



## Advice

### Revision of EU Legislation on Animal Welfare

Brussels, 30 March 2022

#### 1. Background

EU animal welfare policy scope and principles derive from Article 13 of the Treaty on the Functioning of the EU. The EU legislation consists of a Directive concerning the protection of animals kept for farming purposes and four Directives laying down minimum standards for the protection of laying hens, broilers, pigs and calves, plus one Regulation on animal transport and one Regulation on the protection of animals at the time of killing.

Under the Farm to Fork Strategy<sup>1</sup>, the Commission committed to revise this legislation and consider options for animal welfare labelling. The purpose of the revision is to ensure a higher level of animal welfare, broaden the scope of the legislation, align it with the latest scientific evidence and current political priorities as well as citizen's expectations and make it easier to enforce. Animal welfare is considered a key component of sustainability in the food chain. The revision covers animals, including fish, bred and kept for farming purposes<sup>2</sup>. It does not cover wild animals, experimental or laboratory animals (with the exception for their welfare during transport) or any invertebrate animals. Vertebrate fish are a very diverse animal group and EU fish farming currently involves the production of more than 15 species. From an animal welfare point of view, the wellbeing requirements of each species can be different. These necessities

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<sup>1</sup> [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system](#)

<sup>2</sup> The initiative does not cover molluscs. At present, there is insufficient knowledge and data concerning molluscs.

even vary attending to the phases of the life cycle of each fish species. Moreover, particular production systems (ponds, tanks, sea pens, etc.) can determine differences in fish welfare requirements for each species. Still today the welfare specific conditions of fish at farm level are not fully understood.

On 6 July 2021, the European Commission published an Inception Impact Assessment, which was open to feedback until 24 August 2021. A public consultation took place from 15 October 2021 to 21 January 2022. The adoption of the legislative proposal is planned for the fourth quarter of 2023<sup>3</sup>. Under the Work Programme of Year 6 (2021-2022), the MAC committed to work on the described initiative, taking into account the potential effects on the market of aquaculture products.

## **2. Incentives for producers to achieve high welfare standards**

EU fish farmers believe that low incentives are provided to achieve high welfare standards, including as regards imported products. Changing production practices, particularly for small producers, can imply onerous measures for them without return on investment in the short-term. At the same time, in collaboration with processors and retailers, in order to meet the expectations of consumers, producers have organised through voluntary specifications<sup>4</sup> and third-party certification to incentivise the achievement of higher standards<sup>5</sup>.

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<sup>3</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12950-Animal-welfare-revision-of-EU-legislation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12950-Animal-welfare-revision-of-EU-legislation_en)

<sup>4</sup> As an example, in France, a quality charter for smoked salmon and trout, which obliges producers to set up scope statements with their suppliers and audits for controls, including a dimension relating to animal welfare.

<sup>5</sup> Certification from the Aquaculture Stewardship Council (ASC) serves a market access requirement, which includes high animal welfare standards. A growing number of species and ponds are granted ASC certification and participate in fisheries improvement programmes.

### **3. Current consumer information**

When it comes to the possibility of consumers making informed choices of “animal welfare friendly” products, unclear information can cause misunderstandings. The information that reaches consumers continuously increase, but information on animal welfare is not fully extended. In the context of the HORECA sector, an important distribution channel for aquaculture products, it does not always reach the final consumer. Through private certification labels, such as ASC, Naturland, and GlobalGAP, consumers are already able to access information on the packaging. At the same time, it would be impossible to label all breeding and slaughtering steps of the fish, as if the packaging would become illegible, alongside the general food information on nutrition and indications on environmental impact and carbon footprint, among others. Companies can voluntarily provide even more accurate information on the packaging or online, which can provide them with a positive differentiation in the market. The reputation of the companies can also serve as a sufficient guarantee to consumers. To support the transition to a sustainable food system, continued consumer education by public institutions is needed as well as an increase in the level and quality of information available to consumers. This can help improve consumer choice and appreciation for quality products rather than based on price only.

### **4. Emergence of different animal welfare labelling schemes in the market**

Private quality schemes provide a basis for positive and mutually beneficial relationships between producers, buyers, and NGOs to raise animal welfare and environmental standards. Quality schemes have supported the marketing of food products with specific animal welfare standards and, although they bear a cost, provide transparency for farmers, suppliers, and consumers. Going beyond the legal minimum, they create a market for farmers who invest in higher standards.

The proliferation and considerable variety of quality schemes across the EU can create confusion and reduce their potential positive impact. Therefore, a harmonisation of minimum criteria could have a positive effect, while allowing the necessary flexibility to respond to differing consumer interest across the EU. There is ongoing methodological work in different Member States and in different sectors, but it is not clear the level of interaction and collaboration between the different institutions. A re-evaluation of the methodology would need to be based not only on a commercial basis, but also on scientific, technical and operational elements, including a consultation of the relevant stakeholders.

If the EU decides to develop a compulsory system, it must remain simple and harmonised at EU-level, while allowing fair competition in all Member States. The system would have to be applicable to all products placed in the market, including imported ones.

## **5. Animal welfare requirements for imported products**

Under the Commission's Roadmap, two options are provided in relation to imported products of animal origin:

- Option 1: Similar animal welfare requirements to be applied at import.
- Option 2: Labelling requirements providing EU consumers with information on whether imported products are obtained from animals (not) not raised in line with EU animal welfare requirements, in order to ensure consumer information and raising consumers' awareness, creating new opportunities for consumers.

Amongst the MAC's membership, there are different views on the most appropriate option. In the view of EU fish farmers, the most appropriate option would be Option 2. The Spanish retail sector for fish and frozen products favours Option 1. At the same time, the EU processing sector is not in favour of either option, preferring the use of the existing schemes. In the view of this sector, both options would lead to extremely complex control arrangements, which would not

be simple and practicable for companies, unless these would become commercial protection measures. The processing sector highlights that the measures must be in line with WTO rules and that the assessment of animal welfare or good treatment may be different between EU Member States and certain third countries. In reciprocity, some third countries could require from their suppliers measures of good treatment which would not necessarily be desired or understood by European operators.

## **6. Animal welfare labelling**

Under the Commission's Roadmap, four options are provided in relation to animal welfare labelling:

- Option 0 (Baseline): No EU legislation on animal welfare claims or labelling. There are some EU rules that provide information on farming methods (e.g., organic farming). Rest of information based on national labelling schemes (when they exist). Provision of information dependent on limited regulation, national initiatives, and market forces (voluntary private labelling schemes). Potential prevalence of few national standards and proliferation of schemes.
- Option 1: Regulation on animal welfare claims. Under this approach, common minimum requirements for all animal claims made on food on the EU market would be established (e.g., general principles and conditions of use, scientific substantiation).
- Option 2: EU animal welfare label, limited to cage / non-cage systems. Under this approach, EU animal welfare labelling would distinguish farming methods between cage vs non-cage systems. It would be compulsory or voluntary scheme. Main focus on fresh products.
- Option 3: EU animal welfare label with key welfare criteria. Under this approach, an EU animal welfare would be developed beyond the issue of cages (e.g., scheme governance,



technical standards, verification of compliance, and logo/visual entity). It could be compulsory or voluntary. Main focus on fresh products.

The MAC's membership generally supports Option 1<sup>6</sup>, allowing a minimum harmonisation and the use of voluntary claims, while also meaning that claims would be understood the same way in all Member States. This option would allow for the labels and schemes already on the market to be further finetuned and improved. The private sector would be able to work together, within the supply chain and other partners (e.g., NGOs, national authorities) to develop schemes which meet their specific situation and consumer base. With the definition of minimum common criteria and improved consumer demand, the market can be prepared to, in due course, agree to stricter legislation. The minimum requirements should include sufficient market research and scientific advice, and for the scheme to be developed in coordination with supply chain partners and other relevant stakeholders. In relation to the potential development of an EU label on animal welfare, there are still significant outstanding issues in relation to consumer demand, addressing the different criteria per species while ensuring consumer understanding, and supporting compliance and ensuring compliance<sup>7</sup>.

## **7. Recommendations**

In the context of the ongoing revision of EU animal welfare legislation, particularly in relation to labelling and consumer information, the MAC believes that the European Commission should<sup>8</sup>:

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<sup>6</sup> In the view of the Spanish retail sector for fish and frozen products, Option 3 would be preferred.

<sup>7</sup> As highlighted in the study [“Animal welfare on the farm – ex-post evaluation of the EU legislation: Prospects for animal welfare labelling at EU level”](#) of the European Parliament Research Service (2021), the main obstacle to overcome is to agree on the specific criteria on which the future EU label should be based on, considering the technical complexity and the political sensitivity that are associated with it.

<sup>8</sup> The recommendations are not necessarily listed in order of priority or importance.

- a) Recognise the importance of the revision of EU animal welfare legislation for the EU market of aquaculture products, including through close cooperation between DG MARE and the other relevant Commission services;
- b) In the upcoming consultations and steps, ensure the engagement of aquaculture stakeholders, including through the involvement of the MAC;
- c) Ensure coherence and consistency with other legal instruments and policy instruments affecting labelling requirements and information to consumers in the EU market of aquaculture products, such as the initiative on a sustainable food system framework<sup>9</sup>, the ongoing revision of the marketing standards framework<sup>10</sup>, the revision of the Regulation on Food Information to Consumers<sup>11</sup>, the EU taxonomy and technical screening criteria, the initiative on substantiating green claims<sup>12</sup>, and the sustainable corporate governance framework;
- d) Take action to support EU fish farmers in the move towards high animal welfare standards, particularly aid for small producers who cannot afford major changes in their production methods;
- e) Undertake further scientific studies to gain enough knowledge to understand fish welfare for assuring best practice at farm level; and communications to analyse the link between better animal welfare standards and production return for fish farmers as well as the positive impact on food safety and food security;
- f) Undertake a study on the actual impact of existing animal welfare schemes in the different Member States;

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<sup>9</sup> Advice adopted on 15 February 2022: <https://marketac.eu/sustainable-food-system-framework-initiative/>.

<sup>10</sup> Advice adopted on several occasions. The latest advice, adopted on 15 October 2021, referred to the incorporation of sustainability aspects in the marketing standards framework: <https://marketac.eu/marketing-standards-sustainability/>.

<sup>11</sup> Advice on the Roadmap on the revision adopted on 23 February 2021: <https://marketac.eu/revision-of-food-information-to-consumers-regulation/>.

<sup>12</sup> Advice on the potential legislative proposal on substantiating green claims adopted on 10 December 2020: <https://marketac.eu/substantiating-green-claims/>

- g) In relation to animal welfare requirements for imported aquaculture products, ensure that the option selected does not lead to complex control arrangements, avoids significant administrative burden for operators, respects WTO rules, and avoids the development of measures by third countries that would be prejudicial to EU operators;
- h) In relation to animal welfare labelling, proceed with option 1 of the Roadmap, establishing common minimum requirements for all animal claims made on food on the EU market;
- i) If there is a decision to develop a compulsory system, ensure that it remains simple and harmonised at EU level, while allowing fair competition in all Member States, and applicable to all products placed in the market;
- j) In the context of a transition to a sustainable food system, continue to promote consumer education and the increased level and quality of information available to consumers as well as the positive and mutually beneficial cooperation between producers, buyers, and NGOs to raise animal welfare and environmental standards.
- k) In relation to labelling and packaging, take into account the space limitations to accommodate all mandatory information, while, in line with European Green Deal objectives, avoiding the encouragement of increased packages.