

End the Cage Age: Can the European Commission Ignore 1.4 Million Citizens?

By Typhaine Mestre, World Animal Justice Research Volunteer, 12 March 2026

Publishing this analysis in the days following the 5 March hearing before the Court of Justice of the European Union (CJEU) offers a unique opportunity: to bring timely legal insight into a decisive moment for both animal welfare and European participatory democracy.

The European Citizens' Initiative (ECI) "End the Cage Age" is one of the most significant cross-border mobilisations for farmed animals in EU history. It calls for the gradual abolition of cages for several species across the Union. At the same time, it exposes a structural tension at the heart of EU democracy: when the Commission publicly commits to act after an ECI, is this a genuine legal undertaking or merely a political promise?

This blog synthesises key findings of the research on End the Cage Age, explains why such a widely supported ECI has not (yet) produced legislation, and clarifies a crucial institutional reality: ECIs do not "fail", they operate within a system where the Commission retains full legislative control. In that sense, the ECI is not a law-making tool, but a trigger for law-making battles.

1. A Landmark Citizens' Initiative and Its Strengths

Launched in September 2018 by a broad coalition of NGOs coordinated by Compassion in World Farming, End the Cage Age calls on the European Commission to propose legislation banning cages for:

- laying hens, rabbits, pullets, broiler breeders, layer breeders, quail, ducks and geese;
- farrowing crates for sows;
- sow stalls, where not already prohibited;
- individual calf pens, where not already prohibited.

The objective is a progressive phase-out of these systems, combined with species-specific transitional periods, economic and technical support for farmers, and consistency of standards for imported products.

Within one year, the organisers collected 1.4 million validated signatures, comfortably exceeding the thresholds in more than seven Member States. Over 170 NGOs joined the campaign, including Eurogroup for Animals, Animal Equality, LAV (Italy) and foodwatch international. Compassion in World Farming and FOUR PAWS alone gathered around half of all signatures, working through national "hub" organisations that adapted materials and mobilised supporters in 22 languages.¹

These are not only impressive numbers. They reveal structural strengths: a clear, concrete legal demand (phasing out cages for defined species); a strong scientific foundation, later reinforced by EFSA opinions in 2022-2023; alignment with existing national legislative trends towards higher welfare standards; and a broad, well-organised transnational coalition².

¹ <https://www.endthecageage.eu/en/>

² <https://www.efsa.europa.eu/sites/default/files/2023-02/efs2-7788.pdf>

Legally, the initiative falls under Regulation (EU) 2019/788, which allows citizens to “contribute to shaping” EU law-making, crucially, not to legislate directly themselves.³

2. From Commission Commitments to Legal Inaction

On 30 June 2021, the European Commission responded positively. It committed to propose legislation to phase out and ultimately ban cages for all species covered by the ECI; to embed this reform within the broader revision of animal welfare legislation under the European Green Deal and the Farm to Fork Strategy; to define transition periods based on EFSA opinions and a comprehensive impact assessment; to use the Common Agricultural Policy to support farmers; and to ensure imported products are progressively brought into line with EU standards. The organisers expressed the wish that the ban enter into force from 2027 onwards, an option the Commission explicitly said it would examine.⁴

Yet, despite this apparent breakthrough, no legislative proposal had been tabled by the end of 2023. In March 2024, the citizens’ committee, led by Compassion in World Farming, brought an action before the CJEU. They seek a clear and binding timetable for presenting the promised legislation, as well as access to internal Commission documents related to End the Cage Age.

This litigation is structurally important. The Court cannot draft a law in place of the Commission, but it can verify whether the Commission complied with its obligations under the ECI Regulation, assess its conduct in light of Article 13 TFEU - which recognises animals as sentient beings - and clarify whether formal commitments made in response to a successful ECI have real legal weight.

3. Why Has Such a Widely Supported ECI Not Yet Produced Legislation?

The paradox is striking: over 1.4 million citizens, scientific backing, converging national laws and a clear 2021 commitment, yet still no draft regulation.

The explanation lies in the institutional design of ECIs. Agenda-setting power remains with the Commission. An ECI can oblige the Commission to consider a proposal and to respond publicly, but it cannot force the institution to legislate, nor to respect a precise timetable. The Commission retains full control over whether, when and how it will act.

Impact assessments and political economy also matter. The Commission must weigh animal welfare, economic and social impacts (especially on small farms), environmental effects and trade implications. This creates space for political delay, particularly in a context of economic uncertainty and geopolitical shocks that make agricultural reform politically sensitive.

Even when a reform is formally on the agenda, it competes with other flagship files. Institutional bandwidth, changes in political leadership, and shifting coalitions within the Council can all slow down the process. The ECI Regulation requires the Commission to justify its choices, but not to align them with the organisers’ expectations. A strong political commitment in 2021 does not automatically translate into an enforceable legal obligation to adopt legislation by 2023.

³ Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens’ initiative

⁴ https://food.ec.europa.eu/animals/animal-welfare/eci/eci-end-cage-age_en

In other words, the absence of legislation to date does not mean that the ECI has “failed”. It exposes the limits of a mechanism that was never designed to bypass the Commission’s monopoly of legislative initiative.

4. ECIs as Triggers for Law-Making Battles

This leads to a crucial point: the European Citizens’ Initiative is not a law-making tool, but a trigger for law-making battles.

End the Cage Age illustrates this dynamic. The ECI forced the Commission to place the end of cage farming on the EU agenda and to make explicit commitments. It provided a powerful political mandate and a solid evidential basis (scientific opinions, national precedents). When the Commission failed to follow through, the ECI became the starting point of litigation before the CJEU.

By moving from mobilisation to institutional negotiation, and now to court proceedings, the initiative shows how ECIs operate within - and push against - the boundaries of the EU’s institutional architecture. ECIs do not automatically produce laws; they open the door to political and legal battles in which citizens, NGOs and courts attempt to hold the Commission to its own words.

5. What Comes Next for End the Cage Age?

The broader political context suggests that cage-free farming will remain on the EU agenda. On 19 February 2025, the Union adopted a new “Vision for Agriculture and Food”, in which the Commission reaffirmed its intention to overhaul animal welfare legislation. The Commission indicates it is working towards a progressive phase-out of cages, with legislative proposals on animal welfare expected in the fourth quarter of 2026. As one of the world’s largest agricultural importers, the EU also faces pressure to ensure that trade policy reflects its internal animal welfare standards.⁵

In the meantime, civil society continues to mobilise. The next World Cage Free Day, on 25 March 2026, is planned as a key moment to maintain political pressure and keep the End the Cage Age demands at the centre of public debate.

The outcome of the current court case will be decisive. If the Court finds that the Commission failed to act in accordance with the ECI Regulation and its own commitments, it could significantly strengthen the procedural force of ECIs and sharpen the Commission’s duty to act.

6. The 5 March 2026 Hearing: A Pivotal Moment in Luxembourg

On 5 March 2026, the Court of Justice of the European Union in Luxembourg held a public hearing on the Commission’s alleged failure to act on the End the Cage Age ECI. Civil society presented its arguments before a panel of five judges, asserting that the Commission did not honour the commitments set out in its 2021 communication, in which it promised to present a proposal to ban the use of cages by 2023.

The citizens’ committee, led by Compassion in World Farming with Eurogroup for Animals, Animal Equality and the Ligue Anti Vivisection, explained why they consider the Commission to be in breach of its obligations under the ECI Regulation. They stressed that nearly 300 million farm animals are kept in cages each year in the EU under conditions that prevent natural behaviours and cause

⁵ https://agriculture.ec.europa.eu/overview-vision-agriculture-food/vision-agriculture-and-food_en

significant suffering. Supported by more than 1.4 million citizens and over 170 organisations, they argued that the Commission's inaction undermines both animal welfare and the credibility of the ECI mechanism itself.

During the hearing, the judges questioned both sides on the legal interpretation of the ECI procedure and the absence of a concrete timetable. Outside the courthouse, several animal protection organisations reiterated a clear message: the European Commission must present a concrete timetable to phase out cage farming across the Union. Whatever the final judgment, the 5 March hearing has already become a symbolic test of whether citizens' initiatives in the EU can truly hold institutions to account - or whether, despite mobilising millions, they remain at the mercy of political discretion.⁶

CONCLUSION

The trajectory of End the Cage Age exposes both the power and the structural limits of the European Citizens' Initiative. In law, the Commission is not obliged to legislate exactly as requested by the organisers, nor within a fixed deadline. But with its communication of 30 June 2021, it went beyond a mere political statement: it formally committed to proposing, by the end of 2023, legislation to phase out cages for all targeted species. The absence of any proposal by that date turns this initiative into a test case for the legal value of such commitments.

The resulting legal recommendation is twofold. In the short term, the Court of Justice should affirm that a positive and detailed response to an ECI creates a strengthened obligation of coherence and good administration for the Commission: either it follows, within a reasonable time, the roadmap it has announced, or it adopts a new, equally reasoned decision explaining, in light of scientific evidence and updated constraints, why it is diverging from it. This does not undermine its monopoly of legislative initiative, but it does subject its inertia to more intensive judicial review (notably via Articles 263 and 265 TFEU). In the medium term, a targeted revision of the ECI Regulation should set objective deadlines, formalise the duty to state reasons in case of non-proposal, and more clearly open the way to legal action when the Commission departs from its own commitments. End the Cage Age would then no longer appear as a "failure", but as a foundational stress test to strengthen the credibility of the ECI as a trigger for effective legislative battles.

6

<https://savoir-animal.fr/la-cour-de-justice-de-ue-examine-comment-commission-europeenne-a-manque-a-ses-obligations-envers-citoyens-concernant-interdiction-cages/>