

(English version)

**Question for written answer E-000790/26
to the Commission
Michele Picaro (ECR)
(25 February 2026)**

Subject: Compatibility with EU law of a potential national ban on the production, marketing and consumption of horsemeat

A bill is currently under discussion in Italy which provides for a ban on the slaughter of horses and the production, sale, import and consumption of horsemeat. It also reclassifies equine animals exclusively as pets, thus definitively eliminating the species from the food supply chain. This gives rise to a question which, despite concerning a matter of national competence, has a clear European dimension.

The move would do away with a commodity category that is permitted under EU law, with possible repercussions for the free movement of goods, competition and the cohesion of the EU's agricultural market under Article 38 et seq. TFEU.

In light of the above:

1. Does the Commission believe that such a ban could constitute a measure of equivalent effect according to Article 34 TFEU and, if so, can it be justified under Article 36 TFEU in accordance with the principle of proportionality?
2. Is the unilateral reclassification of an animal species authorised for food production compatible with the unity of the internal market and the common agricultural policy?
3. What criteria must be met for a measure based on Article 13 TFEU to pass the proportionality test? Might this ban impinge on competition and the freedom of establishment under Article 49 TFEU?

Submitted: 25.2.2026

**Answer given by Mr Hansen on behalf of the European Commission
(29 April 2026)**

Horsemeat is among the agricultural products listed in Part XXIV of Annex I to Regulation (EU) 1308/2013 ⁽¹⁾ establishing a common organisation of the markets (CMO) in agricultural products.

The Commission recalls that, as consistently held by the Court, where there is a regulation on the common organisation of the markets in a given sector, the Member States are under an obligation to refrain from taking any measures which might undermine or create exceptions to it.

Rules which interfere with the proper functioning of a common organisation of the markets are also incompatible with such common organisation, even if the matter in question has not been exhaustively regulated by it ⁽²⁾.

However, the establishment of a CMO does not prevent the Member States from applying national rules intended to attain an objective relating to the general interest other than those covered by that CMO, even if those rules are likely to have an effect on the functioning of the common market in the sector concerned, provided that those rules are appropriate for securing attainment of the objective pursued and do not go beyond what is necessary for attaining that objective ⁽³⁾.

As the bill is still under discussion in the Italian Parliament, the Commission will refrain from commenting further at this stage, including on any possible impact on the freedom of establishment under Article 49 of the Treaty on the Functioning of the European Union ⁽⁴⁾.

Should the above-mentioned bill providing for a ban on the slaughter of horses and the production, sale, import and consumption of horsemeat contain technical regulations as defined by Directive (EU) 2015/1535 ⁽⁵⁾, those have to be notified to the Commission in a draft form.

⁽¹⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, OJ L 347, p. 671: <https://eur-lex.europa.eu/eli/reg/2013/1308/oj/eng>.

⁽²⁾ See judgment of the ECJ of 26 May 2005, *Kuipers*, C-283/03, EU:C:2005:314, paragraph 37.

⁽³⁾ See judgment of the ECJ of 13 November 2019, *Lietuvos Respublikos Seimo narių grupė*, C-2/18, EU:C:2019:962, paragraphs 30 and 56.

⁽⁴⁾ https://eur-lex.europa.eu/eli/treaty/tfeu_2008/art_49/oj/eng.

⁽⁵⁾ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), OJ L 241, 17.9.2015, p. 1: <https://eur-lex.europa.eu/eli/dir/2015/1535/oj/eng>.