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**BirdLife**  
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ARCHE NOAH

**Re: AGRI report on proposed *Directive on unfair trading practices in business-to-business relationships in the food supply chain***

Brussels, 17<sup>th</sup> October 2018

Dear Members of the European Parliament,

On behalf of the undersigned organisations, we are writing with regard to the De Castro report on the Commission's proposal for a *Directive on unfair trading practices in business-to-business relationships in the food supply chain* (PE623.672v01-00), which was recently adopted by the Committee on Agriculture and Rural Development.

We would like to express our consternation about amendment 65 (originally AM 361), which was proposed by four EPP members, Albert Deß, Peter Jahr, Norbert Lins, Jens Gieseke, and astonishingly also adopted by the AGRI Committee in its final report (A8-9999/2018) on the proposed Directive. Under Article 3 of the proposed legislation, the amendment would seek to prohibit:

***“provisions laid down by the buyer regarding environmental protection and animal welfare standards which are more stringent than the relevant legal provisions in force.”***

**What are the issues at stake?**

This amendment would effectively prevent retailers from refining their sourcing requirements for products that are raised with higher animal welfare and developed with stronger environmental standards than is required by EU legislation.

For example, the EU Laying Hens Directive permits the use of enriched cages, while leading retailers and food service providers in the EU have, in response to consumer preference for cage-free eggs, elevated their supply beyond these legal minimum requirements. This amendment would essentially force retailers and food service providers to accept products for which there is less demand and further, would limit the ability of consumers to purchase animal products that are aligned with how animals should be treated in food production.

Around the world, food and hospitality providers have led the move towards cage-free egg procurement, with more than three hundred companies globally committing to source exclusively cage-free eggs. These include the world's largest food retailers and manufacturers, including Tesco, Carrefour, Unilever, and Nestlé. This amendment would prevent such commitments in the EU, which is currently a beacon for higher animal welfare and environmental standards.

**Mandate given for inter-institutional negotiations to begin without a Plenary vote**

We have been advised that the report will go straight to negotiations *without a plenary vote*, unless there is a specific request - under Rule 69c - by at least 76 MEPs for a vote in plenary on the decision to enter trilogues. We understand that the animal welfare amendment is just one of some fundamental changes to the Commission proposal that is being rushed through the Parliament.



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On 15<sup>th</sup> October, the AGRI rapporteur, Paolo De Castro (S&D), released an unofficial [press release](#) on the European Parliament website stating that:

*“The European Parliament has always sought to support and promote production of premium quality products in the EU, which respect higher environmental and animal welfare standards. I can assure you that EP negotiators will continue to do so in talks with EU ministers on the final wording of the anti-UTPs law. We know what makes our products so appreciated all around the World and we have absolutely no intention in undermining their added value.”*

Given the far-reaching implications of this report – and the fact that it will unlikely be open to full Parliamentary scrutiny – we would like to raise awareness of the existence of this amendment. If ever adopted in the proposed legislation, amendment 65 would significantly undermine established and accepted animal welfare and environmental protection business standards in the EU, which were intentionally set above the legally required minimum.

**We call on MEPs to take action to ensure the rapporteur will preserve animal welfare and environmental protection standards that go beyond the minimum legal standards and which have been voluntarily achieved in the EU through retailers and suppliers response to consumer demand during the inter-institutional negotiations.**

Thank you for your consideration. Please contact Alexandra Clark via [aclark@hsi.org](mailto:aclark@hsi.org) should you have any questions.

Yours faithfully,

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Humane Society International/Europe

*Reineke Hameleers*  
Director  
Eurogroup for Animals

*Pierre Sultana*  
Director – European Policy Office  
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*Dr Olga Kikou*  
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