

ANIMAL WELFARE AND FOOD LABELING: INITIATING THE TRANSITION THROUGH HIGH QUALITY CONSUMER INFORMATION

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EXECUTIVE SUMMARY

In the past ten years, labeling initiatives informing consumers on farm animal welfare in food production have emerged in the EU Member States. Today, there are a dozen labeling schemes pertaining to farm animal welfare in at least six Member States. The diversity of these voluntary initiatives from the private, public, and non-profit sector fits the expectations of European consumers, who demand information on farm animal welfare, as 47% of EU citizens “do not believe there is currently a sufficient choice of animal welfare friendly food products in shops and supermarket.”¹

The EU institutions have taken such a popular request seriously. In May 2020, the European Commission made a series of announcements laying out the orientations of the EU’s policy to achieve climate neutrality in the agri-food sector (the “Farm-to-Fork Strategy”). In its Strategy, the European Commission refers to labeling as a central instrument to provide consumers high-quality information, regarding the sustainability level of food production, the nutritional value of food items, as well as consumer information related to animal welfare. On that last point, the European Commission announced the enactment of a EU animal welfare label.²

Historically, Eurogroup for Animals has focused part of its efforts to advance the interest of farm animals using market-based measures, including information to consumers. Specifically, Eurogroup for Animals supports the adoption of a “Method-of-Production + label,” which is a label that would combine method-of-production marking with simple information on animal welfare, based on a core set of animal welfare indicators. The “Method-of-Production +” label should be mandatory for all animal source food products sold in the EU, for three reasons:

- 1 Mandatory labeling would ensure that all products are labeled, and not just the ones that perform well on animal welfare – an important shortcoming of voluntary labels.
- 2 Mandatory labeling would entail regulation by the government, which consumers perceive as more reliable than private certifiers.³
- 3 A multi-level label required on all products by law would be more effective in harmonizing practices and setting improvement targets easily identifiable for producers.

To ensure full transparency to consumers, the scope of an animal welfare-related label should further cover the entire supply chain: breeding, fattening, transport, and slaughter.

¹ European Commission, Attitudes of Europeans towards Animal Welfare, 2016, Special Eurobarometer 442, p. 53.

² European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, May 2020, available at: <https://bit.ly/35eU79FF>

³ *Id.* p. 9.

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POLICY ASK

MANDATORY LABELING

To achieve its objective to inform consumers, an animal welfare-related label must be mandatory for all products sold in the EU. Mandatory labeling for all products is desirable for three reasons:

- 1 Mandatory labeling would ensure that all products are labeled, and not just the ones that perform well on animal welfare – an important shortcoming of voluntary labels.
- 2 Mandatory labeling would entail regulation by the government, which consumers perceive as more reliable than private certifiers.
- 3 A multi-level label required on all products by law would be more effective in harmonizing practices and setting improvement targets easily identifiable for producers.

A WIDE SCOPE, CAPTURING THE WHOLE SUPPLY CHAIN

To ensure full transparency to consumers, the scope of an animal welfare-related label should cover the entire supply chain: breeding, fattening, transport, and slaughter. The majority of the labels in Europe have limited scope which only covers the on-farm treatment of animals, and some time transport and/or slaughter. Very few include the welfare of animals during breeding.

A TIERED LABEL

Labels can have one level (also called tier) or multiple levels. Multi-leveled labels set the path for progress for farmers who wish to engage in best practices. A multi-level label also allows producers engaged in high welfare practices to better differentiate their products on the market, and thus be more competitive with cheaper products. For example, with a multi-level label, a broiler producer with higher welfare indoors production is able to distinguish their final product from a producer with standard indoors production. A single level label would not for such differentiation.

INTRODUCTION



In the past ten years, labeling initiatives informing consumers on farm animal welfare in food production have emerged in EU Member States. These labels take the form of *animal welfare labels*, which directly provide information on the level of welfare the animals were afforded during production; or *method-of-production labeling*, which only provides raw information on the farming methods employed, and thus indirectly on the treatment of farm animals involved in the making of a product. Today, there are a dozen labeling schemes pertaining to farm animal welfare in at least five Member States. The diversity of these voluntary initiatives from the private, public, and non-profit sector fits the expectations of European consumers, who demand information on farm animal welfare. A recent EU-wide survey thus showed that 47% of EU citizens “do not believe there is currently a sufficient choice of animal welfare friendly food products in shops and supermarket.”

The EU institutions have taken such a popular request seriously. The European Commission’s “Farm-to-Fork” Strategy, which provides a series of reforms for the next terms in the areas of agriculture and food policy, thus refers to labeling as a central instrument to provide consumers high-quality information, including animal welfare-related information. More specifically, the F2F recommends the adoption of measures that would increase consumer

information on the sustainability level of food products, likely under the form of a label; the revision of marketing standards to support short food supply chains; and the adoption of an EU “Animal Welfare label.” To achieve such an objective, the European Commission presented on June 15 the creation of a sub-group on labeling as part of the Animal Welfare Platform.

Six member organizations of Eurogroup for Animals have developed their animal welfare label, some of them pioneering the field, and including in Member States where other existing public or corporate animal welfare labels already exist. These initiatives by the nonprofit sector have led animal protection organizations to work hand in hand with public administrations, consumers, certifiers, retailers, producers, and farmers. Based on years of the seasoned experience of its members, Eurogroup for Animals proposes what would be the most effective format for an animal welfare label. This label, called “Method-of-Production Plus” (“MoP +”), aims to ensure high quality information to consumers, paving the way to more humane production methods, all the while bolstering fair competition on the common market. This label should also be mandatory, tiered, cover all production cycles, and used for all animal source food products, including imports.

1.

OUR PROPOSAL FOR A MANDATORY “METHOD-OF-PRODUCTION PLUS” LABEL

1.1

“METHOD-OF-PRODUCTION PLUS” LABEL: A DEFINITION

Eurogroup for Animals supports the adoption of a “Method-of-Production + label,” which is a label that would combine method-of-production marking with simple information on animal welfare, based on a core set of animal welfare indicators. Labels such as *Haltungsform* (Germany), Lidl UK’s method-of-production labeling for poultrymeat and the *Etiquette bien-être animal* (France) (see all below in Annex II) contain elements of a MoP+ label, to the extent that both these labels combine information on animal welfare and method of production (also “housing system”).

Mandatory

To achieve its consumer information objective, the MoP + label would be mandatory for all products sold in the EU. Mandatory labeling for all products is desirable for the following reasons:

- 1 It would ensure that all products are labeled, and not just the ones that perform well on sustainability – an important shortcoming of voluntary labels.
- 2 Mandatory labeling would entail regulation by the government, which consumers perceive as more reliable than private certifications.
- 3 A multi-level label required on all products by law would be more effective in harmonizing practices and setting improvement targets easily identifiable for producers.

Method-of-Production

The label would inform on-farm practices, *i.e.* the method of production used during the rearing of an animal used in the process of producing fish or meat products, or the method of production used in the raising of an animal farmed for their milk for the production of dairy products.

Like the mandatory marking of eggs currently imposed in law, MoP + would indicate information on both method of production and compliance with EU rules, as follows: *e.g.* for broiler chickens: “Intensive indoor – Not EC Compliant”; “Standard indoor”; “Extensive indoor”; “Free range”; “Traditional free range”; “Free range – total freedom.”

Key Animal Welfare Indicators

In addition to method-of-production marking, the MoP + label would include a grade informing consumers on farm animal welfare. This grade would be based on a limited set of animal welfare indicators, which assess the treatment of animals from breeding to slaughter. Animal welfare indicators would have the purpose of providing information on the impacts of the method of production on the welfare of the animal involved in the production of a food product – as an ingredient or a source.

There are three types of indicators that record and provide an objective evaluation of the welfare status of an animal:

- **Input-related** indicators assess whether the animal has what they want and need to experience good welfare.
- Indicators on **Management Practices** are specific inputs into the system that are directly related to human activity.
- **Outcomes / Outputs** indicators assess whether and how the animal can use the inputs, and to what extent such use demonstrate that animals enjoy good welfare.

Indicators measures of the welfare of animals either directly (for example, on lesions: how many lesions does the animal present) or indirectly (for example, on good feeding and drinking conditions: good water quality is measured through a group of different indirect measurements to draw a conclusion, such as quantity of oxygen in water, pH and temperature of the water).

Tiered

An MOP+ label in its nature is a tiered label (also called “multilevel”), given the existence of different methods of production. A tiered label enable consumers to easily distinguish the different types of production systems as well as the different levels of animal welfare associated with them. Tiered labels thus go beyond certification, by providing a more detailed information to consumer in terms, and one that they can compare to other existing levels.

Animal welfare indicators combined with the different tiers of the label could form the basis of quality standards eligible for funding under the Common Agricultural Policy (see Annex III).

1.2

THE EFFECTIVENESS OF AN “MOP +” LABEL

A MoP + label would achieve the following positive outcomes on the EU agricultural market:

- 1 High quality information to consumers: by providing consumers with raw, objective information on both the method of production and the animal welfare criteria, the MoP + label would mitigate the risk of misleading consumers.
- 2 Market harmonisation: the different levels of the MoP + would be modeled on existing segments in the different animal agriculture sectors. This has the advantage of standardizing information on front-of-pack food labels across the common market. Standardization of food information to consumers is all the more relevant in the current context of proliferating food labels on front of packs. Additionally, on the production side, the MoP + would rationalize farming methods by providing an incentive for producers to identify with a specific segment of production.
- 3 Allow for the transition from less humane systems to more humane production methods in line with consumer demands and upcoming legislative reforms, in preparation of the revision of the EU animal welfare legislation.

The pros and cons of voluntary high animal welfare labeling vs. mandatory Method-of-Production labeling

Market Capture	Effectiveness in informing consumers	Effectiveness in transitioning to more humane systems	Effectiveness in ensuring fair competition	Compliant with WTO rules
High Animal Welfare Labeling				
Low – only high quality products from producers who can afford certification	Limited – highly dependent on the certification scheme and the standards, all of which require high level of curiosity and expertise that does not meet the standard of the average consumer	Limited – based on previous experiences in the Member States (see for instance: Beter Leven 2 and 3).	Limited – only high quality producers who can afford certification will get certified. There is uncertainty over the burden that such a label would represent for producers who sell outside of the country of origin of products, in terms of requirements to ensure consumers are informed of the meaning of the label(s) and their translation.	Compliant (because voluntary)
MoP Label				
High – 100% of products labeled (“marked”)	High – consumers are provided with raw information with simple words indicative of the housing system	Proven (for shell eggs)	High – marking is systematic for all products and integrated to the production chain. The use of a marking which meaning is explained to consumers at all points of sales avoid overburdening producers from any Member States.	Compliant

2.

CONSUMERS: A RISING DEMAND FOR ANIMAL WELFARE-RELATED FOOD INFORMATION



An EU-wide survey conducted in 2016 identified that “more than half of EU citizens (52%) look for [labels indicative of animal welfare] when buying products. The proliferation of animal welfare labels is a positive sign that there is (1) demand from consumers that (2) producers are willing to satisfy such a demand.

However, proliferation of food information on animal welfare has also led to low quality information and misleading allegations. Low quality information to consumers has in turn contributed to consumers’ distrust towards the multiple allegations on food products. Hence the need to regulate and harmonize this type of commercial speech. For instance, the mandatory marking of eggs and the specifications laid out in the eggs marketing standards

and the organic production rules have contributed to provide consumers with verified and verifiable information on animal welfare.

Similarly, the limited use of quality denominations for poultry meat marketing standards regulates commercial speech by limiting the use of unsubstantiated positive allegations on products.

3.


PRODUCERS: A STATE OF PLAY OF FARM ANIMAL WELFARE LABELING ON THE EU AGRI-FOOD MARKET

This section is a series of tables currently contained in the document “Annex II.” Once formatted, the Annex II will be a map. But to make this map, you will need to use the information in the Excel sheet. Once you’re done with the map, the different sections of the big table in the Excel sheet should copied-pasted under each corresponding sub-sections below, nicely formatted, and designed. In other word: this is all the same information, but one version of it will be presented as tables (here), and another version of it will presented as a map (Annex II).

3.1



ANIMAL WELFARE LABELS

Name / Country / Year of Creation / Logo	Certification Body	Type of certification and number of levels	Species Covered	Market Capture (optional)
Beter Leven / The Netherlands / 2007 	Foundation BLk (Stichting Beter Leven keurmerk)	Multi-level, three levels (stars)	Pigs, broiler chickens, laying hens, beef cattle, calves rabbits, dairy cows, turkey	
Für Mehr Tierschutz / Germany / 2013 	Deutscher Tierschutzbund	Multi-level, two levels (stars)	Broiler chickens, pigs, egg-laying hens, dairy cows, calves	~ 450 farms, 13 slaughterhouses, ~ 50 meatpacking companies, 28 retailers
RSPCA Assured / Northern Ireland (UK) 	RSPCA	Certification	Broiler chickens, pigs, ducks, beef cattle, dairy cows, egg-laying hens, salmon, sheep, pullets, turkey, rainbow trout	
Tierschutz Kontrolliert / Austria & Germany 	Four Paws	Multi-level, two levels (gold and silver)	Pigs, dairy cows, beef cattle, egg-laying hens, ducks, sheep, goats, broiler chicken, turkey.	207 certified farmers (195 in Austria, 12 in Germany)

<p>ANDA Huevos / Spain</p> 	<p>ANDA</p>	<p>Certification</p>	<p>Egg-laying hens, expanding to pigs</p>	
<p>Anbefalet af Dyrenes Beskyttelse / Denmark</p> 	<p>DANAK (National accreditation body appointed by the Danish Security Agency)</p>	<p>Certification</p>	<p>Pigs, Broiler Chickens & Egg-laying hens, Cattle (calves, beef & dairy), Buffaloes, Lamb, Ducks and Geese (forthcoming: fish)</p>	<p>424 certified farmers in Denmark + 400 farmers in France, Chile, and the U.K.</p>
<p>Initiative Tierwohl / Germany / 2015</p> 	<p>Private sector (producers, processors, and retailers)</p>	<p>Certification</p>	<p>Pigs, chickens and turkey</p>	<p>70% of broiler chickens and turkeys, and 25% of pigs raised in Germany, 510 millions of farm animals; 130 slaughterhouses; 9 participating retailers.</p>
<p>[Under development] / Finland / 2021</p>	<p>Finnish government</p>	<p>Multilevel, two levels (at least)</p>	<p>Dairy</p>	<p>Pilot project</p>
<p>Bedre Dyrevelfærd / Denmark</p> 	<p>Danish government</p>	<p>Multi-level, three levels (hearts)</p>	<p>Pigs Broilers Calves</p>	
<p>BMEI Tierwohl Initiative / Germany / Under development</p> 	<p>German government</p>	<p>Multi-level, three levels</p>	<p>Pigs, and later on turkeys, broilers and dairy.</p>	


3.2

METHOD-OF-PRODUCTION LABELS

Name / Country / Year of Creation / Logo	Certification Body	Type of certification and number of levels	Species Covered
Haltungsform / Germany / 2019 	Private sector (retailers)	Umbrella label which classifies existing labels based on the method of production. Multi-level, four levels (1 – 4).	Broiler chickens, pigs, turkeys, beef cattle, dairy
Method-of-Production Labeling (no name) / United Kingdom 	LIDL	Multi-level, four levels	Broiler chickens

3.3

MIXED LABELS

Name / Country / Year of Creation / Logo	Certification Body	Type of certification and number of levels	Species Covered
Etiquette bien-être animal / France / 2017 	Multi-stakeholder nonprofit: Association Etiquette bien-être animal (producers, retailers, and four NGOs: CIWF France, LFDA, Welfarm, and OABA)	Multi-level, 5 levels (A to E)	Broiler chickens (and by 2021: pigs)

4.

REGULATORY FRAMEWORK OF ANIMAL WELFARE-RELATED FOOD INFORMATION



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4.1

CURRENT REGULATORY FRAMEWORK

EU Law

Mandatory Marking of Shell Eggs in the EU

The mandatory labeling of production methods on shell eggs (or table eggs) in the EU is required in the 2008 Regulation on the marketing standards for eggs. By EU law, all table eggs must be marked with a code indicative of the method of production in place on the egg-laying hens farms where the eggs originate from. The Regulation on the marketing standards for eggs and legislation on organic labeling define four categories of farming methods for eggs, each associated with a number: “organic eggs”(0); “free range eggs” (1); “barn eggs” (2); “Eggs from caged hens” (3). Shell eggs are the only animal agricultural product required to carry a marking of methods of production in the EU.

The mandatory marking of table eggs was the result of a successful action carried out by both the animal protection movement and the consumers associations. The demand for proper labeling of eggs originates from a private initiative, undertaken by a French farmer in the late 1960s, determined to signal his higher animal welfare eggs on the market. The producer intended to satisfy the consumer demand for higher animal welfare products, which entailed adding information on the package regarding production methods of the eggs, as a way to justify from the premium cost of his products and allow consumers to make more informed choices. At that time though, the EU legislation did not permit producers to add extra information on the production methods for eggs, for the purpose of ensuring harmonization of marketing standards and to prevent competition distortion on the single market.

After years of campaigning for the delivery of quality consumer information in general, and information on methods of production for animal source food in general, the EU Legislature revised the EU law twice until imposing an obligation to inform on the production methods of eggs sold on the EU market.

As a result of the mandatory labeling of methods of production for eggs, the overall number of egg-laying hens kept in alternative systems (non-cage systems) has steadily increased in the EU. Such a shift was caused both by the increase in consumer demand for cage-free eggs, and increased transparency in the sector, therefore leading producers to adapt to societal demand for a more humane treatment of farm animals.

Mandatory Marking of Catching Methods for Fish

Since 2014, the labeling of the method of production for fish product is mandatory, as far as the catching method is concerned, including for imports. Such a requirement primarily intends to achieve ecological sustainability objectives and so is not directly concerned with animal welfare. Additionally to the method of catching, EU law imposes labeling informing consumers on the location of production, processing methods, *inter alia*. The required terminology describing the production methods is in most cases too broad to allow the consumers to draw welfare conclusions. For example a fish may be labeled as “aquaculture” or “hooks and lines,” of which includes a wide range of systems and an equally wide range of welfare implications.

World Trade Organization Rules

A mandatory Method-of-Production + label is more likely to comply with the rules of the World Trade Organization (WTO) because of the use of objective descriptors of the segments outlining how the products were derived, rather than a sole reference to animal welfare — a concept that has varying interpretation across jurisdictions.

It can be deduced from the absence of any challenge to the WTO’s Dispute Settlement Body and existing case law on technical barriers to trade that method-of-production labeling for shell eggs complies with WTO rules, even when it includes a negative framing for exporters who do not comply with EU standards (“non-EC standards” mark).

4.2

PROSPECTIVE CHANGES & OPPORTUNITIES FOR LEGISLATIVE REFORMS

Revision of Marketing Standards

EU marketing standards are regulated under the Regulation on Common Market Organizations (CMO Regulation), which sets the marketing standards for eggs, beef, milk and dairy products, and poultry meat; and more particularly under implementing regulations for eggs, hatching eggs, poultry, and bovine meat. The legislation on marketing standards aims to “take into account the expectations of consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products and their quality.”

Only the rules on the marketing standards for eggs and poultry meat directly affect consumer information on method of production that relates to animal welfare. Specifically, EU Eggs marketing standards impose the labeling of method of production (“farming method”) for shell eggs. The EU marketing standards on poultry meat set the rules for the use of method of production that producers may use in describing their products to consumers. It provides regulatory definition for “extensive indoor (barn-reared);” “free range”; “traditional free range”; “free range – total freedom.”

Over the past 10 years, the European institutions have considered revising the regulation on marketing standards to extend existing provisions on mandatory method of production labeling to other animal source foods, or for the purpose of implementing an animal welfare label.

In a 2009 feasibility study meant to inform such a prospective reform of the EU marketing standards, the Commission explored the legality of both types of label directly (animal welfare label) or indirectly (method of production label) delivering information on farm animal welfare in light of EU and international trade law. The Broiler Directive also mandated a “report on the possible introduction of a specific harmonized mandatory labeling scheme for chicken meat, meat products and preparations based on compliance with animal welfare standards.”

In 2017, the European Commission's Directorate General for Agriculture and Rural Development ("DG Agri") initiated the revision of the EU Marketing Standards – a total of 18 legislative acts. The scope of the revision covers "marketing standards which are part of the EU agricultural product quality policy," including the CMO Regulation, the Commission implementing regulations (including on marketing standards for eggs, hatching eggs, poultry meat, and bovine meat).

Food Sustainability Framework Law

An MoP + could also fit under a label informing consumers on the sustainability of agri-food products. Food sustainability information to consumers will likely see the light of day under the Food Sustainability Framework Law, which the European Commission announced it will enact in its communication on the EU Farm-to-Fork Strategy (F2F). In its communication, the European Commission announced it would "propose harmonized mandatory front-of-pack nutrition labeling and will consider to propose the extension of mandatory origin or provenance indications to certain products [to empower consumers to make informed, healthy and sustainable food choices]."

CONCLUSION:

THE CASE FOR A MANDATORY, MULTI-LEVEL, "MOP+" LABEL

An MoP + label would achieve the following positive outcomes on the E.U. agricultural market:

High quality information to consumers: by providing consumers with raw, objective information on both the method of production and the animal welfare criteria, the MoP + label would mitigate the risk of misleading consumers.

Market harmonization: the different levels of the MoP + would be modeled on existing segments in the different animal agriculture sectors. This has the advantage of standardizing information on front-of-pack food labels across the common market. Standardization of food information to consumers is all the more relevant in the current context of proliferating food labels on front of packs. Additionally, on the production side, the MoP + would rationalize farming methods by providing an incentive for producers to identify with a specific segment of production.

Prepare a shift towards higher welfare systems in line with consumer demands and upcoming legislative reforms, in preparation of the revision of the EU animal welfare legislation.

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- ¹ European Commission, Attitudes of Europeans towards Animal Welfare, 2016, Special Eurobarometer 442, p. 53.
- ² European Commission, EU Platform on Animal Welfare, Seventh Meeting, Agenda, <https://bit.ly/3oqljvb> (last visited July 8, 2020).
- ³ Hanna Schebesta, *Control in the Label – Self Declared, Certified, Accredited? On-Pack Consumer Communication about Compliance Control in Voluntary Food Scheme from a Legal Perspective*, p. 17, Wageningen Working Paper, Law and Governance 2017/4.
- ⁴ These four last terms and categories are drawn from the E.U.’s marketing standards for poultry meat, Article 11 of the Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat. Rules on the marketing standards provide a good starting point in defining the different classes of production methods. However, there are a limited amount of animal source foods for which there exist marketing standards set in EU law.
- ⁵ As can be developed under the Official Controls Regulation (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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC, OJ L 95/1–142.
- ⁶ European Commission, Attitudes of Europeans towards Animal Welfare, 2016, Special Eurobarometer 442, p. 53.
- ⁷ *See generally*: The Center for Food Integrity, *Cracking the Code on Food Issues: Insights from Moms, Millennials, and Foodies*, 2014 Consumer Trust Research, available at: <https://bit.ly/31o5ACR>
- ⁸ Council Regulation (EC) 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) 1234/2007 as regards marketing standards for eggs, OJ L 163/ 6 – 23.
- ⁹ Council Regulation (EC) 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) 1234/2007 as regards marketing standards for poultrymeat, OJ L 157/ 46 – 87.
- ¹⁰ Whilst not formally within the EU single market from 2021, products in Northern Ireland will remain within the EU’s Sanitary and Phytosanitary (SPS) area, and so will be able to enter into and be consumed within the European market due to the Protocol on Ireland/Northern Ireland (Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community 2019/C 384 I/01, OJ 384I/1–177).
- ¹¹ Council Regulation (EC) 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) 1234/2007 as regards marketing standards for eggs, OJ L 163/ 6 – 23.
- ¹² Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labeling of organic products and repealing Council Regulation (EC) No 834/2007 of agricultural products OJ L 150/1–92, Annex II, Part. II on livestock production rules.
- ¹³ For more developments on the origins of table eggs marking, see Fondation Droit animal, éthique et sciences, « L’étiquetage des boîtes d’œufs », <https://bit.ly/3jydoBl> (last visited July 9, 2020) (in French).
- ¹⁴ European Parliament, *The Poultry and Egg Sectors: Evaluation of the Current Market Situation and Future Prospects*, p. 24, 2010, available at: <https://bit.ly/37GR11f>. Since the 2008 EU Regulation on the mandatory labelling of methods of production of shell eggs, the portion of laying hens kept in alternative systems (non-caged) keeps increasing (source: Eurogroup for Animals, *Optimising Laying Hen Welfare in Cage-Free Systems*, p. 38, 2018, available at: <https://bit.ly/2HwNpEu>).
- ¹⁵ European Commission, *Marketing Standards Study*, November 2019.
- ¹⁶ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organization of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000, OJ L 354/1 – 21, Article 35.

- ¹⁷ See Eurogroup for Animals, Method-of-Production Labeling: The Way Forward to Sustainable Trade, Policy Brief, 2019, available at: <https://bit.ly/2Tu3HjS>
- ¹⁸ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organization of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, *OJ L 347/671–854*.
- ¹⁹ Council Regulation (EC) 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) 1234/2007 as regards marketing standards for eggs, *OJ L 163/ 6 – 23*
- ²⁰ Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks, *OJ L 168/5–16*.
- ²¹ Council Regulation (EC) 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) 1234/2007 as regards marketing standards for poultrymeat, *OJ L 157/ 46 – 87*.
- ²² Commission Regulation (EC) No 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less, *OJ L 160/22–25*.
- ²³ Regulation (EU) No 1308/2013, Recital 71.
- ²⁴ Rules on the marketing standards of hatching eggs are not communicated to consumers; rules on the marketing standards of bovine meat only sets standards on the use of terms to provide consumer information on the age of beef cattle at the time of slaughter. Optional reserved terms for milk and dairy products as set out in the CMO Regulation allegedly affect the level playing field for plant-based producers of milk and dairy alternatives, by impeding clear communication about the nature of their products.
- ²⁵ Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs, *OJ L 163/6–23*, Article 12 and Annex I(A).
- ²⁶ Commission Regulation (EC) No 543/2008, Article 11 and Annex V.
- ²⁷ European Commission, Feasibility Study Part. 1: Animal Welfare Labeling, 2009, available at: <https://bit.ly/2HveBn7>
- ²⁸ Directive 2007/43/EC laying down the minimum rules for the protection of chickens kept for meat production, article 5.
- ²⁹ The revision process was still ongoing at the time of writing this report.
- ³⁰ European Commission, Evaluation and Fitness Check (FC) Roadmap, p. 2, available for download at: <https://bit.ly/3jxRZ27>
- ³¹ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, p. 14, May 2020, available at: <https://bit.ly/3dOj4wP>

ANNEX 1:

CONCLUSIONS OF THE ONLINE EVENT “ANIMAL PRODUCT LABELLING: AN UPDATE & WAYS FORWARD”

On September, 16 2020, Eurogroup for Animals hosted an online event on the labelling for animal-based food products. The event provided a platform for an open discussion under the Chatham House Rules on the topic of a prospective EU-wide animal welfare label.

More than 120 experts from a wide range of sectors joined, private, public, and the non-profit sectors, as well as academia, and representing 24 EU Member States.

The event took off with presentations from the German Federal Consumer Association, Winterbotham Darby (UK), Kentucky Fried Chicken Europe, *Dierenbescherming* (The Netherlands) and Groupe Casino (France), giving an overview of the state of play of animal welfare labelling in Europe. The presentations were followed by break-out sessions where the participants exchanged views on the first part of the event.

The discussions highlighted the positive aspects of a harmonised labelling scheme, but also the challenges brought about the enactment of an EU label. It was clear from the discussions between stakeholders that the topic of consumer information on animal welfare is mature enough for the EU Legislature to step in and regulate.

During the breakout sessions, a general agreement emerged that labelling should become mandatory rather than voluntary to benefit consumers. However, if labelling were to be mandatory, stakeholders agreed that it should be bolstered by measures supporting farmers to transition to quality production methods.

Participants also agreed that a harmonised EU label should cover all segments of the food production chain – breeding, rearing, transport, and slaughter. The EU label should further provide consumers with detailed explanations on the methods of production employed.

Conveying such a level of detailed information to consumers largely relies on the format of the label. On this aspect, participants expressed interest over a Method-of-Production Plus (MoP+) label, one that would combine method-of-production marking with simple information

on animal welfare, based on a core set of animal welfare indicators. This type of label is prospective, even though labels such as *Haltungsform* (Germany), Lidl UK’s method-of-production labelling for poultry meat, and the *Etiquette bien-être animal* (France) already contain elements of a MoP+ label.

Stakeholders generally shared the view that a mandatory, tiered MOP+ label, across the entire production chain and applied to all animal source food products, would be the most efficient form of delivering information to consumers, all the while improving production practices. However, participants highlighted potential challenges:

➔ Traceability:

It is more difficult to label some products compared to others, due to traceability challenges. For example, traceability of pig meat and products is complex, due to the fragmented supply chain (pigs may go through 4 different farms before they reach the slaughterhouse). Another challenge is that a greater portion of pork is processed, while only a smaller portion is sold as fresh and frozen meat. Thus, an EU label would need to include a reliable traceability mechanism.

➔ Bigger picture before the detail:

Several participants stressed out that it is necessary to define the general lines of the EU wide label, before going into the detail of the criteria that will define each level.

➔ The labelling of imported products:

Currently, animal source foods from non-EU countries are not required to comply with EU farm animal welfare laws (except for slaughter).

➔ **Pre-existent labels in the EU:**

There was agreement amongst the participants of the event that the MOP + was the labelling method with greater potential to integrate all the pre-existent animal welfare labels in the EU. Participants also highlighted that the EU label could be modelled after some of these existing labels.

➔ **A multi stakeholder approach:**

The majority of the participants highly supported such an approach. Participants suggested creating a network, starting with those present in the discussions.

➔ **Mandatory labelling:**

It was identified as the solution, but not without some challenges. One of the suggestions presented was a gradual implementation, where the EU label would be first voluntary, and after a period of time, which would work as almost a trial period, the label would then become mandatory

➔ **The landscape of animal welfare labelling in the EUs:**

Each Member State is at a different development stage of food information to consumers on farm animal welfare. Some countries, such as Sweden, mentioned market saturation as a reason for opposing the creation of an additional EU label. On the opposite, other countries, such as Germany, identify an EU label as a solution to desaturate the market through harmonization. Moreover, countries where there is no presence of animal welfare labels, such as Poland, or Hungary, support the enactment of an EU label that would help meet consumers demands for more transparency.

Overall, the event provided a platform for successful exchanges between stakeholders. While it was clear that there are still many challenges to overcome until achieving an EU animal welfare label for food products, it was very encouraging to see how animal welfare has become a topic of interest, let alone one that is important enough to bring a large variety of stakeholders around the same table.

ANNEX 2: LABELING ON THE EU AGRI-FOOD MARKET

DENMARK

Anbefalet af Dyrenes Beskyttelse ● 🏆 🐾 🌐
Bedre Dyrevelfærd ● 📄 🐾 🇩🇰

UNITED KINGDOM

RSPCA Assured ● 🏆 🐾 🌐
LIDL Method-of-Production Labeling ● 📄 🏭 🌐

THE NETHERLANDS

Beter Leven ● 📄 🐾 🌐

GERMANY

Für Mehr Tierschutz ● 📄 🐾 🌐
Tierschutz Kontrolliert ● 📄 🐾 🌐
Initiative Tierwohl ● 📄 🐾 🌐
BMEL Tierwohl Initiative 📄 🐾 🇩🇪
Haltungsform ● 📄 ↔ 🌐 ☂️

AUSTRIA

Tierschutz Kontrolliert ● 📄 🐾 🌐

FRANCE

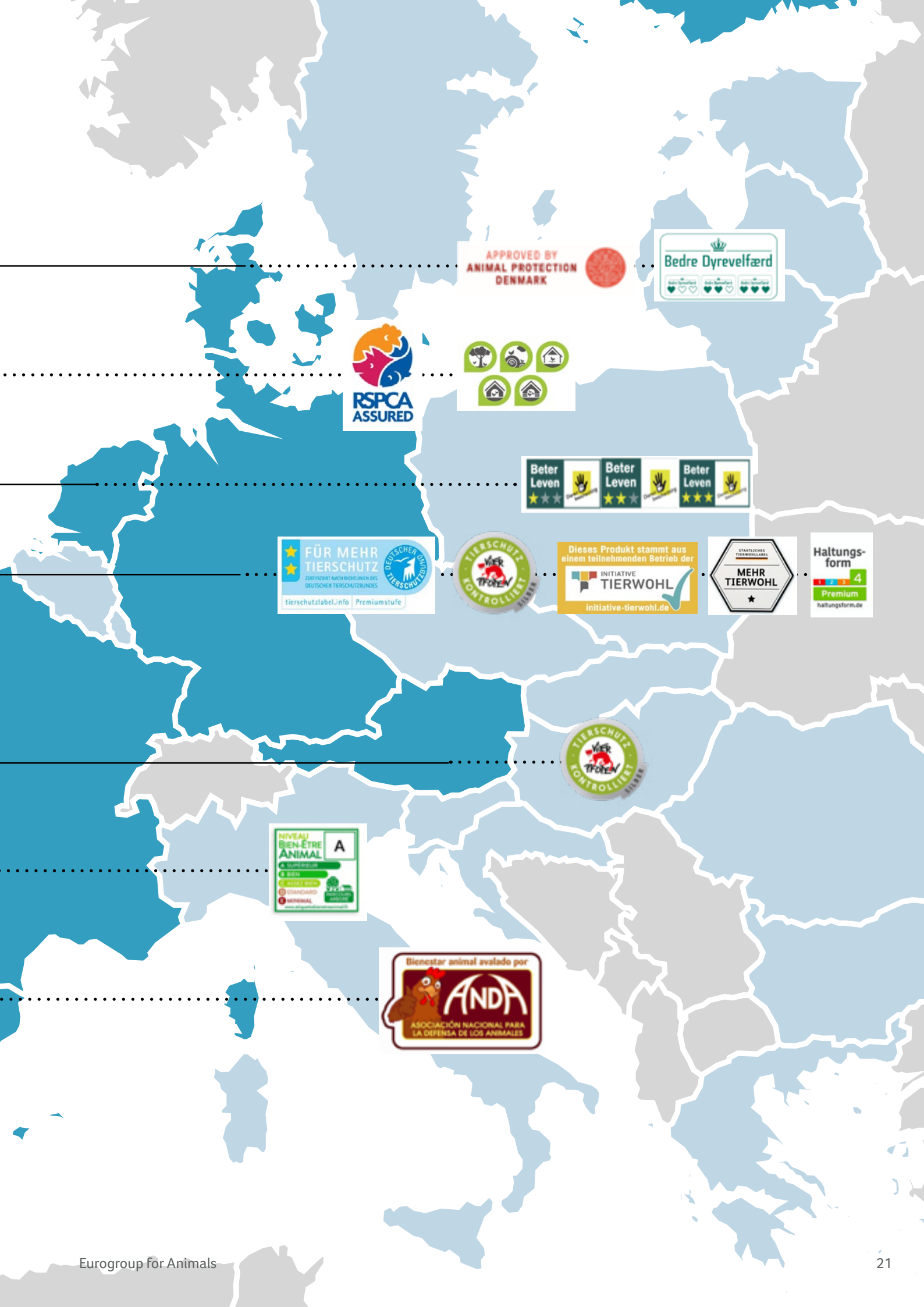
Etiquette bien-être animal ● 📄 ↔ 🌐

SPAIN

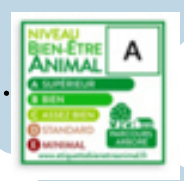
ANDA Huevos ● 🏆 🐾 🌐

LEGEND

● Voluntary	🏭 Method-of-Production label
🚫 Mandatory	↔ Combined: AW/MoP
🏆 Certification (single level)	☂️ Umbrella label
📄 Multi-level	🌐 Private
🐾 Animal welfare label	🇩🇪 Public



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ANNEX 3:

COSTS AND FUNDING OPPORTUNITIES

1

THE COST OF A LABEL

The cost of a label can be divided into four main categories: certification costs, using fees for the visual, packaging and marking costs, and communication costs.

1.1 Certification Costs

This type of cost covers the service performed and charged by a third-party certifier. The certifier assesses compliance of production methods with the standards of the label. If the assessment is favorable, the certifier issues a certificate of compliance. This certificate grants the producer the right to use the label on their products. Depending on the standards of the label, the certifier's service can include the issuance of recommendations to improve compliance and/or follow-up measures and/or follow-up inspections (on-the-spot or not, unannounced or not), in addition to controlling compliance.

1.2 Trademark Use Fee

The user of a label usually has to pay a fee to have the right to use the visual of the label. A label is usually a registered trademark, which usually requires users to pay for a usage fee to show it on their products.

1.3 Packaging and Marking Costs

Packaging and/or marking costs cover the cost of printing the label visual on the packaging, or when required, marking the label on the raw product (i.e. shell eggs). These costs are usually factored in the fees producers pay to the packaging center. In cases where producers package their own products on the farm, investment costs would be necessary.

1.4 Communication Costs

Communication costs are optional. They cover the costs of advertisement, to ensure consumers are aware of the existence of the label. Communication costs also cover ways of conveying what the standards of the label are to a large range of consumers – from low-information consumers, or

the more expert consumer. Typically, information as they relate to the standards of a label should be made available online. The website of the label could provide the complete list of standards and how they compare to minimum legislation, or even other existing labels on the market, and a general summary of the guiding principles the label follows regarding animal welfare.

2

FUNDING OPPORTUNITIES

Existing and prospective funding opportunities presented in this section can cumulate.

2.1 Public Funding

In the case of a public, EU label, EU funds could bear intellectual property costs (right to use), on a non-profit basis, on the model of the organic label or any other EU quality label.

The EU and the Member States could further fund different types of costs under the Common Agricultural Policy (CAP)'s Pillar II funding for rural development. CAP's Pillar II could fund a large range of measures: on-farm investment funding to help producers cover packaging costs, and animal welfare measures ("Measure 14") to help producers transition to more humane practices, as objectified by the standards of the label.

2.2 Consumers

Consumers can also cover the costs associated with a label through the creation of a levy on products – either labeled-only products, or all animal source food products.

For example: *Merh Tierwohl* in Germany¹

2.3 Producers

Producers can also bear the costs of the label by creating a nonprofit organization that will help cover the costs and achieve economy of scale.

For example: *Initiative Tierwohl* in Germany.

¹ See also Bundesministerium für Ernährung und Landwirtschaft, Empfehlungen des Kompetenznetzwerks Nutztierhaltung (Federal Ministry of Agriculture of Germany, Recommendations of the competence network for livestock husbandry), "Borchert Report", February 2020, available at: <https://bit.ly/2HpyL15>

ANNEX 4:

GLOSSARY



(Food) label: generic term referring to the support of information found on a food product about that same food product. Labels display a variety of information on the content of a given food product (list of ingredients, nutritional value and contents), its origin (country of origin, country of manufacturing), and the way the product was made (method of production). Just like there exists a diversity of information that can be displayed on a label, the way food manufacturers and producers provide information can also greatly vary in format and content; from raw information (e.g. an official code), general or more precise claims (e.g. “farm eggs” or “grass-fed beef”), or information under the form of a grade (e.g. multi steps labels).

Animal welfare label: a label that aims to inform consumers on the specific treatment animals have received over the course of producing the food they are a part of (meat, fish) or contributed to produce (dairy, eggs).

Method-of-Production Labeling: a label that aims to inform consumers on the production method employed over the course of the production of a given food product. There exist a diversity of information related to method of production, some of which are not related to animal welfare, such as the use of a specific production technique (examples include traditional recipe with a traditional type of cooking “wood-fired,” “smoke fired”; or industrial techniques like mechanically-separated meat). Information on the method of production that indirectly informs consumers on the treatment of animals is the one describing housing types. An example of a method-of-production informing on the housing type of farm animals

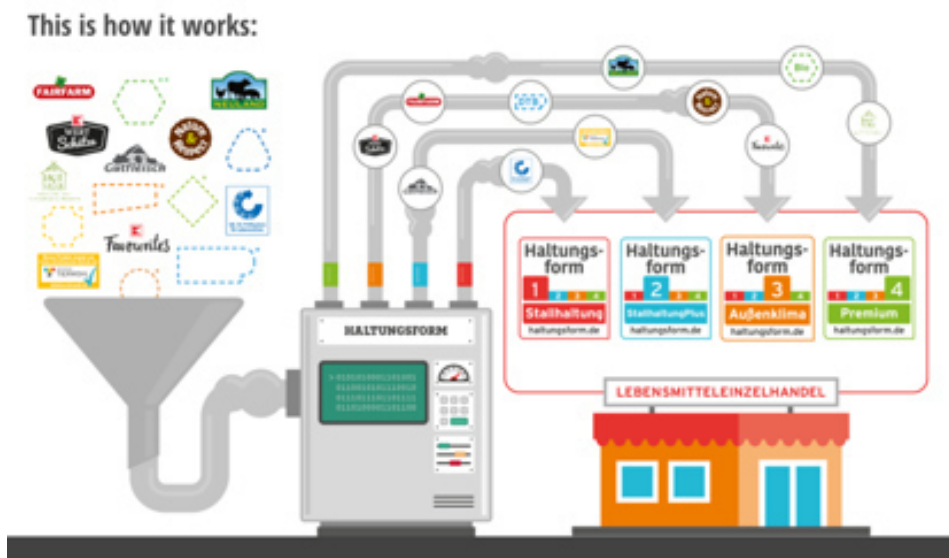
is the marking of shell eggs sold in the EU (organic; free-range; barn; cages).

Method-of-Production Plus (MoP+): a label that would combine method-of-production marking with simple information on animal welfare, based on a core set of animal welfare indicators. This type of label is prospective, although labels such as *Haltungsform* (Germany), Lidl UK’s method-of-production labeling for poultrymeat and the *Etiquette bien-être animal* (France) contain elements of an MoP+ label.

Marking: short, simple and objective information (raw), usually delivered under the form of a code. An example of a marking would be the one in place for shell eggs in the EU.

Certification (of a label): certification refers to the process of delivering a label. Certification involves the intervention of a third party evaluator, usually for the purpose of ensuring independence between the issuer of the certification and the certified actor.

Multi-step labels: deliver a grade based on a ranking system to inform on the quality level of a product. Multi-steps labels aim at including participants to a larger extent than single tier labels, which de facto exclude producers who do not entirely meet the label’s requirements, and to include them in a continuous improvement process. One example of a multi-step label is *Beter Leven*.



An example of an umbrella label informing on animal welfare: Haltungsform. Source: <https://www.haltungsform.de>

Multifunctional labels: are types of labels that do not solely focus on one type of information and instead cover a variety of overlapping parameters. A multifunctional approach aims to harmonize the process of production, but also presents the risk of losing in accuracy when delivering information. One example of a multifunction label in Label Rouge in France, or the EU organic labelling scheme, which both include an animal welfare component, while also accounting for environmentally friendly practices, or gastronomic value (for Label Rouge).

Umbrella labels: are labels that categorize different other labels into different segments and levels. An example is the label Haltungsform (Germany), which classifies the different existing labels (including the different levels of labels in case of multilevel labels) into different categories informing consumers on the method of production for animal source foods. The goal of umbrella labels is to rationalize proliferating labels.

Source for this glossary: InfoTrack, Principes Directeurs relatifs aux communications commerciales sur le bien-être animal (in French, unpublished).



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