



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 301

Communication from the Commission - TRIS/(2023) 3177

Directive (EU) 2015/1535

Notification: 2023/0603/BE

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információkérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20233177.EN

1. MSG 301 IND 2023 0603 BE EN 24-01-2024 13-11-2023 COM INFOSUP COM 24-01-2024

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2023/0603/BE - C90A - Well-being of animals and pets

5.

6. Within the framework of the notification procedure laid down by Directive (EU) 2015/1535, the Belgian authorities notified to the Commission on 23 October 2023 the "Draft decree on animal welfare" (hereinafter, 'the notified draft').

In order to allow the Commission services to complete their assessment under the relevant provisions of EU law, particularly with respect to the relationship between the draft rules and harmonized EU legislation, the Belgian authorities are kindly invited to reply to the following request for supplementary information.

1) Article 10(3) of the draft Decree would allow the Flemish government to lay down specific rules concerning the derogation from animals to be permanently fastened or locked (Article 10(2)). As the EU rules contain more specific provisions regarding tethering for calves and the keeping of sows into individual crates, is there a specific reason why the EU legislation (Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves and Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs) is not referenced in the draft or that may require the national authorities to lay down rules in addition to the harmonised EU rules?

2) Art. 10(6) of the Draft Decree would allow the Flemish government to lay down detailed rules for the different species and categories of animals. The EU legislation has established minimum rules for the keeping of certain categories of animals (calves, pigs, laying hens, broilers). Is there a specific reason why the EU legislation is not referenced in the draft or that may require the national authorities to lay down rules in addition to the harmonised EU rules? The relevant EU rules are Directive 2008/119 of 18 December 2008 laying down minimum standards for the protection of calves; Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs; Directive 2007/43/EC of 28



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June 2007 laying down minimum rules for the protection of chickens kept for meat production and Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.

3) Art. 33(1) of the draft Decree would allow the Flemish government to lay down conditions for the transport of animals. Is there a specific reason why the relevant EU legislation i.e. Regulation (EC) 1/2005 on the protection of the welfare of animals during transport is not referenced and in particular its Article 3? Article 3 of the Regulation identifies the scope within which Member States can adopt additional rules in the case of transport of animals in connection with an economic activity.

4) Article 35 of the draft Decree would allow the Flemish government to lay down conditions for the import and transit of animals. Is there any specific reason why the relevant EU rules (Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (Animal Health Law); Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin; Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products) are not referenced given their relevance as regards the possibility for national authorities to lay down rules in addition to, or deviating from the harmonised EU rules?

5) Article 39(1) of the draft Decree would allow the Flemish government to lay down various conditions for the stunning and killing of animals. Is there a specific reason why the relevant EU rules (Regulation (EC) 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, in particular its Article 26) are not referenced or that may require the national authorities to lay down rules in addition to the EU harmonised rules?

The Belgian authorities are kindly invited to reply by 23 November 2023.

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