



*European Economic and Social Committee*

**NAT/342**  
**Animal Welfare - Labelling**

Brussels, 15 March 2007

**OPINION**  
of the  
European Economic and Social Committee  
on  
**Animal Welfare - Labelling**  
(Exploratory opinion)

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On 28 November 2006 the German presidency of the Council requested the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, to draw up an exploratory opinion on

*Animal welfare - labelling.*

The Section for Agriculture, Rural Development and the Environment prepared the Committee's work on the subject.

Because of the referral's urgent nature the European Economic and Social Committee, at its 434th plenary session, held on 14 and 15 March 2007 (meeting of 15 March), appointed Mr Nielsen as rapporteur-general and adopted the following opinion by 92 votes to six, with two abstentions.

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**1. Conclusions and recommendations**

- 1.1 There is growing interest in the EU in promoting production and rearing methods that show more consideration than hitherto for domestic animal welfare. In view of this, it is proposed that the present mandatory minimum animal welfare standards should be backed up by voluntary labelling rules that can be used in combination with both general commercial labels and more quality-based labels, not least among them "quality schemes". This will underpin market forces and will not place an unnecessary burden on the political system in the EU or on national inspection bodies. Quality labels play an essential part in competition in the food sector, and they often contain varying animal welfare elements over and above the applicable mandatory minimum standards. However, it is difficult for consumers to see the basis for labelling and the content of rules, and the animal welfare aspects are not always based on proper scientific principles.
- 1.2 Such a market-based system based on objective criteria to quantify animal welfare will be more flexible, effective and future-oriented than politically imposed criteria and will therefore be better suited to future developments in production and marketing, which will be marked by a greater variation in production conditions as a consequence of EU enlargement, continued specialisation and diversification of production, structural changes in retailing and partnerships in the field of product development and branding.
- 1.3 It is important to promote production and rearing methods that show more consideration for animal welfare, both directly, through training and the circulation of new research findings, and through market signals, which at the same time will be an essential starting point for a series of priorities within training, investments, etc. In this way a labelling scheme can help

create the necessary "all round" synergy and contribute towards a more rational use of resources. Livestock producers need stability, since today they can be subject to a string of more or less valid changes that affect producers' planning and investment strategy.

- 1.4 An animal welfare labelling scheme going beyond minimum requirements should thus be set up as a voluntary offer to the producer, business and industry interests concerned; private labelling schemes could refer to standards that have a scientific and practical basis and be adjusted in line with new knowledge. In concrete terms this could consist of offering a sort of logo combined with colour labelling or a points system, which could be applied to commercial labels and form an objective basis for marketing combined with a form of private and independent monitoring. The system could, in principle, be applied to all types of domestic animals and animal products and likewise to imported products, in accordance with WTO rules.
- 1.5 Traditional regulation by the authorities in the form of minimum requirements should still be continued in the EU, as has been the case up to now for labelling the methods used for producing eggs and organic products. However, this form of regulation is politically and administratively burdensome and therefore less suitable for promoting the development of production and rearing methods that pay greater attention to animals' welfare. At the same time the system will be perceived as stiff and bureaucratic by producers, industry and trade interests, without there being any corresponding benefits for consumers.
- 1.6 The proposed scheme shows essential similarities to environmental labelling schemes in general, including the EU's own eco-label. Environmental labels are thus based on the application of common principles for production and the use of widely differing products to create greater synergy and wide recognition for the label. However, because of mutual competition, players in the food sector will naturally give priority to their own quality labels, which is why the "environmental model" is not directly applicable to animal welfare labelling, which must be based on specific research and the mutual assessment of welfare-related indicators.
- 1.7 The contribution of research in the EU in the field of animal welfare is thus crucial in determining whether it will be possible in the future to integrate animal welfare into the agriculture and subsequent production and trading chain on a scientific and objective basis. However, it is important that the elements of a labelling scheme be laid down as soon as possible so that research findings and standardised – objective, measurable and replicable – indicators can be turned into practical strategies and used in the labelling scheme as and when they become known and those concerned become familiar with the scheme.
- 1.8 In any case, a substantial information campaign is required, targeting consumers and the retail sector in particular and including coverage of the EU's mandatory minimum standards. At the same time, thought could be given to setting up a website and database supported by the EU to bring about greater transparency and openness, though common guidelines should first be

applied before the exact content is published. Thought should also be given to tighter controls and bans on incorrect and misleading advertising to ensure that businesses live up more to their own claims.

## 2. Background

- 2.1 In accordance with the request from the German presidency, the aim of the opinion is to describe possible animal welfare labelling schemes and their structure, with an eye to promoting the development of production and rearing methods that pay more attention to animals' welfare. It is to be seen against the background of the increased interest in animal welfare in the EU, where animal welfare alongside other ethical considerations is increasingly being included as an element in the "European model of society". Consumers have a right – in line with the findings of Eurobarometer studies – to expect food made from animals to be produced using systems that respect EU regulations, notably those on animal welfare, and to count on the existence of objective and credible possibilities for choosing food that is produced in conditions that show special consideration for animals' welfare<sup>1</sup>. Moreover, in many respects there is a connection between animal health and welfare and the development of diseases that can be transferred to human beings.
- 2.2 According to most research, consumers thus consider animal welfare as a parameter of key importance to a product's quality. However, this view may be less marked in some Member States. An animal's welfare experience or quality of life can be defined as the sum of positive and negative experiences to which an animal is exposed during its life. Pain, disease, conflict behaviour, abnormal behaviour and chronic stress can be considered as the start of negative experiences for an animal, whereas rest, sleep, food, parental care and grooming can be considered as positive experiences. However, there is no recognised unambiguous definition of animal welfare.
- 2.3 The EU has - among other things, on the basis of recommendations by the Council of Europe – adopted a series of minimum standards for animal welfare in the form of traditional regulation by the authorities. Many of these minimum standards in the years ahead will have to be reviewed in the light of earlier decisions. In addition, specific rules have been implemented on the voluntary labelling of organic products and the mandatory labelling of production methods when marketing eggs, as well as a few isolated rules when marketing poultry for slaughter and beef.

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According to the Eurobarometer Special of June 2005 "Attitudes of consumers towards the welfare of farmed animals", 43% of consumers in the EU take animal welfare into consideration when buying meat and 74% of those questioned think that their purchases can have an influence on animal welfare. At the same time, however, a number of scientific studies have shown that the psychological and emotional factors which influence consumers, such as appeals to ethical and moral values and the retail trade's presentation and labelling, are extremely complex. For instance, there is a difference between attitudes and actions, and a politically correct attitude towards ethical labelling does not necessarily lead to the purchase of products that are produced under particularly ethical conditions; purchasing decisions are determined more by price, accessibility, health and taste. However, people react strongly when cases of inadequate conditions for animals used in production or research are made public in the media.

- 2.4 The food industry and the retail sector are becoming increasingly concentrated and competitive, and make more and more use of quality labels which show that special consideration is being paid to various quality criteria including, to an increasing extent, animal welfare. At the same time producer organisations and co-operatives have set up an array of regionally-based quality labels, which often include consideration for animal welfare and the environment. Some of these products can make use of the EU's system for protecting geographic designations and specialities<sup>2</sup>.
- 2.5 There are major differences from country to country. For example, the British market is dominated by the trade's quality labels, while in France and Italy there are a significant number of regionally-based quality labels. Dutch production is traditionally dominated by the processing sector's quality labels, although more and more labels are being developed by the retail trade and producer organisations. In Sweden producers' own labels dominate, which is tied up with the traditional view in several other countries that naturally assumes that domestic products mean higher quality, including the animal welfare aspects.
- 2.6 Experiences with voluntary labelling schemes indicate that the Commission's intention is to promote the use of specific, objective and measurable indicators for animal welfare in current and future Community legislation as the basis for legislation on the validation of production systems that apply higher welfare standards than the minimum standards laid down in the present rules<sup>3</sup>. According to the Commission this involves a classification of applied welfare standards in order to promote the development of production and rearing methods that pay greater attention to animals' welfare and make it easier to use these standards in the EU and internationally. The Commission also wants to consider the possibilities of EU labelling on this basis.

### 3. General comments

- 3.1 As the representative of civil society it is natural for the EESC to contribute towards the formulation of relevant labelling schemes and share responsibility for introducing them in the form of a common European system that can support sustainable development in the internal market and in trade with the rest of the world. Animal welfare forms part of Europe's cultural heritage and the EU's ethical values alongside corporate social responsibility, environmental protection and ecology, which to some extent have been incorporated into EU legislation.

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<sup>2</sup> Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed and Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, OJ L 93 of 31.3.2006.

<sup>3</sup> See the Commission Communication on a Community Action Plan on the Protection and Welfare of Animals (COM(2006) 13 of 23.1.2006), which announces initiatives at WTO level, a report in 2009 on a mandatory labelling scheme for chicken meat and meat products, a report in 2009 on the further application of measurable indicators and the possible establishment of a European Quality Standard for products emanating from high level animal welfare production systems and creation of a specific technical and financial system to promote the application of higher welfare standards both inside and outside the EU.

There is a certain common identity here with ecology, which as a sustainable production system within agricultural production is based on the environment and animal welfare.

- 3.2 The EESC therefore supports the Commission's intention to promote animal welfare in the EU on an objective and sustainable basis<sup>4</sup> and considers it appropriate to establish a common system for labelling to promote production and rearing methods that pay greater attention to animals' welfare. The aim here above all is to help get market forces to operate on an objective basis and "pull in the right direction". At the same time it is important that production and rearing methods which pay greater attention to animals' welfare are promoted through training and the circulation of new research findings. The signals from the market will at the same time, as is the nature of things, be the starting point for a whole series of priorities within research, the training of farmers, advisers and vets, and for future investments in the production system. A labelling scheme can thus contribute to creating synergy and to rational resource use, not least as regards producers' planning and investment strategy.
- 3.3 At any event, this is a long-term process that of necessity must take place in step with the development of objective, measurable and replicable scientifically-based welfare indicators and an assessment of different production systems. It is, however, important early on to lay down frameworks and principles for the formulation of a common labelling scheme for animal welfare, so that work can be prepared and standardised welfare indicators can be incorporated into the scheme as and when they are developed. As soon as possible, therefore, there must be an understanding and acceptance among the parties concerned on the guidelines and structure of the common scheme that can be used for all livestock products on as voluntary and flexible a basis as possible.
- 3.4 At the same time it has to be admitted that the process is made more complicated not only by a lack of accessible knowledge about the animal welfare aspects and their priority in relation to each other, but also by the diversity of consumer preferences and production conditions, the effect of different traditions and levels of education on people's attitudes, competition in the food sector, the complexities of existing laws, the difficulties of comparing the content of private quality labels and the unreliability of private and public sector inspection bodies, including those relating to imports into the EU.
- 3.5 In any case, clear and informative labelling is a key factor in promoting production and rearing methods which pay greater attention to animals' welfare. Experiences with organic products and alternative egg production systems have shown that labelling rules have the potential to make production systems show greater consideration for animal welfare.

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See EESC opinion CESE 1356/2006 of 26.10.2006 on the Commission Communication on a Community Action Plan on the Protection and Welfare of Animals, and CESE 1246/2005, OJ C 28 of 3.2.2006 on the Commission proposal COM(2005) 221 for a directive laying down minimum rules for the protection of chickens kept for meat production.

- 3.6 Labelling rules fall within the EU's terms of reference. They are constantly the subject of discussion and conflicts of interest, and it is the Commission's intention to bring out a proposal for an amended labelling directive by the end of 2007<sup>5</sup>. Relevant and clear labelling is most often the result of a compromise where it is not possible to satisfy all wishes and demands. This applies not least to food products, where it is often said that labelling requirements are too comprehensive. The food authorities also have reservations about further labelling that runs the risk of overshadowing basic information about a food's characteristics. Consumers are also uncertain about the benefits of much of the information on food, especially that relating to ethical aspects. For these reasons animal welfare labelling should be based on a smaller logo combined with colours, stars or points, which can be applied as a supplement to existing labelling.

#### 4. Imports into the EU

- 4.1 Further statutory requirements and restrictions in the EU may lead to imports from countries with lower standards squeezing EU production and sales, and even cause a loss of market share on the world market. But a stronger focus on animal welfare in the internal market comprising 30 European countries with a total of 500 million inhabitants<sup>6</sup> will have a spin-off effect in countries outside the EU and their exports to the EU. The World Bank's International Finance Corporation has pointed out the increasing interest worldwide in animal welfare and the need to adapt to this development both in primary production and in industrial processing<sup>7</sup>.
- 4.2 Obviously, animals that have been reared, slaughtered and cut up in the EU, as well as processed or unprocessed products made from them, fulfil the EU's minimum criteria, and putting a label on them stating this is therefore superfluous. On the other hand, there is often a justifiable call for imported products to be labelled in such a way that it is directly or indirectly evident to what extent the product concerned fulfils the EU's minimum requirements. As has already been mentioned in previous EESC opinions, animal welfare must be recognised in the longer term as a fully justified consideration in trade in agricultural products, so that imports can be required to meet minimum standards. In view of all this, there should be a closer look at how much a call for the mandatory labelling of imports' countries of

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<sup>5</sup> Welfare Quality® is an EU-funded project involving 39 institutes and universities with special expertise in the field of animal welfare. The aim of the project is to develop scientifically-based animal welfare standards and practical strategies with an eye to making animal welfare an integral part of the production chain from agriculture through to the subsequent processing, sales and marketing stages, with adequate information for consumers.

<sup>6</sup> Including Norway, Iceland and Liechtenstein, which through the European Economic Area (EEA) are included in the EU's internal market.

<sup>7</sup> Creating Business Opportunity through Improved Animal Welfare from the International Finance Corporation (IFC), World Bank Group, April 2006. The IFC covers 178 member countries and the request applies in particular to investments in developing countries with an eye on exporting to the developed countries. Many countries also have traditional codes of practice regarding animal welfare without having legislation in the strict sense of the term. This applies, for instance, to Switzerland, Australia, New Zealand, Argentina and Brazil.

origin would be justified and – if there is no guarantee that EU minimum standards have been met – whether there should be some sort of "unknown production method" statement.

4.3 In order to cater for all EU agricultural products which comply with mandatory EU animal welfare standards and to distinguish them from non-EU products which are not subject to the same requirements, the place where agricultural raw material making up the product was grown or bred could thus be indicated, using one of the following designations as appropriate:

- "EU Agriculture" if the agricultural raw material making up the product was grown or bred in the EU;
- "Non-EU Agriculture" if the agricultural raw material making up the product was grown or bred in a third country;
- "EU and non-EU Agriculture", if part of the agricultural raw material making up the product was grown or bred in the EU and another part was grown or bred in a third country.

The designation "EU" or "Non-EU" could possibly be replaced or supplemented by the name of a country in cases where all the agricultural raw materials making up the product were grown or bred in that country.

4.4 Even though compatibility with WTO rules should be the starting point and precondition for any controls, the EU may, in cases where there is no international agreement as mentioned in the EESC's previous opinions, see itself as obliged to take unilateral action in order to draw the necessary attention to the need for an adaptation of existing rules. In any event, importers and the retail trade must take responsibility in both the short and long term for ensuring that imports from non-EU countries fulfil comparable requirements through certification and similar guarantees.

## 5. **Traditional regulation by the authorities**

5.1 A whole series of minimum standards have been laid down for animal welfare in the EU and previous decisions oblige the Commission to produce a proposal to review and update these in the years ahead<sup>8</sup>. Minimum standards are laid down in detailed legislation, often after difficult political negotiations. In the future, minimum standards should be based even more on research findings and an objective analysis of the situation, which should conceivably make the political process easier. The rules should thus be based on the knowledge available at any given time and be laid down at an objective and justifiable level that reflects the practical possibilities for primary production, transport, stunning and slaughter under proper operating conditions. Minimum standards must, of necessity, also be laid down in this way in the future, through the application of traditional public law regulations.

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Commission Communication on a Community Action Plan on the Protection and Welfare of Animals (COM(2006) 13).



- 5.2 Rules on the voluntary labelling of organic products and the mandatory labelling of production methods when marketing eggs have also been laid down in detail in EU legislation. In other words, if more detailed marks are used in labelling, EU rules must be followed. This is to ensure fair conditions of competition and provide correct information for consumers. These forms of labelling combined with detailed mandatory requirements are to be introduced when labelling has been clearly requested by consumers or is important to the market's smooth operation, since it regulates the use of commercial names which the consumer associates with certain forms of production, thereby establishing the minimum legal conditions required in order to avoid fraud or confusion in the market. Here too, experience has shown that it is difficult and time-consuming to lay down criteria. There is also a lot of work involved in the form of registrations, accounting and inspection visits for businesses and for national inspection bodies. Nonetheless, it is also appropriate to keep to the present form of regulation in these areas.
- 5.3 According to the proposal on minimum standards for the slaughtering of chickens, the Commission plans, at the latest two years after adoption, to submit a report on the "possible introduction of a specific, harmonised mandatory labelling regime at Community level for chicken meat, meat products and preparations based on compliance with animal welfare standards"<sup>9</sup>. This will result in a scheme in parallel with existing Community rules for egg production systems, with labelling rules that refer to different forms of production.
- 5.4 However, the traditional regulation model is only suitable when a distinction can be drawn between clearly defined forms of production that are readily apparent to consumers. The same applies to the "ecology regulation", which primarily covers the environment and does not refer explicitly to animal welfare. The model may also be used for the production of chickens for slaughter if consumers are able to understand and remember the background to labelling but the model will not be clear if it is extended to cover several animal products.
- 5.5 In addition, traditional regulation would be too rigid and complicated bearing in mind divergent production relationships in an enlarged EU and future market developments. There is a risk that it would slow down or block development as a result of complicated audit procedures and the difficulties of allowing for natural differences in the production process. The model is politically and administratively demanding and not sufficiently attractive for market players, and it would reduce the incentives for private quality labels, such as those applying to production in a regional area. Experience has also shown that there would be an increase in red tape if there was a shift from voluntary to regulated or mandatory labelling.
- 5.6 A further extension of the traditional model laid down by authority at EU level and the use of labelling by the public authorities is therefore inappropriate. The same applies at national level, where taking national labelling rules as a starting point would be in conflict with the internal market. Similarly, a label stating that the EU minimum standard had been met would

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COM(2005) 221 of 30.5.2005 laying down minimum rules for the protection of chickens kept for meat production.

only mean anything if there were different levels of labelling, as is the case with egg production.

## 6. **The "environmental model"**

- 6.1 A general voluntary labelling scheme along the lines of the rules for awarding the EU's eco-label<sup>10</sup> and corresponding national rules would be less suitable for promoting the development of production and rearing methods that pay more attention to animals' welfare. The food industry and trade would, without a doubt, prefer to develop their own quality labels further. Even though the "environment model" has more similarities with the proposed voluntary model for animal products, it would be unsuitable for use as a basis for the introduction of objective criteria for animal welfare, in the same way that a model like the EU's eco-labelling scheme would be too bureaucratic to use for animal welfare labelling.
- 6.2 The relevant eco-labels would operate, in principle, with the help of a secretariat that would assist the parties concerned with laying down environmental criteria that were stricter than those prescribed by law and provide information on labelling for consumers and purchasers. The advantage with this is that the labelling in principle could be used for all products and thereby achieve a wider application through synergy and greater knowledge of the scheme. The information would be guaranteed by an impartial third party as objective and verified proof that a product was produced in a more environmentally-friendly way and used as such throughout its total life cycle.
- 6.3 When animal products are involved, the laying-down of individual criteria for the rearing of animal species and production conditions must be done by experts on the basis of research findings and a thorough assessment of production systems. So, there is a need for detailed and specific professional assessments. But the "environmental model's" clear and credible indication to consumers, voluntary use and the market-based common labelling scheme showing compliance with special ethical criteria that are stricter than the mandatory minimum requirements should also be used to promote the development of production and rearing methods that pay more attention to animals' welfare.

## 7. **Private quality labels**

- 7.1 Private quality labels operate in line with market premises and in accordance with the legal bans on misleading advertising without any particular intervention by the authorities. These are flexible systems that can constantly adapt to developments. However, labelling is not optimal as far as animal welfare is concerned. The ever-increasing supply of goods makes it difficult for consumers to monitor and make comparisons between the individual labels. Marketing may give a misleading picture of production conditions and the qualities claimed

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<sup>10</sup> Regulation (EC) 1980/2000 of the European Parliament and of the Council of 17.7.2000 on a revised Community eco-label award scheme, OJ L 237 of 21.9.2000, p.1.

for a product may not necessarily be based on objective criteria, among other things because there is not yet a pool of sufficiently objective knowledge that can be used as a basis for such criteria. This leads to a loss of credibility and a distortion of competition with regard to more serious products and production conditions. Industry and business may also, as the result of competition, be prone to altering requirements in a way that is not always well-founded and which may cause difficulties for animal producers.

7.2 For these reasons, objective criteria need to be laid down for production. The Commission has proposed the setting-up of a centre or laboratory whose aims will include the development of objective welfare indicators<sup>11</sup>, and the Commission expects that the further use of measurable indicators in Community animal welfare legislation can come about on the basis of the research findings of the Welfare Quality Project, which is to be concluded in 2009. At the same time it is important to make use of other research and development carried out in the Member States.

7.3 Future efforts to promote the development of certain production and rearing methods that pay more attention to animals' welfare in line with sound scientific indicators must therefore, of necessity, be made as a complement to private quality labels as the best solution. This will allow businesses to keep their own labels and develop them further, and thus also differentiate themselves from their competitors on a real and objective basis; moreover, consumers will be able to make choices according to their own convictions and preferences on the basis of accurate information. The system will thus be able to operate in line with market premises and without unnecessary intervention by the authorities. This can be done with an indication that the product meets an EU standard that is subject to independent monitoring.

## 8. **Proposals for animal welfare labelling**

8.1 It is important to lay down frameworks and principles for the structure of a common labelling system so that work can be prepared and standardised welfare indicators can be incorporated into the system as and when sufficient preliminary findings have been produced by the Welfare Quality Project, among other things. This will make it possible for experts and, where appropriate, the proposed centre for animal welfare, to work out the necessary objective criteria. There must be an overview of different indicators covering the entire life cycle of the animals; these should be translated into practical and realistic production conditions, so that there is the best possible interaction between research, development and the application of new technologies<sup>12</sup>.

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<sup>11</sup> As proposed in the EESC's opinion on the Commission's Communication on a Community Action Plan, the relevant laboratory or centre should be set up at a global level in cooperation with the EU's most important trading partners, with the aim of gaining international acceptance of the methods developed.

<sup>12</sup> The relevant indicators should include all the essential data on the animal species concerned as regards rearing, space and accommodation, daily supervision, health and sickness aspects, weaning, surgical operations, transport to the slaughterhouse, stunning and slaughter.

- 8.2 The results from this can be translated into standards for all domestic animal species and the most essential animal products through a mandate given to the relevant centre and used for the proposed rules on labelling; guarantees must be provided that the individual indicators can be measured and subsequently checked. Labelling referring to animal welfare should be based as far as possible on measurable and replicable animal welfare indicators and not just on the production systems used.
- 8.3 Business and industry could then, on a voluntary basis, label animal products with a logo recognised by the EU guaranteeing that they meet a higher standard than the EU's minimum requirements. The higher standards should be laid down in a legal instrument, unless it is legally possible to refer directly to common standards. The standards could, for example, be set at a choice of three levels 20, 40 and 60 per cent above the minimum standards to the extent considered appropriate for the respective animal species and product. The guarantee of compliance with the specific requirements and checking of the label's application could be based on self-policing by businesses with the help of an independent inspector, institute or organisation or a special certification body working in accordance with the relevant European and international ISO Standards in EN – ISO – 17000 or accredited as a certification body in accordance with EN – ISO – 45011. However, there is no need for use of the relevant logo to be approved or permitted in each individual case, with the red tape and monitoring by the public authorities that this would involve.
- 8.4 The relevant logo could, for example, be combined with a system of colours, stars or points, which could be applied to existing commercial labels, so that there was no conflict between the common labelling rules and existing commercial label. The system could also be used for imported products and thus not cause problems in relation to WTO rules.

## **9. Supplementary measures**

- 9.1 Consideration should be given to setting up a website and database, supported by the EU, with a description of the proposed labelling rules and various welfare labels and rules, to be supplied by those responsible for the relevant labels. Businesses would be able to provide information about products and thus show that they are behaving in an ethically responsible manner. The same information could also be accessible in shops, for example. The database could also be a source of inspiration for further development in this area. It would lead to greater transparency, and the risk of criticism and the exposure of cheating and misleading claims could contribute to a certain self-discipline and internal monitoring.
- 9.2 In addition, consideration could be given to tightening the rules on incorrect or misleading claims, so that stiffer sanctions can be imposed in the event of abuse, though this would not mean a system of approval combined with monitoring by national authorities. Of course, businesses may quite legally make claims that are correct and do not mislead consumers; but it is also quite clear that it is the exclusive responsibility of businesses to ensure that claims

about products are truthful – irrespective of whether or not they are verified by an independent third party.

- 9.3 By far the simplest option would be just to support the continued development of private labelling rules through information campaigns aimed at consumers and the retail trade, without any further measures. But, as has been made clear earlier, this would not be sufficient. Regardless of the choice of labelling rules or other measures, information campaigns should be carried out in all circumstances, if the basis for this is established. This could be done through conferences for opinion-leaders as well as through TV or newspaper articles; the Commission and the relevant national authorities should play an essential role here, along with agriculture, consumer and animal protection organisations, for example.
- 9.4 In the meantime there have been calls for mandatory national labelling to show a product's origin, against the background of a general preference for national products. Despite claims from business about the risk of distortions of competition, a basic principle up to now has also been that stricter rules on animal welfare may be laid down at national level than the minimum requirements prescribed by the EU. If, in accordance with the subsidiarity principle, it is left up to the individual Member States to develop their own labelling schemes for protecting animals' welfare, dependent on production conditions and consumer interests, these would rapidly turn into a one-sided promotion of national products, and any form of mandatory national labelling would be incompatible with the internal market and EU competition rules. However, Member States which introduce higher mandatory minimum requirements for one or more production sectors have the possibility, where appropriate, of allowing these to be included in the proposed labelling scheme.

Brussels, 15 March 2007.

The President  
of the  
European Economic and Social Committee

The Secretary-General  
of the  
European Economic and Social Committee

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Patrick Venturini

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**N.B.:** Appendix overleaf.

## Appendix

### Examples of existing labelling schemes

#### 1. EU labelling schemes

The EU labelling directive contains general requirements for labelling, but allows the possibility of additional voluntary labelling under certain conditions<sup>13</sup>. For instance, labelling must not mislead the purchaser as regards a foodstuff's characteristics, particularly its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production.

In addition, there are certain specific rules concerning labelling with information about the methods used to produce a given foodstuff from animals:

- Fresh eggs (packaged and presented on the market for direct consumption) should, among other things, be marked with an indication of the production method used, which means specific requirements must be fulfilled in each case. The term "Free range eggs" means, among other things, access to open-air runs with a vegetation density of at least 4 m<sup>2</sup>/hen, "Barn eggs" means, among other things, access to an area with at least 250 cm<sup>2</sup> of littered area per hen and at least one-third of the floor area and fulfilment from 1 January 2007 of the general provisions for alternative systems, while the term "Eggs from caged hens" can be used until the end of 2011 for eggs from enriched cages and unenriched cages<sup>14</sup>. The production of "organic eggs" does not require certain space standards to be met, but there is a general requirement of good behaviour both out of doors and indoors. In addition to the labelling information, the shells of fresh eggs (Category A) must bear the production system code. This is not compulsory for Category B eggs (intended for the food and other industries), or for eggs imported from countries which do not have equivalent production system rules. All rules are monitored by national inspection bodies. Imported eggs have to be labelled as such, if the rules in an exporting third country do not meet EU standards.
- For poultry, labelling with special terms concerning diet or rearing can only be used under certain conditions<sup>15</sup>.

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<sup>13</sup> Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer.

<sup>14</sup> Commission Regulation (EC) No 2295/2003 of 23 December 2003, Art. 13 – OJ L 340 of 24.12.2003 p.21 and Council Directive 1999/74/EC of 19.7.1999, Art. 4 – OJ L 203 of 3.8.1999, p. 54 Commission Regulation (EEC) No 1274/91 of 15 May 1991 introducing general rules for implementing Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs, as amended.

<sup>15</sup> According to Commission Regulation (EEC) No 1538/91 of 5 June 1991 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat, more detailed indications of the type of farming with the exception of organic or biological farming may only be used in accordance with specific rules; these include "Extensive indoor", "Free range" and "Traditional free range", which can be supplemented with indications of the specific characteristics of the different production systems. The provisions apply without prejudice to national measures going beyond the minimum requirements provided that these measures are compatible with Community law and comply with the common marketing standards.

- The compulsory labelling of beef implies that all beef shall be labelled with information about the country where the animal was born, reared, slaughtered and cut up. Imported beef should also bear the indication "Origin: non-EC" and "Slaughtered in: (name of third country)". Moreover, there are rules on additional voluntary labelling which may, for example, include the animal's sex or age, its breed, the fattening method used, the animal's age when slaughtered and quality claims<sup>16</sup>.
- Conditions about types of production can be included in EU authorisations of protected designations in accordance with the provisions of Council Regulation (EEC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, OJ L 93 of 31.3.2006, and Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed.
- The labelling directive requires a declaration of the place of origin, if an omission of such information may mislead the consumer. As stated earlier, the directive allows the possibility of voluntary labelling, including the possibility of labelling showing a product's place of origin and/or production. It is thus permitted to label foods with a Member State's name provided that this is not misleading. But approval is required for beef.
- Organic labels are used today on vegetable and animal-based foodstuffs and on composite foods. Under Council Regulation 2092/91 such indications must show clearly that they relate to a method of agricultural production and that the product is made in accordance with more specifically defined rules<sup>17</sup>.

## 2. Structured inventory of existing food quality assurance schemes within the EU-25

30 November 2006

The objective of the study is the creation of an inventory of existing food quality assurance scheme (FQAS) within the EU25. FQAS are defined as schemes implying a voluntary participation and enabling stakeholders involved in the food chain to claim that products or processes fulfil defined quality requirements. FQAS include the category of schemes known as “quality management systems” or “within-chain standards”, sometimes known as “liability schemes”, as well as those schemes that explicitly aim to segment the final product market by differentiating the product(s) covered under this schemes, using labelling or branding to signal specific quality attributes to consumers. European Union Quality Systems (PDO, PGI, TSG) are excluded, because data are already available and well organised.

[http://foodqualityschemes.jrc.es/en/documents/Cover\\_report\\_inventory.pdf](http://foodqualityschemes.jrc.es/en/documents/Cover_report_inventory.pdf)

[http://foodqualityschemes.jrc.es/en/documents/listoflogos\\_Nov\\_2006.pdf](http://foodqualityschemes.jrc.es/en/documents/listoflogos_Nov_2006.pdf)

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<sup>16</sup> Regulation (EC) No. 1760/2000 of the European Parliament and of the Council, and Commission Regulation (EC) No. 1825/2000.

<sup>17</sup> In December 2006 the Council of Ministers in fact adopted rules on the importing of organic products and a proposal on the labelling and checking of organic products. This latter proposal is expected to be formally adopted in March 2007.

### 3. **Eco-labelling rules**

The EU Eco-label is administered by the European Eco-labelling Board (EUEB) and receives the support of the European Commission, all Member States of the European Union and the European Economic Area (EEA). The Eco-labelling Board includes representatives such as industry, environment protection groups and consumer organisations.

<http://ec.europa.eu/environment/ecolabel>

**The Swan Eco-label** was set up in 1989 by the consumer sector under the Nordic Council of Ministers, but from 1 January 2006 responsibility was transferred to national standardisation bodies.

<http://www.norden.org/miljoe/svanemarket/sk/index.asp>.

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