



## **Infringement case closed: German animal research law now “fully and properly” in line with EU directive**

**Münster/Göttingen, September 14<sup>th</sup> 2022.** The EU Commission has recently closed the 2018 infringement case against Germany for inadequate transposition of EU directive 2010/63/EU and has thereby accepted the most recent German legislation. The directive was introduced in 2010 and regulates the use of animals for scientific purposes in all EU member states. The EU Commission had requested the German federal government to better align its national legislation with the directive. In 2021 Germany passed adjustments to the Animal Welfare Act (TierSchG) and other relevant national regulations.

In 2018 the EU Commission had sent a “Formal notice” to the German government. It expressed the view that German national legislation is not in perfect agreement with the directive 2010/63/EU. This is the first step of an official EU infringement procedure. After the German government denounced this view, in 2019 the Commission sent a “Reasoned Opinion”, escalating the infringement process to the next step. To avoid further steps including a possible litigation at the Court of Justice of the European Union and potentially paying financial penalties, the German government initiated a legislative process. This process resulted in the passing of adjustments to national legislations, which came into effect in December 2021.

On July 15<sup>th</sup> 2022 the infringement case (case number INFR(2018)2207) was formally closed by the Commission, according to the [EU’s official infringement-decision database](#). This was confirmed by the Commission’s responsible Directorate upon request. Thereby, the Commission accepted the new adjustments in German national legislation on animal research. According to the Directorate, Germany had “corrected” its transposition of the directive.

Details of the issues the Commission criticised in this case are not publicized, but there are short “memos” that can be accessed via the official EU infringement database. There are usually no memos, however, when cases are closed. The Commission confirmed closing the case, yet only referred to the existing memos for details.

The responsible German Federal Ministry of Food and Agriculture (BMEL) under minister Cem Özdemir (The Greens) had also not publicly commented on the closing of the case. Upon request the BMEL acknowledged that there is now “confirmation on the full and proper transposition of the EU directive”. According to the BMEL, the EU Commission had criticised the previous transposition from 2013. Yet, though several aspects had been cleared during the infringement process, it became evident that certain revisions to the national regulations had to

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be made. After the declaration of respective changes in August 2021 the BMEL had asked the Commission to close the case. “With these changes of the national regulations, full and proper transposition of the EU directive could be safeguarded and a lawsuit at the Court of Justice of the European Union could be averted”, the BMEL said.

The Alliance of Science Organisations in Germany had commented on the national legislative process in a [statement](#).

Stefan Treue, speaker of the initiative “*Tierversuche verstehen*”, which is coordinated by the Alliance of Science Organisations in Germany, sees the closing of the infringement case as confirmation of existing national customs. “This whole infringement process was very intransparent and the scientific community did not know what exactly the EU Commission complained about. The new legislative adjustments are almost exclusively clarifications of already existing rules. There are no substantial changes to the measures ensuring animal welfare. Germany has well-functioning and internationally recognized rules on animal research, which need to be implemented without undue bureaucratic obstacles, to ensure both, animal welfare as well as scientific progress and excellence”, Treue said.

Germany is not the only member state confronted with infringement cases. Of the then 28 EU member states, [21 had infringement cases opened](#) with respect to possible violation of directive 2010/63/EU – some even more than once. Four of these cases against Italy, Denmark, Poland and Bulgaria are still open.