

Ms. Caroline Lucas
Member of the European Parliament
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B-1047 Brussels

27.01.2004 D/000117

Dear Ms. Lucas,

Thank you for your letter of 17 November 2003 on the Commission proposal and the UK's ban on the export of horses.

As mentioned in my reply to your question in the plenary session of the European Parliament, the Commission shares your concern on the protection of horses. The Commission proposal aims to increase the standard for the transport of horses for slaughter over long distances. For this purpose the proposal introduces a requirement for individual stalls or boxes for long distance journeys, with constant access to water.

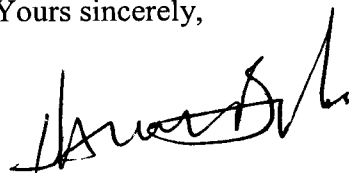
In the case C-1/96 referred to in your letter, the European Court of Justice did not accept the grounds of public policy or public morality to ban the export of calves from the United Kingdom because the justification invoked by the complainants (i.e., the fact that the UK banned the veal crate system) was not really separate from a domain where harmonisation at EU level had been achieved (Directive 91/629/EEC laying down minimum standards for the protection of calves).

Therefore, the above-mentioned judgment confirms in my opinion that independent initiative undertaken at national level could be justifiable only if the motive on which the action is based could be clearly distinguished from any area where harmonisation has been achieved at EU level.

My services have been in contact with the UK authorities to obtain more information on the precise purpose of the UK minimum value rules. Pending receipt of this information, I take note of your proposed amendment and my services will examine it with a view to preparing the Commission's position in this regard,

Finally, I would like to reiterate my firm commitment to improving the protection of horses transported in particular for slaughter. As we share the same objective, I am convinced that a solution satisfying all parties will be found whilst respecting the provisions of the Treaty.

Yours sincerely,



David Byrne