

# Meeting of the sub-group on animal welfare labelling

Sixth meeting, 15 November 2022  
(Videoconference)

– MINUTES –

## Attendance

<b>Independent expert</b>	Jarkko Niemi
<b>Civil society organisations</b>	Eurogroup for animals FOUR PAWS
<b>Business and professional organisations</b>	COPA EMN ERPA FVE
<b>Member States</b>	Denmark Germany Spain (excused – connection issue)
<b>European Commission</b>	SANTE G3 (Chair)
<b>Guests</b>	ICF (absent)

## Discussions

### 1. Presentation by the chair on governance and controls (see attached)

The Chair went through the presentation reminding that we were working on the hypothesis of a multi-tier label, either based solely on upgraded standards (like the Danish one) or an evaluative label covering all products (voluntarily or not).

The Chair wanted to present which provisions on governance and controls could be established in the framework legislation for an EU animal welfare label. The legal framework would contain a delegated act to establish specific standards. It could also define which organisation could take initiatives for setting up new standards, keeping in mind that such preparatory work is time consuming and costly.

The Chair raised the question of which organisation(s) could perform the preparatory work before specific standards would be adopted.

The Chair then presented a list of considerations that could be part of the preparation of the specific standards and wanted to have a feedback from the group.

The Chair indicated a list of elements that could be part of the specific standards. The specific standards should not only include the criteria for each level of the label but also some other technical elements like the algorithm (in case of multi-criteria system), possible specific rules for traceability, documentation for checking compliance as well as specific official controls.

The Chair explained that once the preparatory work was achieved, a formal consultation process could take place, in addition to the consultations needed to prepare the standards, so that all stakeholders could be involved. This formal consultation process could be performed through the consultation of an EU animal welfare label board, constituted by business organisations, civil society organisations and competent authorities, in a similar way as the EU animal welfare platform. It would be an advisory body which could express its opinion on a draft of specific standards. The Commission will then take into account this opinion before adopting the standards via a delegated act. The Chair also reminded that delegated acts are submitted to the scrutiny of the European Parliament and of the Member States, indicating however that this scrutiny is limited to the legal power and not the substance of the standards proposed.

Finally, the Chair questioned the group on the need for additional rules on controls in the framework of an EU animal welfare label. The Chair considered that there would be probably a need for registration of operators wanted to use upgraded standards, a system of certificates, marking code for control delegated bodies (when used) and possibly additional rules for controls like it exists for organic farming. Specific arrangements might be needed also for operators from third countries who would want to participate to the scheme.

## **2. Who takes the initiative and do the preparatory work?**

From the discussion and questions, it appears that the members did not capture from the start the procedure envisaged by the Chair. Hence the Chair reformulated its vision of what could be the process of setting specific standards. On a first phase, the Commission (or a group of stakeholders) would entrust an organisation to prepare the draft specific standards. On a second phase, the draft standards and accompanied documents would be submitted to the formal consultation of the Board. On the last phase, the Commission will adopt a delegated act establishing the specific standards.

Following a question from a member, the Chair confirmed that the governance discussion does not change if the label is voluntary or mandatory. At this stage, the fact that the EU label is framed by specific legislation does not mean that it will become mandatory for all operators.

One member wanted to clarify if the EU label would be a completely new label or if existing labels could be integrated into it. This member considered that this would be a very different approach if we have to build something totally new or just include existing labels. This member suggested that the label should be dynamic and managed by a stakeholders' group. This member referred to the initiative "Haltungsform", which is an umbrella system managed by a committee that allows some flexibility both in scope and time.

The Chair replied that one of the problems encountered was the multiplicity of labels, both in terms of methodology and standards. An EU label will have as one of its objectives to simplify the landscape of animal welfare labels to make sure that there is a minimum of consistency among them. In the view of the Chair, the issue of co-existence is not a matter of fundamental approach but a matter of degree. If specific standards are very detailed, there would be less room for various labels to exist. On the other hand, if specific standards are limited to essential elements, current labels should be able to continue to exist provided a certain convergence.

One member reacted on the idea of board, referring to the system in Denmark where standards are elaborated under a public-private partnership.

One member agreed that an EU label would imply a certain level of convergence to ensure a certain level playing field among operators and facilitate trade among them. For this member, the idea of board including a mix of scientists, operators of the food supply chain, animal welfare organisations and certification bodies would be useful.

Another member wanted to know how national label like the German label recently presented could co-exist in the future. In addition to the previous reply, the Chair said that the survival of national labels will also depend on how the EU label is designed. From a technical point of view, it would be difficult to keep labels that provide a conflicting information to consumers. In case of an EU evaluating label (scoring/grading) covering the whole scope of products, the co-existence with similar labels would be difficult to explain because it would add confusion rather than pushing for convergence. Indeed, the co-existence of existing labels will depend on the extent to which they would conflict with the model proposed by the EU label. In all cases, we have to accept that in the long term, an EU label would aim at improving the consistency between the different schemes on the market.

According to one member, the preparation of specific standards should be performed by a group of people having a mix of competences, ranging from science to practical experience of certification. This member believed that EU reference centres or EFSA would not be suitable for the task because they are too much focused on science.

This view was supported by other members that consider that the preparatory work should involve various stakeholders. For them, entrusting the reference centres would lead to neglect important dimensions of the work and be too technical for the communication to consumers. Ideally, the preparatory work should be performed directly by the Commission.

In addition, another member added that, since reference centres are specialised by group of species, the preparatory works might lack of consistency across species.

The Chair replied that the initial idea of entrusting the preparatory work to an external body (like the Joint Research Centre or an EU reference centre for animal welfare) was linked to the fact that preparing standards is a highly intensive work. Based on different existing models at the Commission, the preparatory work could be performed either externally (like the EU Ecolabel) or internally (like for organic standards). The problem of internal development of standards is that it requires the deployment of corresponding staff resources. Under the current situation, the Chair believed that it would be challenging to allocate additional resources to manage the preparatory work directly. However, the Chair took note of the arguments of the members.

### **3. What elements to consider to propose criteria?**

There was not much debate regarding the considerations to set up criteria. Members agreed that the considerations listed in the slide were all relevant.

One member reacted on the easiness to control by underlying that animal-based indicators are by essence dynamic and therefore more difficult to control. The inclusion of animal-based indicators would imply a defined frequency of controls.

This view was supported by other members. However, one member declared that some schemes were using animal-based indicators with regular yearly controls without problems.

Another member declared that the use of animal-based indicators was difficult to match with the expectations of consumers, since it did not take into account for example the housing system.

The Chair agreed that easiness to control is important to consider and the use of animal-based indicators is not always a solution for all issues to be addressed. Business operators need a certain stability of their level to work.

#### **4. What specific a set of criteria should include?**

The Chair reiterated here that apart of the specific standards as such, the set of criteria should include other elements like the algorithm or the documents for proving compliance.

One member admitted that fixing a common algorithm across species would be challenging.

The Chair believed that setting an algorithm across species was probably not very useful because animal welfare being a multi-criteria assessment system, it would be difficult to propose the same weighting across species among the different dimensions of animal welfare (like among the five domains). For example, one species would have most critical issues with the nutrition, while another one would be about health. A common algorithm would not lead to solve the specific animal welfare issues to be addressed.

Different members agreed that there was no point in fixing a common algorithm across species. One member suggested that the set of criteria should distinguish two categories, with, on one hand, “non-negotiable” criteria which have to be complied with in all cases, and , on the other hand, “flexible” criteria where compliance could be mitigated and more flexible.

One member asked why we should not refer to existing rules on traceability and official controls that already exist, like the ones applied for organic products. The Chair agreed that rules of traceability and official controls are already widely developed. However, the Chair considered that it would be useful to explore if additional rules would be necessary under specific circumstances. The idea was not to create redundant rules.

#### **5. Who should be consulted?**

There was an agreement among members that both during the preparatory work or during the formal consultation process, stakeholders should be consulted.

One member was afraid that a board would be too big, not allowing an effective work. The EU platform was an example of quite numerous, limiting the number of meetings per year. The Chair accepted that an EU board would be similar, but the size was difficult to reduce. Competent authorities or control bodies would have to be involved as well as many stakeholders from the different sectors and supply chain processes. On the other hand, like for the EU animal welfare platform, it was possible to establish smaller working groups to study specific standards.

Several members agreed that the legitimacy of the standards would largely depend on the trust among stakeholders and it was essential that the Commission was directly involved from the start.

## **6. Do we need extra-rules than the ones of the official controls regulation?**

The Chair explained that some extra-rules might be needed for the registration of upgraded standards, the need for certificates (for business to business) and the marking of code when delegated bodies perform controls.

Overall members agreed on the extra-rules presented. One member stressed the need to establish control rules progressively for adjustment to new standards.

One member indicated that registration should be ideally done through an EU database to facilitate control and exchanges among operators. The idea was supported by many members even if they accept that this might be complex and require resources.

## **7. Next steps**

The Chair summarized the discussion and suggested that we discuss the criteria across species again.

[Note: the next meeting is planned for 12 December AM]