

**Question for written answer P-001880/2014
to the Commission**
Rule 117
Jarosław Kalinowski (PPE)

Subject: Validity of outright ban on ritual slaughter in Poland

Further to the Commission's answer to my earlier question on the validity of an outright ban on ritual slaughter in Poland, I would like to clarify the situation by adding the following:

- Article 34(1) of the Act of 21 August 1997 on the protection of animals (consolidated text, Polish Official Journal 2103, item 856, as amended) provides that 'vertebrate animals may only be killed in a slaughterhouse after being rendered unconscious by a person with the relevant qualifications'. The Act does not provide for exceptions to the above rule explicitly prohibiting ritual slaughter in Poland;
- moreover, Article 35(1) of the Act on the protection of animals lays down criminal penalties for non-compliance in the form of a fine, restricted freedom or up to two years' imprisonment;
- the effect of these rules is to make it impossible for religious minorities in Poland to observe their religious rites, in particular for:
 - Muslims who eat halal meat,
 - people of the Jewish faith who eat kosher meat,
- according to statistics, this ban on ritual slaughter makes the observance of religious practice in Poland impossible for several thousand Polish and EU citizens of Islamic or Jewish faith;
- on the question of the Polish authorities notifying the Commission about the illegality of ritual slaughter in Poland, it should be pointed out that the Minister's act of notification clearly cannot be deemed a normative act since it infringes a number of binding fundamental principles of any modern state based on the rule of law, as a normative act is not included in the exhaustive list of universally binding law under Article 87 of the Polish Constitution;
- in the absence of action by the legislator, the action taken by the Minister of Agriculture and Rural Development, which could have the effect of amending or abolishing existing provisions or of laying down new provisions, by means of an act of notification, which is what the letter dated 27 December 2012 was, should be regarded as a violation of the constitutional basis of the political system, which is the principle of separation of powers, and therefore it cannot be regarded as legally enforceable.

In light of the above:

1. Can an outright ban on ritual slaughter without prior stunning be considered a measure 'aimed at ensuring more extensive protection of animals' within the meaning of Article 26(1) of the above regulation?
2. Is such a ban in keeping with Article 10 of the Charter of Fundamental Rights of the European Union?
3. Did the letter of 27 December 2012 from the Polish Minister of Agriculture and Rural Development meet the requirements laid down in Article 26(1) of the regulation, thus enabling Poland to maintain the outright ban on ritual slaughter?