ANDROULLA VASSILIOU
MEMBER OF THE EUROPEAN COMMISSION

Brussels, 26. 01. 2009
D(2008) 1949

Dear Dr. Lucas,

With reference to my letter of 20 August 2008 replying to your letter of 27 June 2008 concerning the applicability of Council Regulation (EC) No 1/2005 to circuses, I am pleased to provide you with additional information on the issue. May I firstly express my regret for the delay that has occurred in confirming this information to you.

According to the Commission's Legal Service, in order to ensure the consistency of Council Regulation (EC) No 1/2005 with Article 37 of the EC Treaty, circus animals do not fall within the scope of that Regulation.

It should be highlighted that whilst circus animals fall outside the scope of the EU rules on the protection of animals during transport, Member States have the choice of adopting national legal measures in this field, provided that any such rules respect the provisions of the EC Treaty.

Yours sincerely,

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