](#) of biodiversity loss. This includes the over-exploitation of wild populations through the removal of animals from their native habitats for the wild animal pet trade. Taking wild animals from their native habitat for pet keeping contributes directly to [conservation and sustainability](#) risks, particularly in the context of accelerating global defaunation and vertebrate [decline](#).

The EU plays a significant role in this dynamic due to the demand for wild animals among people in Europe who wish to keep them as pets. People and businesses in the EU import [millions](#) of wild or exotic animals, including [wild-sourced](#) and [threatened](#) species, thereby increasing ecological pressures in [range countries](#).

Captive breeding is often presented as a solution to the capture of animals from the wild. However, it does not fully address conservation concerns and raises significant [animal welfare and health issues](#) of its own. In addition, inadequate traceability systems for many species create opportunities for wild-caught animals to be [falsely declared](#) and traded as

captive-bred, undermining both conservation objectives and enforcement efforts.

Furthermore, current systems allow unprotected species to enter the [market](#) within months of being described by science. When animals are hunted to be captured in the wild, negative [consequences](#), including the disruption of ecological functions, can occur.

Invasive Alien Species risk

The wild or exotic pet trade is a key contributor to the introduction of IAS in the world, including the [EU](#). The trade in wild animals for pet keeping is considered a key [pathway](#). This concerns non-native mammals, reptiles, amphibians, fish and birds. Once in the environment, some species can physically alter native species' habitats, while others can kill large numbers of native [species](#). They also threaten native species and their ecosystems through increasing competition for food or shelter and increasing [predation and hybridisation](#).



Pet animals can be introduced through escape or abandonment by [owners](#). This can be [due](#) to owners experiencing the complex needs of these animals, which they may not have anticipated ahead of purchase. Both the overall number of individual animals kept as pets and the number of different species can increase the [risk of invasion](#).

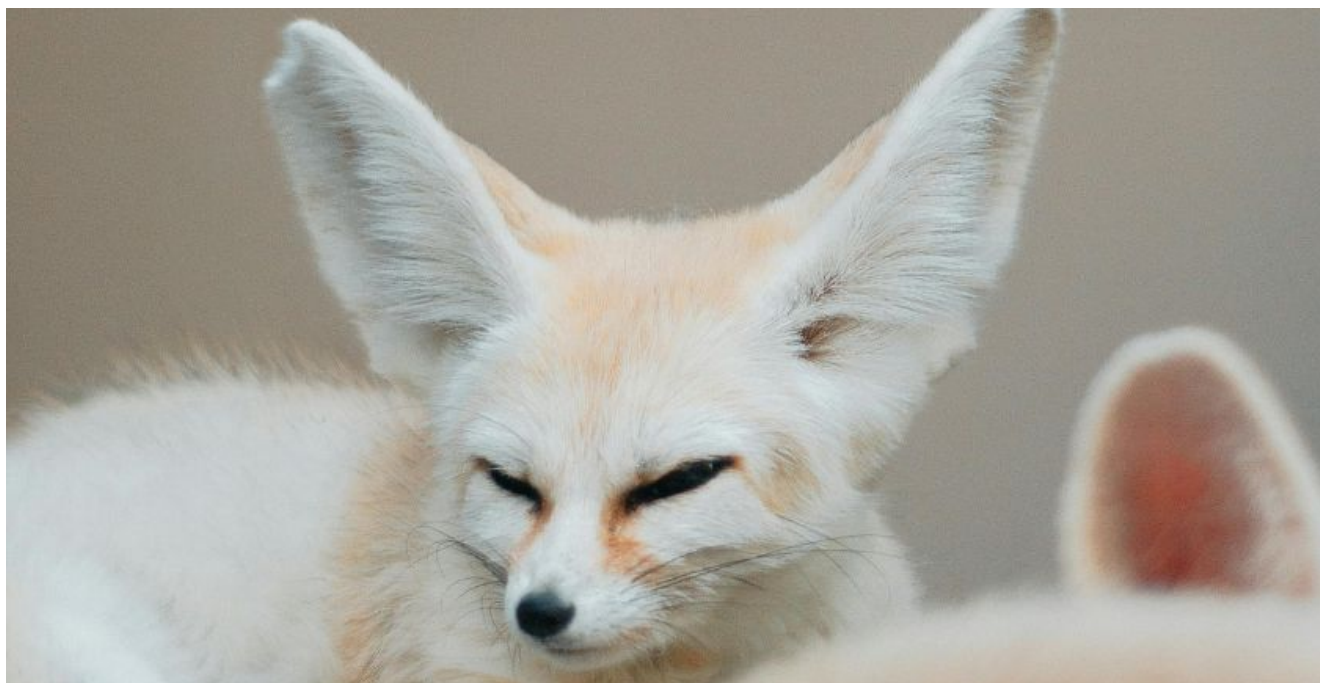
Huge [costs](#) are associated with the management of IAS, and the [wild or exotic pet trade](#) is an important contributor to the problem. [Socioeconomic analysis](#) has demonstrated the costs to economies and to [society](#), but the sector itself does not bear those costs. The assessed impacts of invasive species are restricted to a few known species, and [preventative measures](#) now would be far less costly than future management. This is especially the case given that scientific [evidence](#) demonstrates that climate change is likely to increase the risk and impact of IAS by creating more favourable environmental conditions for their survival, establishment and spread, including in regions where they were previously unable to persist.

Several species that are now included in the Union List of IAS ("Union List") are animals that were previously popular to keep as pets, but that evidently escaped or were released into local environments – causing damage to local ecosystems, and ultimately leading to those species being added to the Union List. But the IAS Regulation listing process cannot respond quickly enough to address the ongoing threat posed by the wild pets trade. [For example](#), various squirrels, chipmunks, shiny crow, ornamental turtle, Levantine water frog, clawed frog and virile crayfish imported for the pet trade were already established as IAS in various EU countries prior to being banned from pet keeping.

Moreover, there are several non-native [mammal species](#) kept as pets that have made their way to the EU, and are potentially invasive. The same for [hundreds](#) of species, over 70 of which are [birds](#), [reptiles](#), [amphibians](#) and ornamental fish. Further examples include an inventory in the [balearic islands](#) that found, of 21 reptile species identified, only two were native and 16 of the 19 non-native species were already present, many the result of the wild animal pet trade.

The EU ban on [importing wild birds](#), which was introduced in 2005 to counter the spread of avian flu, is a good example of how robust legislation can work to [reduce](#) risks associated with IAS. But given the diversity of species that are now, or are on their way to becoming, IAS in Europe, and given the high trade volume, a proactive rather than reactive approach is necessary. The [literature](#) indicates that precautionary measures aimed at prevention are economically and ecologically [justified](#).

Additionally, [the Netherlands](#) has identified that additional regulations, particularly Positive Lists, supports implementation of IAS regulations by limiting trade and the potential of introducing non-native species into native habitats, providing legal clarity on which species may be kept as pets, and reducing impulse purchases.



Human health and safety

There are clear public [health](#) and safety risks related to the trade in wild and exotic pets, as demonstrated by reports such as the [Infected and Undetected](#) report, and the [Under their skin](#) report from AAP Animal Advocacy and Protection. Scientists estimate that 75% of new and emerging infectious diseases are [zoonotic](#) in nature (i.e., have the potential to jump from animals to humans), and that the majority of them originate in wild animals. All animals can carry zoonotic pathogens, and many species act as [asymptomatic](#) carriers, meaning they can transmit disease without showing any visible signs of illness. For example, reptiles and amphibians, including those bred and kept in captivity, are

frequently associated with the transmission of [Salmonella](#) without the owner's knowledge. A 2021 [study](#) by the United Nations Environment Programme (UNEP), which looked at zoonotic risks from the trade in CITES-listed species, highlights that many of the animals for which there is a high risk of zoonosis, in particular, green iguanas, tortoises, freshwater turtles, ball pythons and monitor lizards, are traded in large numbers. The risk can also come from the animals used to [feed](#) wild animals kept as pets. In other cases, diseases may remain undetected for extended periods due to long incubation or latent phases.



The conditions under which wild animals are captured, transported, bred, traded and kept also facilitate the emergence, amplification and spread of infectious diseases, including zoonoses, creating risks not only for individual animal and public health but also for wider regional outbreaks and potential future [pandemics](#). Recent [research](#) in mammals found that animals sold in the global wildlife trade are 50% more likely to share pathogens with humans than those that are not bought and sold. The mixing of species during transport that wouldn't naturally encounter each other in the wild, in combination with [stressful conditions](#) and overcrowding, creates conditions where diseases can emerge and easily spread. Several examples of pet related diseases include [Variegated squirrel bornavirus](#), various harmful microbes in [sugargliders](#), and deadly respiratory diseases in [parrots](#).

Zoonotic potential in birds is well researched, with viral diseases such as bird flu and others. Most importantly, it is the enormous lack of information we have in testing for these diseases that leaves society at risk.

There are also important safety concerns from [dangerous](#), [strong](#), poisonous or [venomous](#) pet animal species. The wild animal pet trade exposes people to documented [risks](#) including serious bites, envenomation and zoonotic infections; recent clinical [evidence](#) continues to report severe outcomes from privately kept exotic species, including respiratory failure and other systemic complications following exotic snakebites. These risks can be particularly challenging where unfamiliar species require specialist expertise or treatments that may not be routinely available.

An EU Positive List could reduce preventable risks by assessing species for human-health and safety concerns before they are widely traded and kept, rather than relying solely on action after problems occur.

What is a Positive List?

A Positive List is a list of animal species permitted to be kept, bred and/or traded as pets. The list should be based on a predetermined set of verifiable science-based criteria. **Only species that pass an independent assessment against these criteria can be placed on the list, and therefore permitted to be bred, traded and/or kept as pets.** These criteria can include:



- Risks of health and welfare harms to the animals, based on the [five domains](#) model for animal welfare;
- Risks of animal health issues, based on five domains model;
- Risks to the conservation of that species, e.g. their wild populations in range states;
- Risks of that species becoming an “Invasive Species” in case of escape or deliberate release;
- Risk to human health and safety, for example spread of zoonotic disease or injuries that can be inflicted by an animal due to their physical characteristics (e.g., large teeth, claws) or natural abilities (e.g., hunting instinct, agility, speed).

In cases where species-specific evidence is incomplete or non-existing, available information from similar type species can be extrapolated accordingly, if this is not possible, the species should, by default, not be listed until information becomes available.

To ensure objectivity, transparency and verifiability, the development of the list can have two stages.

1. First, a committee of independent experts develops the methodology for *how* the list should be developed – for example, determining what criteria should be used.)
2. A second committee of independent experts is tasked with using the methodology of the first committee to establish the actual list.

A species being on the Positive List by no means that the animal is “easy to keep”, and future scientific research may even demonstrate that a listed species is actually unsuitable for private ownership. This is why, as part of a Positive List regulation, a mechanism should exist that would allow for the removal or addition of species as our understanding of species evolves.

Furthermore, listed species could still suffer



harm and abuse because while a Positive List provides the critical foundation of whether a species could potentially be kept as a pet, the way an animal is kept is not specified. Therefore, once a Positive List is established, **complementary measures** are important to accompany a Positive List. These could include:



- Husbandry guidelines, setting out best practices for caring for animals in captivity.
- Welfare standards, a set of formal rules and principles designed to protect the health, safety, and psychological wellbeing of animals.
- Sale requirements, complementary rules for the sale of species permitted under a Positive List, such as minimum seller competence, clear information on species-specific welfare needs, and appropriate conditions at the point of sale.
- Demand reduction measures, possibly in the form of communication campaigns to inform people across Europe about which species are on the Positive List, and the consequences of illegally sourcing or purchasing pet species not on the Positive List.
- Resources and training for enforcement officers, equipping them to recognize animal welfare and health harms.
- Ownership competency tests, implemented prior to purchase, to help reduce impulse purchases.
- A law [criminalising the trade of illegally sourced wildlife](#), which would be complimentary to a Positive List.

Importantly, several of these complementary measures can only be developed, implemented and enforced effectively if based on a clear Positive List framework, rather than the current regulatory landscape.

EU Regulations regarding wild animals kept as pets

There are several EU regulations that in some way relate to the trade in wild animals kept as pets. However, their scope regarding wild animals traded, bred, and kept as pets is patchy and incomplete. For instance the majority of non-CITES Listed animals² [are not fully covered](#) by EU rules, meaning that most animals in the EU kept and traded as pets are only regulated for animal welfare under a mosaic of differing Member State laws.

In addition, the majority of the rules below were developed primarily considering farm animals, causing ambiguity and missing pieces for wild animals, and in the case of CITES, listings can also be [politically driven](#). The lack of harmonization at EU level causes internal market distortions, and confusion for consumers, traders and law enforcement. Additionally, combined with the lack of border control checks within the Schengen area, this also means that the sale of most animals between EU Member States goes largely untraced.

² The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a global agreement to regulate or ban international trade in species under threat.

Table 1: The main EU legislation pertaining in part to wild animals traded and/or kept as pets, and the added value of a Positive List.

EU Legislation	Purpose of the legislation	Limitations	How an EU Positive List would improve implementation
<u>Animal Health Law (Regulation (EU) 2016/429)</u>	Establishes a framework for preventing and controlling animal diseases, including zoonoses, and sets rules for the identification, registration and movement of certain animals within and into the EU. The law relies on TRACES to monitor movements of animals and animal products.	The current diversity and volume of wild animals traded as pets makes identification, registration and traceability extremely difficult, particularly for non-CITES-listed species, which constitute the majority of the trade.	An EU Positive List would reduce the number of species legally traded as companion animals, making monitoring and traceability more targeted and feasible; improving data collection; and strengthening enforcement of animal health requirements.
<u>Transport Regulation (Regulation (EC) 1/2005)</u> ³	Establishes rules to protect vertebrate animals during transport within, into and out of the EU, with the aim of preventing injury, suffering and poor welfare.	Enforcement is challenging when authorities must oversee the transport of thousands of different species with highly varied biological and welfare needs.	An EU Positive List would reduce the number of species in trade, thereby facilitating inspections, improving compliance monitoring and enabling more effective enforcement of transport welfare standards.

³ On 7 December 2023, the Commission adopted the proposal of revision of the Regulation on the protection of animals during transport and is currently under discussion in the European Parliament and the Council.

**Official Controls
Regulation
(Regulation (EU)
2017/625)**

Provides a harmonised framework for official controls and enforcement activities relating to animal health, animal welfare, food and feed safety, and plant health. The regulation is based on a risk-based approach to inspections and controls.

Official controls can only be as effective as the underlying regulatory framework and available information. The complexity and scale of the current wild animal trade creates significant enforcement gaps.

By narrowing the range of species traded as pets, an EU Positive List would make inspections more targeted, improve risk assessment and strengthen the effectiveness of official controls across the pet trade.

**Invasive Alien
Species
Regulation
(Regulation (EU)
1143/2014)**

Prevents and manages the introduction and spread of invasive alien species by restricting the import, breeding, keeping, sale, exchange and release of species listed as Invasive Alien Species (IAS) of Union concern.

The IAS framework is largely reactive, addressing species only after risks have been identified and formally assessed, and does not match the magnitude of the threat.

An EU Positive List would provide a preventative approach by restricting trade to species demonstrated to be suitable as pets, thereby reducing the risk of new invasive species entering the market via this pathway and easing pressure on the IAS assessment and listing system.

Wildlife Trade Regulation (Regulation (EC) 338/97)

Implements CITES within the EU and regulates the import, export, re-export and internal trade of species listed in its Annexes. It aims to ensure that trade does not threaten the survival of wild species.

The Wildlife Trade Regulation covers only a small fraction of the world's species, and many species enter trade long before conservation concerns trigger regulatory action.

An EU Positive List would substantially reduce the number of species traded as pets, lowering pressure on wild populations and allowing enforcement authorities to focus resources on the species that remain in legal trade. It would also complement existing listing mechanisms by providing a preventative rather than reactive approach.

Digital Services Act (Regulation (EU) 2022/2065)

Establishes rules for a safer online environment by addressing illegal content, improving platform accountability and requiring Very Large Online Platforms (VLOPs) to assess and mitigate systemic risks.

The Digital Services Act (DSA) relies on the ability of platforms to distinguish legal from illegal content. Given the vast number of species currently traded online, this can be difficult in practice.

An EU Positive List would simplify seller verification, content moderation, algorithmic monitoring and risk assessments by clearly defining which species may be legally traded as companion animals, making compliance and enforcement significantly more effective.

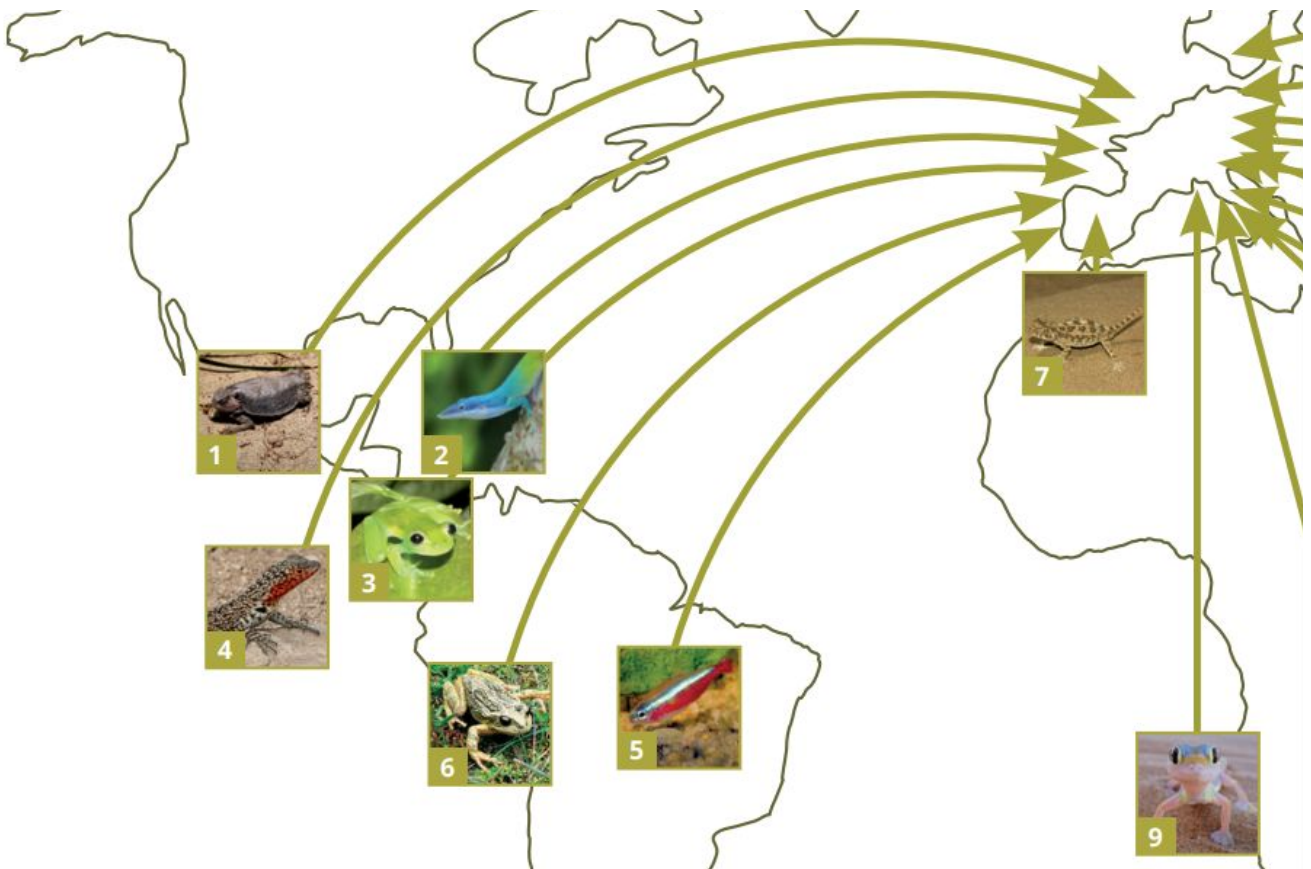
Range state concerns and why consumer countries must act

Concerns from range states are increasing, with pressure building on consumer regions (e.g. the EU) to enact rules and actions to curb demand for these species. Two [side events](#) occurred at the Convention on International Trade of Endangered Species (CITES) CoP20 in November/ December 2025. These were on "Rethinking Trade Data", and "Wild Animals Not Pets". At these events, an expert from the Dominican Republic, highlighted how gaps in species-level data make it difficult to protect four threatened endemic reptiles already available in the international pet trade. Indeed, the responsibility for reducing demand comes from the end of the chain, in those countries using animals. This includes enacting strict precautionary legislation. This sentiment was echoed in the discussions.

In the EU it is still possible to [legally trade](#) in animals caught in contravention of the laws of the country of origin. For example, even though the short-tailed horned lizard is a nationally protected species in Mexico, once it is trafficked to Europe it can currently be legally traded. Further examples are shown below in this image from [Stolen Wildlife IV](#). Recent years have seen an increase in this type of wildlife crime, where illegally sourced non-CITES-listed species (i.e., species that are not internationally-protected) are caught or exported in violation of the laws of the country of origin, as shown in reports by [UNODC](#) (2024) and [Europol](#) (2022). Within the EU, those animals can be legally sold, possessed and re-exported, a legal situation that unintentionally facilitates wildlife smuggling with high profit margins and a low risk of being penalised at the same time.

This demonstrates the need for the criminalisation of trading illegally-sourced wild animals. It is important to note that this tool, sometimes referred to as an EU version of the US Lacey Act, would be complementary to an EU-wide Positive List. **Both tools are needed for comprehensive protection of wild animals as pets, and wildlife in general.**

Figure 1: Example of trafficking of nationally protected species to Europe (source: [Stolen Wildlife IV - The EU's role as destination for wildlife traffickers – an update](#))



1. **Mexico:** Short-tailed horned lizard, *Phrynosoma braconieri* (e.g., BBC News 2020)
2. **Cuba:** Cuban blue anole, *Anolis allisoni* (see Chapter 3.1.)
3. **Costa Rica:** Spiny cochran frog, *Teratohyla spinosa* (Altherr *et al.* 2016)
4. **Galapagos Islands:** Galápagos lava lizard, *Microlophus albemarlensis* (e.g., advert at terraristik.com, Nov 2021)
5. **Brazil:** Cardinal tetra, *Paracheirodon axelrodi* (Charity & Ferreira 2020, see also Chapter 3.2.)
6. **Peru:** Peru marsupial frog, *Gastrotheca peruana* (e.g., advert at terraristik.com, June 2022)
7. **Morocco:** Helmethead gecko, *Tarentola chazaliae* (see Chapter 3.3.)
8. **Kenya:** Kenya horned viper, *Bitis worthingtoni* (Altherr 2014)
9. **Namibia:** Namib web-footed gecko, *Pachydactylus rangei* (s. Altherr *et al.* 2020)
10. **South Africa:** Southern adder, *Bitis armata* (see Chapter 3.4.)

In addition to national protections, some international protections do exist – but currently only a [fraction](#) of the species traded for the pet market are, in fact, internationally protected through mechanisms such as CITES. For example, a [BfN study](#) of the German exotic pet trade found that more than two thirds (67.9 %; n = 1,407) of reptile, amphibian, and exotic mammal species that were recorded during the study were not CITES-listed.

[Impulse purchases](#), lack of consumer [knowledge](#), lack of or the spread of inaccurate information online, at stores or at [pet fairs](#) (sometimes referred to as [pet markets](#)) and easy buying and selling with no traceability; combined with a lack of understanding of national or international rules, **blurs the line between legal responsible/ irresponsible and legal/ illegal pet trade and ownership.**

A clearer, simpler, harmonised approach is therefore much needed. **This is the Positive List.**

What is a Positive List and what is it not?

How it works



A Positive List is an effective, fair, and proportional policy tool that clarifies which species are permitted to be kept and or traded as pets. It is based on a predetermined set of criteria with the goal to stop and prevent the entering of animal species on the pet market that are dangerous or too complex to keep in private ownership.

- The Netherlands has developed a complete and transparent [methodology](#). The authorities in the Netherlands are also working on a Positive List for Reptiles.
- At the EU level, an independent, multidisciplinary team of scientists and legal experts is currently developing a scientifically sound and legally robust methodology to identify which animal species are suitable to be kept as pets. The initiative is designed to support animal welfare, safeguard public health and safety, and contribute to conservation and environmental protection. Ultimately, the framework aims to provide clear criteria and guidance, supporting the European Commission, Member States, and third countries as they navigate the legal and technical steps involved in creating their own Positive Lists.

Misconceptions

A Positive List will change the way pets are traded and kept, which will mean that those stakeholders benefiting from the current system will need to adapt their practices. This impact can cause resistance from certain stakeholders to changes in regulation. As a result, some misconceptions and misrepresentations of a Positive List are stated as fact, which are addressed below.

The Positive List is:

NOT a blanket ban on pet keeping. A Positive List does not set out to end the keeping of animals, but it **fundamentally shifts the burden of responsibility** for the impacts caused by the trade in wild animals. It moves us from a keep first, ask questions later approach; to a system where due diligence on the welfare impacts on animals, the environmental impacts of their escape, the health impacts of interactions, and the conservation impacts of their capture from the wild (directly, or for captive breeding) are assessed **before permission is granted to keep and trade animals as pets**.

- **Derogations:** In all existing Positive Lists, individuals can apply to keep non listed animals, if they can clearly demonstrate they have the knowledge and the capacity in terms of time, finances and space to provide unlisted animals what they need. This would likely be the case for an EU-wide Positive List, or could be managed at the Member State level.
 - A Positive List is therefore not at all an infringement on personal freedoms, rather a chance for responsible keeping via due diligence.

NOT a stagnant tool that ignores new scientific evidence. Species can be **added** and **removed** from the list in light of new evidence.

- In most existing Positive List laws in EU Member States, there are mechanisms to assess species that have so far not been assessed, or that should be re-assessed based on new evidence. They can be added or removed from the positive list accordingly.
- The burden of proof is on those applying for the up or downlisting.
- This is in line with the CJEU Andibel ruling.

NOT a reason to take your pets away.

- Unlisted (prohibited) animals **already legally kept as pets can remain in the owner's home until end of life**. This is known as a grandfather or legacy clause. The purchase or breeding of non-listed animals after the regulation comes into force would not be permitted, but ownership of existing pets would not be affected.
- There would be a **transition period** for businesses to cease breeding and sell their existing animals, without increasing their "stock". This allows time for businesses to adapt; evidence exists showing they can adapt.

NOT a silver bullet that is expected to solve all issues related to the trade in, and keeping of, wild animals.

- Complementary measures would be important (see section: This is why we need a Positive List).

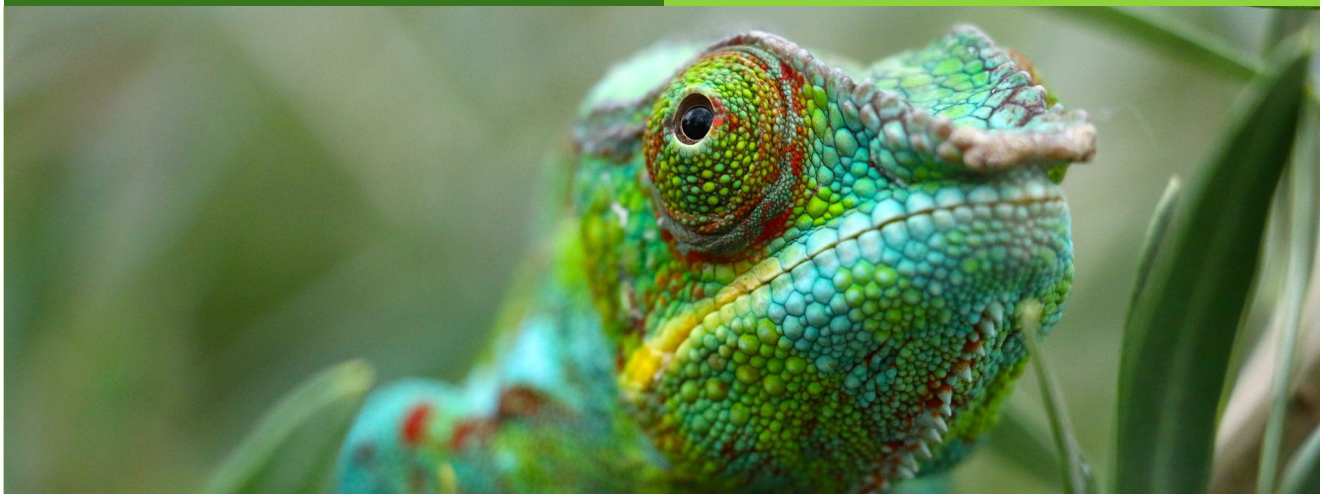


NOT an economic threat (See the economic study below).

- **Positive Lists can work for businesses:** despite the relatively small interview sample, stakeholders involved in the exotic pet trade and related services in jurisdictions already operating Positive Lists consistently reported that an EU-wide Positive List would help their operations.
- The study also suggests **economic impacts could be limited** for many businesses because sales are concentrated in relatively few species, allowing trade to shift towards listed species.

NOT Ideological nor a judgement on owners.

- Many people who purchase wild animals as pets do not have bad intentions, but are unaware of the harm caused by the practice. If they are told – or find out – that it is currently legal to buy and own that species, this may give them the impression that the animal is suitable as a pet, even when it is not. Consumers have access to a variable quality of information regarding the biological needs, suitability and level of care involved in attempting to maintain wildlife in the home.
- The idea of a positive list has been implemented across a variety of sectors.
 - Food additives – authorised list
 - Flavourings – approved substances
 - Novel foods – authorised list
 - Biocides – approved active substances
 - Food contact plastics – authorised substances list



Added value of a Positive List

The value that comes from introducing a Positive List goes far beyond the main objectives of this policy tool. An EU-wide Positive List would add value because it would be:

A chance **to improve, and harness**

expertise wisely for strictly monitored and evaluated conservation efforts.

- It is often suggested that pet keeping can have a positive impact on conservation efforts. But this is a misunderstanding of how conservation works.
- Conservation breeding will still be possible under Positive List legislation. The Positive List framework can contribute to more official, transparent, impactful conservation outcomes, with improved data collection.
- The European Commission has stated that *"captive breeding is mainly justified in emergency situations and must be part of an approved and evidence-based conservation strategy"*. This also aligns with IUCN guidelines.

Effective and enforceable

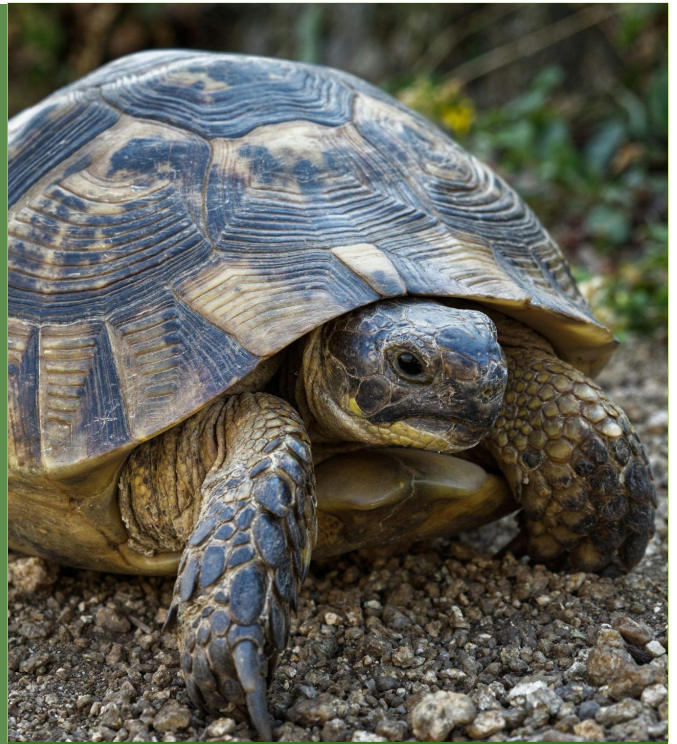
- An event was held in the European Parliament, which provides several first hand accounts:
 - it was clearly stated by Members of the Belgian, Dutch, and Luxembourgish ministries responsible for the positive lists that there is added value in terms of:
 - Social control from members of the public
 - Capacity stand point on requests for import
 - The large reduction in the number of non-permitted species for sale in establishments (and online)
- This socio-economic report clearly demonstrates that **multiple stakeholders in Member States experience benefits** from the Positive List where most animal rescue facilities, veterinary clinics, pet shops and suppliers, and all law enforcement and border control agencies interviewed agreed that the positive list is achieving its objective to regulate the trade and keeping of exotic pets⁴.
- The "Belgium: a success story" report found only 12 advertisements selling non listed mammals, for a total of 23 animals in the years following the implementation of the ban.
- A study in the Netherlands is underway, with interim results indicating that after implementation of the Positive List, advertisement of non-listed animals has decreased on major Dutch online platforms.



⁴ Note: This study is only indicative in this area, however, where stakeholders generally show less favourable effects, this is a result of neighbouring MS having weaker rules, making purchase of animals illegally far easier. There is widespread support for a harmonised EU positive list among the vast majority of stakeholders in regions with a positive list already in place.

Futureproof, precautionary and simple

- A major conservation problem is **demand for newly described species** as pets. These are by definition rare, and often endemic to small areas. The “rush for the rare” study, describes species that are new to science or new on the pet market are highly sought-after and may fetch record prices. These newly discovered species are not internationally protected, and therefore trade data and population data is lacking, risking serious conservation threads, and cascading ecological issues.
- The positive list prohibits trade in animals of these species automatically, until the appropriate assessment has been made. In addition, the welfare needs of newly discovered species are de facto unknown, therefore potential welfare harms are abated until a due diligence assessment is conducted in the listing process.
- Where information on the welfare (or other aspects) is not known, the decision should be made in favour of the animal.
- A **2026 opinion poll** of >18,000 citizens across 18 MS demonstrated that in the EU 83% people are unaware, or can't explain **EU Regulations** regarding wild and exotic pets, while 13% can only briefly explain them, and 78% are unaware or cannot explain in **their own countries**, and only 17% could briefly explain them.



In line with WTO rules with a firm Legal Basis under the TFEU.

- A Legal Opinion from Fratini Vergano (a law firm who specialise in European and international law) clearly states that an EU-wide Positive List has a legal basis, and can be designed in a way compatible with WTO rules.
- A similar legal basis was also supported by the interim results of the Commission's feasibility study on the Positive List.





In the current legislative framework, the problem of people smuggling wild and exotic animals for the pet trade is well recognised where *“traffickers unlawfully smuggle pets without proper documentation and veterinary approval, advertising them online”* - [EUROPOL 2025](#). Criminals take advantage of the lack of harmonisation of rules on the keeping and trading of wild animals as pets across the EU Member States adapting quickly to changing regulations, market trends, exploiting legal and enforcement gaps. Combating wildlife trafficking demands coherent and [harmonised action](#) across the full trade chain. An EU-wide Positive List approach would represent a simplification of EU rules, allowing a clearer distinction between the legal and illegal trade, aiding training and coordination for competent authorities. This would also be aligned with the [Better Regulation Principles](#) of the EU.

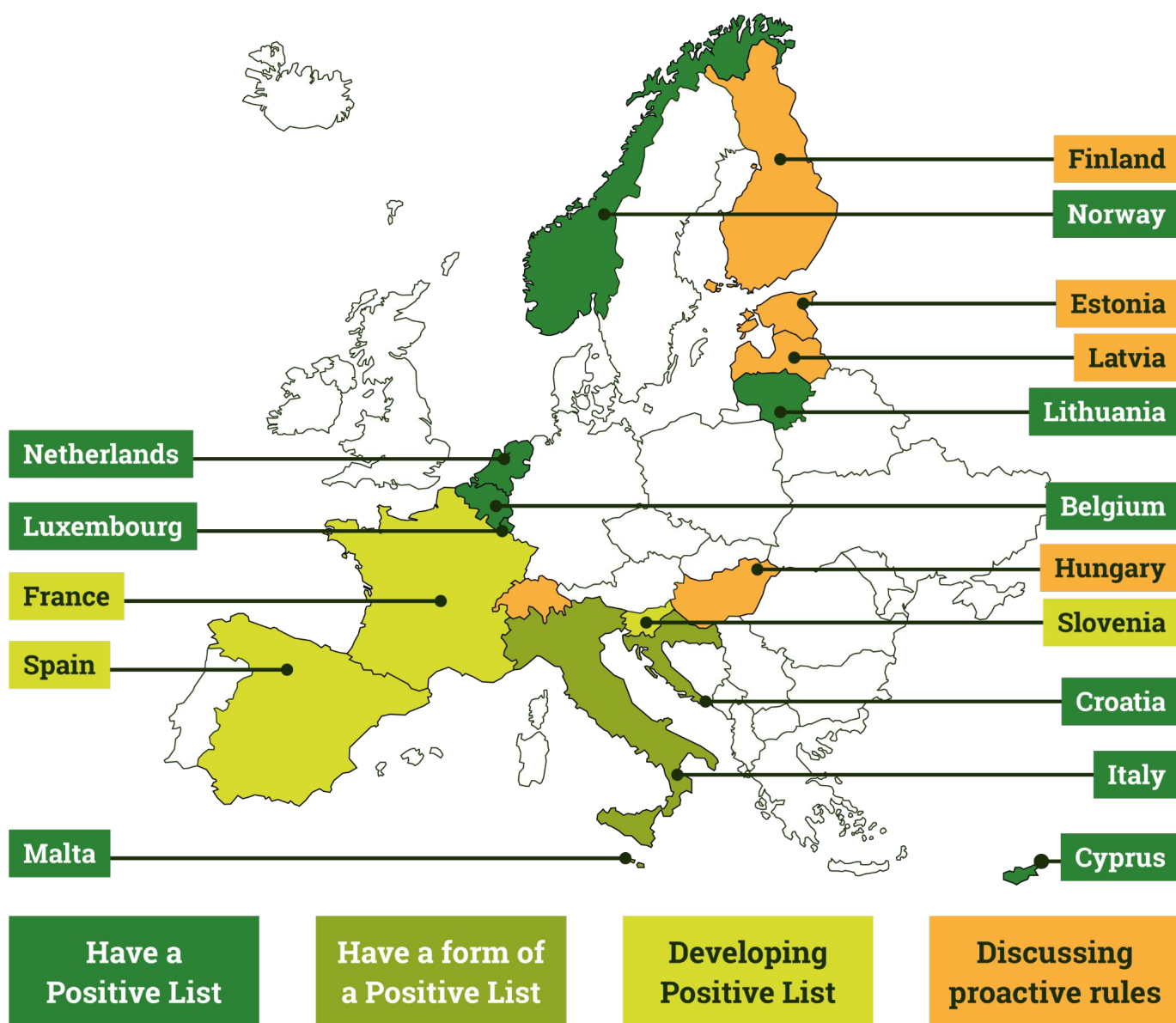
Legal and illegal trade are often blurred where animals destined for the pet trade can be illegally sourced from their country of origin, but [legally traded](#) in the EU market. Regarding the reptile pet trade, [EUROPOL](#) states *“In many cases, criminals are legal operators (i.e. breeders, retailers or collectors), who have illegally extended their business to the trafficking of protected species. European criminals operate in connection with local poachers located in the countries of origin of the targeted species”*. In addition, the [EU Strategy on Organised Crime](#) (2021-2025) pointed out a need to **tackle illegal trade of animals, including wild animals**. Existing EU legislation partially pertaining to wild animals as pets cover only a small [fraction](#) of species, are [slow](#) to respond when new threats are identified and Invasive Alien Species Regulation omits many pet species that may pose ecological risks. As seen in Table one, a Positive List would have added value in a number of these areas.

Positive Lists already developed by EU countries

Many EU Member States have already recognised these issues and have implemented national legislation:

- The [Netherlands](#), [Belgium](#), [Luxembourg](#), [Lithuania](#) and [Cyprus](#) have adopted Positive Lists; a list of species that have been scientifically assessed as suitable to be kept as pets.
- Italy (based on wild caught imports), Croatia (limited to IAS only) and Malta (limited to what can be sold in pet shops only) adopted Positive Lists variations.
- Spain, France and Slovenia are currently developing their lists.
- Finland has the Positive List as a legal basis in law but development of regulations still need to happen,
- Estonia, Latvia, Malta, and Hungary are in active discussions to enhance their current regulations by introducing Positive Lists.
- Several other countries have a negative list, which is a list of prohibited species.

Positive Lists also exist [outside of the EU](#), including in Norway, which has an implemented Positive List for reptiles.



While the progress and the interest in Member States pertaining to Positive Lists is an important development, to prevent market fragmentation, provide clarity to the sector and ensure equal treatment of animals it is essential that the EU adopts an EU-wide Positive List.

There are several considerations that must be met for EU legislation. Among these are a clear legal basis, the need to demonstrate proportionality, and demonstrate that in fact the EU is the most appropriate level of intervention, rather than at Member State level (Subsidiarity principle).

Proportionality and subsidiarity

A Legal [Opinion](#) from Fratini Vergano (2022) states "On the basis of the review and assessment above, it is our opinion that a measure establishing an EU positive list based on Article 114 TFEU would be justified with respect to its main objective, that is to improve the conditions of the establishment and functioning of the internal market, while fully taking into account animal welfare considerations. In addition, a measure establishing an EU positive list based on Article 114 TFEU alone would *prima facie* comply with the principles of subsidiarity and proportionality."

In EU Law, Proportionality means that EU actions and regulations must not go beyond what is strictly necessary to achieve their intended goals. It requires that a measure be:

- suitable for achieving a legitimate objective,
- necessary in that no less restrictive alternative can achieve the same result, and
- balanced so that its benefits outweigh the burdens it imposes.



The number of individual animals and species involved in the wild and exotic pet trade is enormous. As mentioned earlier in this document, it is difficult to estimate the exact number in trade as there are no rules on traceability on the sale and keeping of wild animals as pets. It has been clearly demonstrated that with the high [level of trade](#), given the associated problems, significant interventions are justifiable, especially given that no alternatives exist with the potential to add value across a large range of issues. For example:

- **A negative list would not protect newly described species on the market**
- **Would be slow to adapt to a shifting market or newly described threats.**

Negative lists are the current status quo, and it is under this framework that the current issues with the wild animal pet trade exist. As demonstrated earlier in the chapter in the section "What is a Positive List, and What is it Not?", there are several mechanisms that

make a Positive List proportional by allowing people to keep the animals they already own, having mechanisms to add and remove species to the list, and for some specific exemptions.

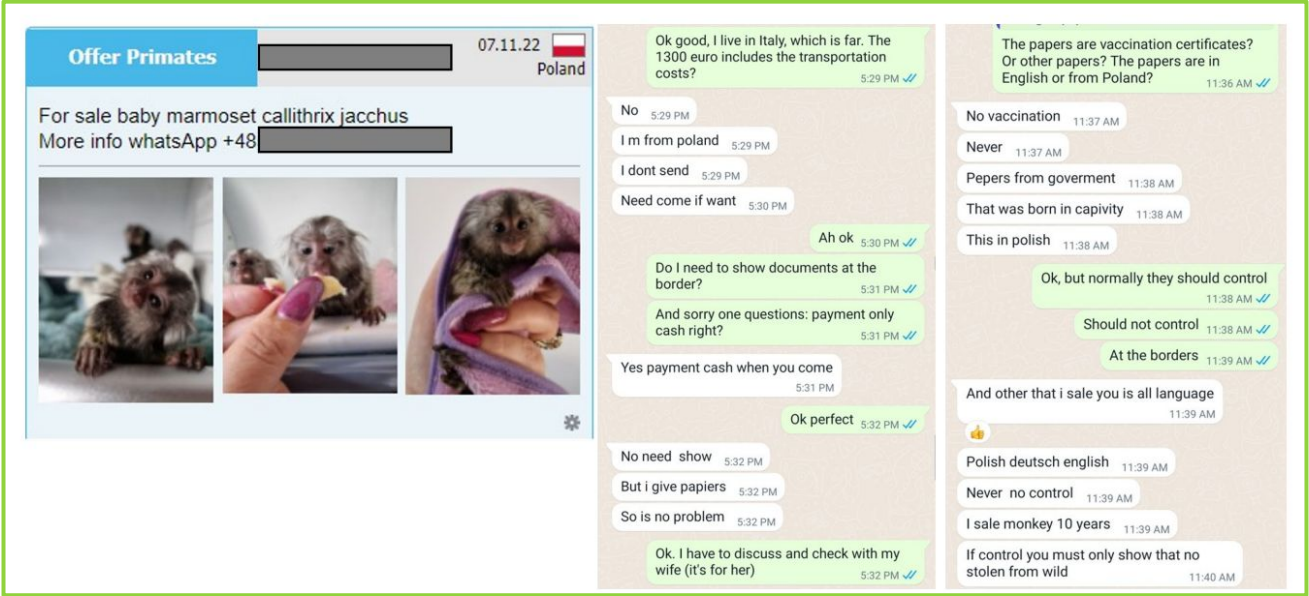


The subsidiarity principle is laid down in Article 5(3) of the Treaty on European Union (TEU). It provides that *"in areas which do not fall into its exclusive competence, the EU shall act only, if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member State alone, but can, by reason of the scale or the effect of the envisaged action, be better achieved at EU level"*. Positive lists by the individual MS alone could not reach the same result as an EU-wide Positive List. Indeed, it is by no means certain that all MS would choose the approach of a positive list or that these lists are developed based on the same set of principles/criteria. As stated by the above legal opinion, the present diversity of approaches is clear evidence for this.

Different national approaches would not be able to establish a level playing field for trade in wild or exotic pets and eliminate the obstacles caused by the Positive List initiatives of some MS. Furthermore, new technologies, in particular online-shopping, internet purchases, trans-frontier marketing campaigns and digitalised delivery systems, constitute a significant risk for individual national systems that may be circumvented and bypassed by traders from other MS. Without borders in the Schengen area it can be confusing for consumers that a species is legal across the border but e.g. not in their own country, this can lead to consumers unwittingly adding to illegal trade. There is a mosaic of laws in different Member States, (see section "Positive Lists already developed by EU countries").

A demonstration can be found in the "Pets in the EU: scale, protocols and online apprehension" [report](#) from 2022 showing how stricter laws can be undermined, as sellers of animals in MS that were legal to sell animals were happy to sell to consumers residing in places where it is illegal to keep them, meaning only harmonised EU legislation would be able to fully counter this option.

Figure 2: Online advertisement (left) and extract from a mystery interview with an online vendor via WhatsApp (right), concerning the trade of a Marmoset monkey from Poland (vendor, white fields) to Italy (mystery buyer, green fields). Marmoset monkeys are in the Italian blacklist of dangerous species.



Source: [Pets in the EU: scale, protocols and online apprehension](#)

In addition, a socio economic [report](#) from 2025 demonstrated the support of stakeholders in regions with a positive list for harmonised rules, as this would level the playing field for businesses.

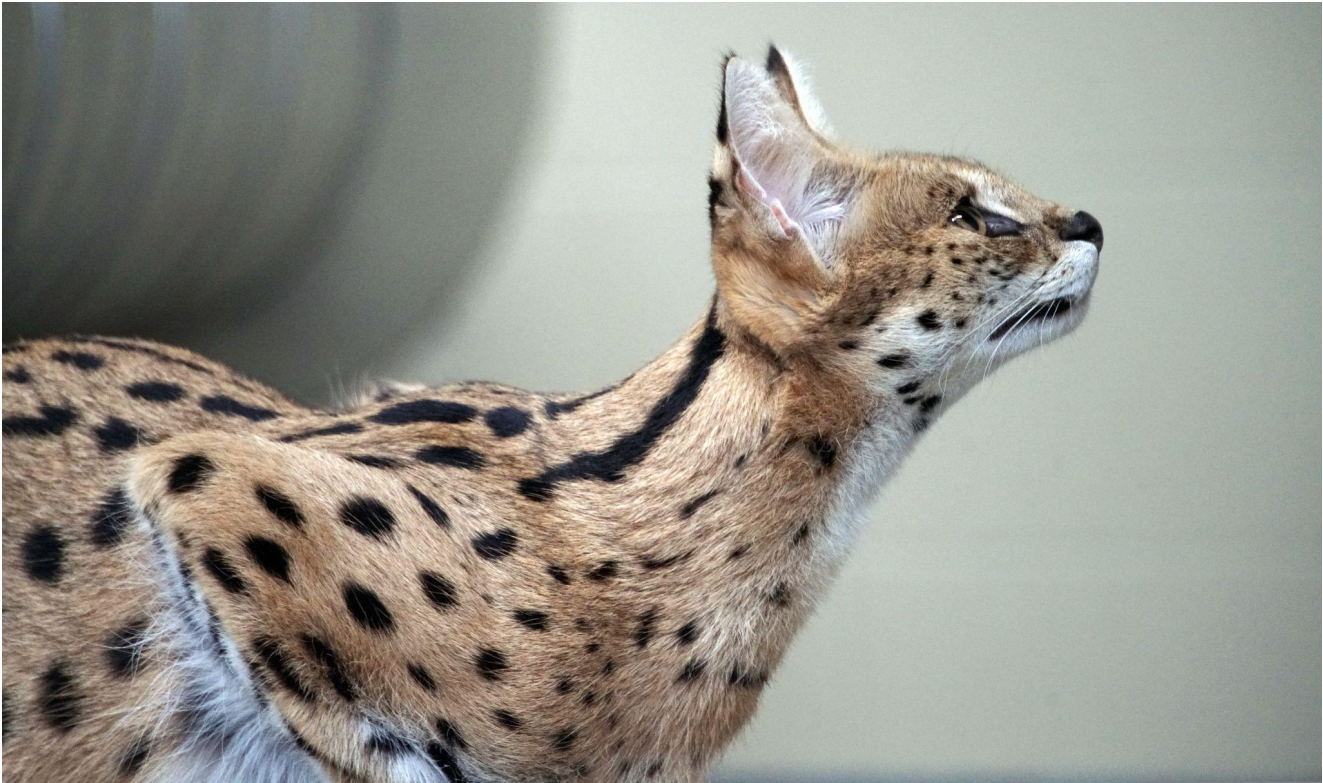
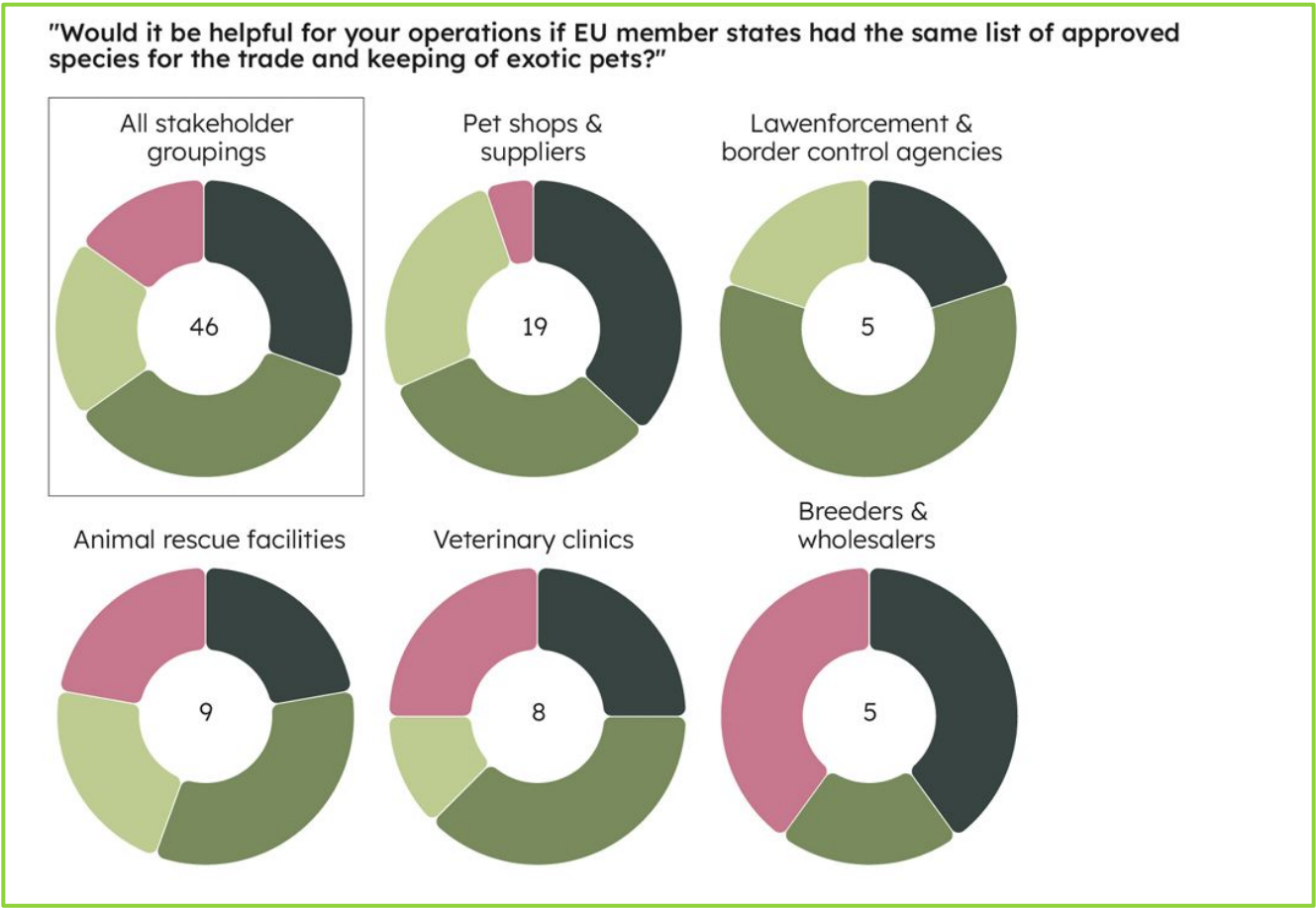


Figure 3: How respondents involved in the trade and service of exotic pet perceive the desirability of an EU Positive List



Source: [Aguayo & Carpenter 2025](#).

EU action so far

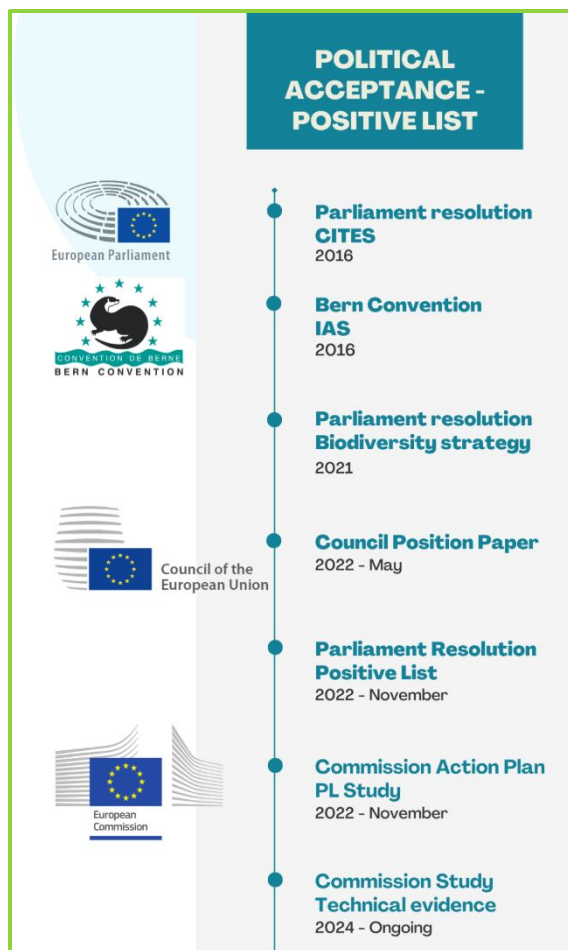
In the [AGRI FISH](#) Council meeting of May 2022, 19 Member States supported the introduction of an EU wide Positive list, and to conduct a study on the added value and feasibility of such a list. Such a study was conducted between 2023 and 2026, with outcomes expected in May 2026.

The European Parliament's position has been in favour of a Positive List, with several Resolutions since 2016:

- EP Resolution on the 17th Conference of the Parties CITES - called on EU member states to establish a Positive List ([2016/2664\(RSP\)](#));
- EP Resolution on the EU Biodiversity Strategy for 2030 - calls further on the Commission to improve introduction of non-native species by proposing an EU-wide Positive List as soon as possible ([2020/2273\(INI\)](#));
- EP Resolution on the 19th Conference of the Parties of CITES reiterating the call for an EU-wide Positive List and need for feasibility study ([2022/2681\(RSP\)](#));
- EP Resolution on Improving EU Regulations on Wild and exotic animals to be kept as pets in the EU through an EU Positive List ([2022/2809\(RSP\)](#)). The Commission recognised the need to consider a Positive List through the revised Action Plan

against Wildlife Trafficking - which states the need to explore the value and feasibility of an EU Positive List ([COM\(2022\)581](#))).

More recently in 2025, the Parliament has supported the Positive List in both the **EP Report on the [Dogs and Cats Proposal](#)**, and a recent EP Resolution ([2025/2618\(RSP\)](#)).



Feasibility Study (Commission Study Technical Evidence)

The European Commission has commissioned a study on the added value and feasibility of an EU-wide Positive List. The **interim results** of the study, presented on June 10th **2025** are promising regarding the added value of a Positive List. Final results are expected in Q3 2026.

Reframing the exotic pet trade: Demand reduction strategies for illegally sourced exotic pets

Similarly the European Commission conducted a two year study on Reframing the exotic pet trade (with a focus on reptiles and amphibians), demand reduction strategies for illegally sourced exotic pets. A workshop on October 28th highlighted the issue of lacking data, while confirming the enormous scale of the trade; and the need for linking demand reduction strategies with clearly communicated laws as part of a twin track, where new legislation would help to clarify the legal and illegal trade of wild animals as pets.

reduction strategies with clearly communicated laws as part of a twin track, where new legislation would help to clarify the legal and illegal trade of wild animals as pets.

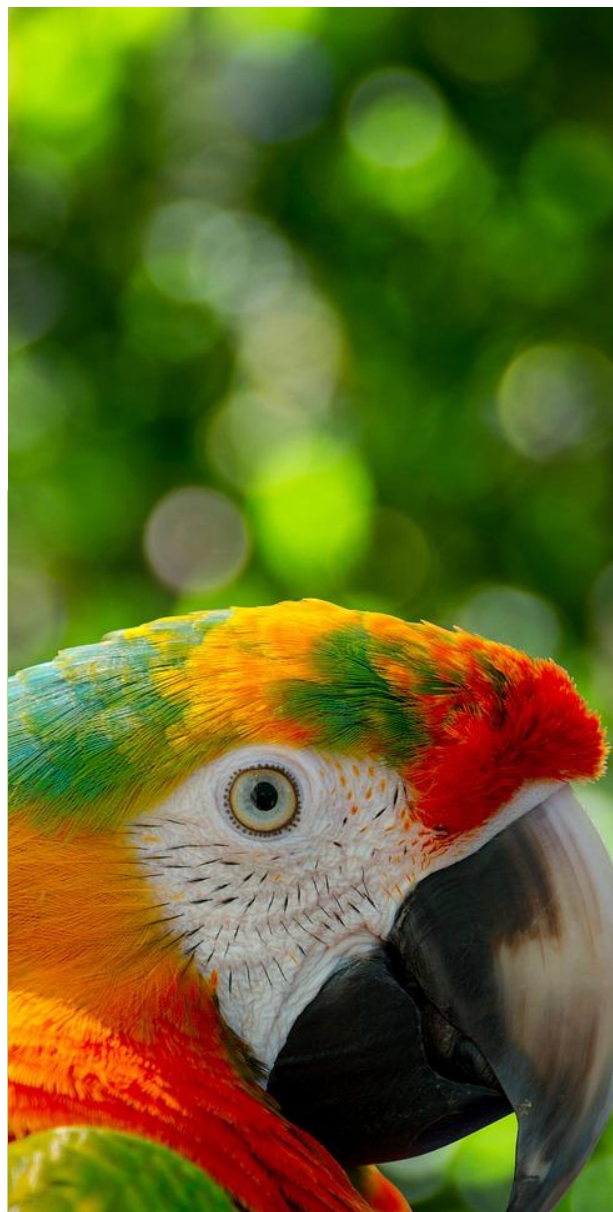
Positive List impacts

It is important to consider who will be affected by a Positive List and how. A study by [Aguayo and Carpenter in 2025](#) demonstrates clear evidence for the impacts of this approach based on several scenarios.

Key Messages from this study:



- Although based on a relatively small number of interviews, there was a consistent view among stakeholders involved in the trade and servicing of exotic pets in jurisdictions with Positive Lists that an EU-wide Positive List would help their operations.
- There are numerous ecological, public health, animal welfare, and other negative impacts from the exotic pet trade, making its regulation an important policy area to pursue.
- As wild animal pet sales are concentrated in a few species that are on the reviewed positive lists, an EU-wide Positive List may have a small economic impact for most pet businesses. These businesses can shift from unlisted to listed species. This study is not an endorsement of the lists used as a model for the study.
- By reducing the level and diversity of exotic pet trade, an EU-wide Positive List would reduce the conservation risk for threatened populations.
- An EU-wide Positive List has the potential to reduce the costly impacts of invasive alien species, if specific criteria on invasive risk, or complementary measures are used. For example making targeted use of the Union List of Invasive Alien Species, and



specific keeping/selling requirements for pet species that may still pose an invasion risk.

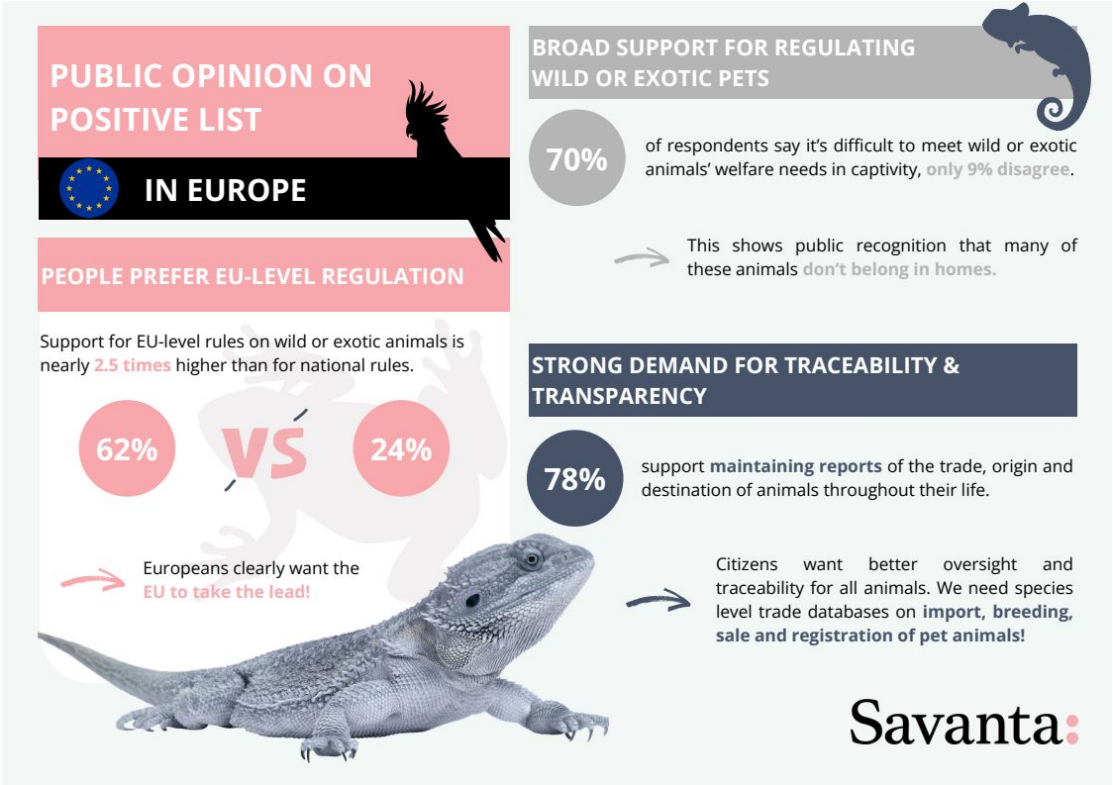
- By reducing the trade in viral-rich species, particularly mammals, an EU-wide Positive List would reduce zoonotic risks to public health.
- There is concern among stakeholders interviewed, that existing rules in EU Member States are undermined by the (illegal) acquisition of unlisted species through online trade and cross-border transportation.
 - This demonstrates that an EU-wide positive list is in line with the principle of subsidiarity, meaning that if all MS have the same rules then illegal trade will be reduced across the EU.
- Under a positive list system complementary measures (such as education, selling requirements, tests at point of purchase, demand reduction etc.) are far more achievable because of the more feasible number of species that would be allowed in trade.

Public support (infographic of polling) and call to action

A representative [poll](#) in early 2026 conducted in **18 Member States** with over **18,000 people** found that the **Positive List is the tool that EU citizens would rank as their preferred choice**. The poll found support for the following positions:

- **Laws on pets should occur at EU level.** 62% supported EU laws vs 24% preferred MS laws.
- **Traceable and transparent trade registration of all animals, through their whole life, should be mandatory.** 78% agreed with this position.
- **A Positive List is the preferred option.** Over four times more people rank a Positive List number 1 as the best tool to protect animal health and welfare than they rank a negative list. The second most preferred option was a general ban, which is an even more prescriptive approach than a negative list.

A separate poll with the same questions demonstrated similar public sentiment in [Hungary](#). The results show sustained public opinion, where a 2020 [polling](#) in six EU Member States (France, Germany, Italy, Spain, Poland and Finland) also shows that an overwhelming majority of respondents (87%) agree that exotic animals should not be kept as pets, that the trade in exotic animals should be better regulated (92%), and that the EU should play a greater role in addressing those issues (88%).



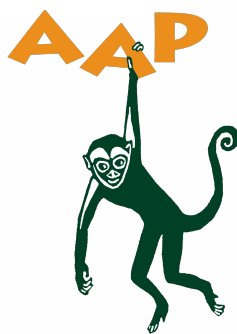
EU-wide Positive List - Extended briefing

Next Steps for the European Commission

Call to Action: we urge the European Commission to conduct an **Impact Assessment on a Regulation** to establish a list of animal species allowed to be Kept and Placed on the Market (Positive List) as soon as the official Study on the Need for, Added Value and Feasibility of an EU-Wide Positive List for Pets is released in 2026. In addition, we call on the Parliament and the Council to make their support known to the Commission to ensure a timely implementation in the current term.

The overwhelming evidence presented here on the need for harmonised, proactive rules from the scientific community, public opinion, and a variety of stakeholders demonstrates that there is no time to lose. This is the opportunity for Commissioner for Health and Animal Welfare Várhelyi to fulfill his mandate in his Mission letter from President Von der Leyen for “Building upon the existing animal welfare legislation, you will modernise the rules on animal welfare, **including on the import of exotic animals**, standards while addressing sustainability, ethical, scientific and economic considerations, and citizens expectations”.

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