

**Question for written answer E-002866/2018/rev.1
to the Commission**
Rule 130
Sofia Sakorafa (GUE/NGL)

Subject: Mandatory or non-mandatory notification of more extensive protection measures under Regulation (EC) No 1099/2009 as a condition for their implementation at national level

The following facts should be noted:

- The Greek Government has adopted Joint Ministerial Decision 951/44337/2017 on the spurious pretext that this was required under Regulation 1099/2009;
- Article 26 of the Regulation allows Member States to maintain national rules aimed at ensuring more extensive protection of animals at the time of killing that are already applicable on entry into force of the Regulation;
- Under existing case law¹, more extensive protection measures currently in force or subsequently introduced under either the TFEU or EU secondary legislation must be notified to the Commission, although no notification deadline is specified, notification is not stipulated as a condition for the entry into force of such measures and their continued implementation is not subject to the Commission's prior approval.

In view of this:

- Can the Commission say whether, with regard to Regulation (EC) No 1099/2009, the provisions of existing case law are being implemented, requiring as they do notification to the Commission of more extensive protection measures currently in force or subsequently introduced, bearing in mind that no notification deadline is specified, that notification is not a condition for the entry into force of such measures and that their continued implementation is not subject to the Commission's prior approval?

¹ See, for example, paragraph 53 of the CJEU judgment of 21 July 2011 in Case C-2/10 rejecting the view that 'failure by the Member States to comply with their notification obligation...in itself renders unlawful the more stringent protective measures thus adopted'.