

III

(Preparatory acts)

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

463RD PLENARY SESSION HELD ON 26 AND 27 MAY 2010

Opinion of the European Economic and Social Committee on the 'Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Options for animal welfare labelling and the establishment of a European network of reference centres for the protection and welfare of animals'

COM(2009) 584 final

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On 28 October 2009, the European Commission decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Options for animal welfare labelling and the establishment of a European network of reference centres for the protection and welfare of animals

COM(2009) 584 final.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 May 2010.

At its 463rd plenary session, held on 26 and 27 May 2010 (meeting of 26 May), the European Economic and Social Committee adopted the following opinion by 106 votes to 2 with 1 abstention.

1. Conclusions and recommendations

1.1 A labelling scheme is needed that gives consumers objective information to enable them to choose animal products that exceed EU minimum animal welfare requirements. The labelling should provide an identifiable guarantee based on reliable information that consumers can readily understand.

1.2 The purpose of the scheme is to assess and compare norms on a scientific basis. The scheme should be voluntary, harmonised and market-driven; it should be based on certification and be such that it can be used in conjunction with private labels and other quality labels, provided certain criteria

are met. The scheme must also comply with international commitments and apply under equivalent conditions to imports into the EU.

1.3 The Committee welcomes the detailed studies instigated by the Commission to assess the impact of the various options available for a labelling scheme and a European network of reference centres. These studies clearly indicate that the most realistic option is a labelling scheme of the kind outlined above; this is also consistent with the EESC's earlier recommendations on the subject ⁽¹⁾.

⁽¹⁾ The EESC's exploratory opinion on *Animal welfare – Labelling* of 15 March 2007 was drawn up at the request of the German Council presidency (OJ C 161, 13.7.2007, p. 54).

1.4 That said, the Commission does not assess what is required of a 'guarantee scheme' of this kind; nor does it list the options in any order of priority, but leaves the matter open – despite the fact that most of the proposals are unrealistic. It would have made more sense – and been more beneficial – for the Commission to put forward a concrete proposal as the basis for further discussion. This is particularly true given that, two years ago, the Council specifically asked the Commission to base its further deliberations on the EESC's recommendations.

1.5 It is important to avoid unnecessarily protracted discussions. This applies not least given the need to put the findings of the Welfare Quality (WQ) ⁽²⁾ project into practice, and to maintain and draw fully on the existing network of stakeholder institutions and the commitment of researchers in the field, without wasting too much time carrying on the discussion of theoretical options without any concrete proposals.

1.6 The WQ project has thus established a solid foundation for the development of scientific indicators that are based primarily on animal well-being and behaviour but also indirectly on the production systems and methods deployed, and that may, at a later stage, be used for classification purposes and the provision of transparent and reliable consumer information.

1.7 The EESC therefore backs the establishment of a European network to continue the work of the WQ project. Reiterating its earlier recommendations, the Committee feels that a combination of the labelling scheme and a centrally coordinated network is the most appropriate of the available options. At the same time, the stakeholders involved should have substantial input into how the scheme operates and into establishing the relevant norms.

1.8 The proposed system is planned as an adjunct to existing EU quality schemes, which use 'reserved terms' to describe organic products and production systems for eggs, and to the rules on geographical indications and traditional specialities, where the primary point of reference is production methods and origin, not animal welfare.

2. Background

2.1 Measurable indicators, higher animal welfare norms, labelling and the establishment of a European network are key elements of the Commission's animal welfare action plan ⁽³⁾. The aim is to better enable consumers to choose animal products that are produced in a welfare-friendly way

⁽²⁾ Welfare Quality® was an EU-funded research programme conducted between 2004 and 2009. It involved some 250 researchers and brought together 39 institutes and universities from 13 European countries and key third countries. The project used a scientific basis to develop animal welfare standards and practical strategies for incorporating animal welfare into the entire chain – from farming and downstream production and distribution sectors to marketing and relevant consumer information.

⁽³⁾ COM(2006) 13, 23.1.2006.

above EU minimum requirements. This may be done by improving information and raising awareness of animal welfare, by working out norms and developing and applying best practice via a European network for animal protection and animal welfare. As the representative of civil society – and given the diversity of its membership – it is clearly part of the EESC's remit to help put in place a flexible and efficient system.

2.2 The report is a response to the Council's request of May 2007 to assess options for welfare labelling. That was based on the EESC's exploratory opinion and the follow-up conference ⁽⁴⁾. The Council asked the Commission to assess the available options for animal welfare labelling, taking due account of the EESC's recommendations which considered the practicalities of introducing a labelling system based on welfare indicators in line with the findings of the WQ project. Like the EESC, the Council also recommended that an information campaign on animal welfare and labelling schemes should then be conducted at EU level.

2.3 The annexes to the report contain wide-ranging external studies of available options both for animal labelling and for the provision of information, and of certain aspects relating to the establishment of a European network. In line with the Council's request, the intention is to launch an interinstitutional debate on the report and the various studies as the basis for the Commission's ongoing deliberations.

2.4 The report and the appended summary of the studies provided by the Commission's services outline the available options, including a range of mandatory or voluntary labelling schemes, but they do not give priority to any particular one. Clearly, however, any future scheme must provide consumer-friendly information. It must be based on scientific criteria and draw on independent certification bodies. It must avoid distortions of competition and comply with international commitments.

2.5 The Commission feels that a European network of reference centres will have the potential to harmonise animal welfare standards and indicators, coordinate existing resources, help in the sharing of best practices, provide independent information and avoid overlap. The available options are: a continuation of the current situation, with no additional measures; a centralised approach; a decentralised approach; or a more task-specific strategy involving central and decentral elements.

⁽⁴⁾ The conference *Animal Welfare – Improving by Labelling?* was held on 28 March 2007 and organised by the European Economic and Social Committee, the European Commission and the German EU presidency. The Council conclusions clearly state 'that account should be taken of the recommendations made by the European Economic and Social Committee in its exploratory opinion.' (conclusions, 2797th Agriculture and Fisheries Council meeting, Brussels, 7 May 2007).

2.6 The Commission will thereby consider aspects such as administrative burdens, cost and the relationship between labelling schemes and product quality, for instance in organic farming. It will draw on the findings of the WQ project and consider any possible social, economic and environmental impacts. The Commission also intends to undertake further research to determine if consumer opinions stated in previous surveys have changed and, if so, why.

3. Some comments

3.1 The Committee continues to back the Commission's animal welfare action plan ⁽⁵⁾ and is pleased that the protocol on protection and welfare of animals has been given a higher profile in the Lisbon treaty, thus reflecting the growing interest in the issues involved ⁽⁶⁾.

3.2 The studies that have been carried out demonstrate the need for a more cohesive and coordinated approach to animal protection and animal welfare in the EU. The large number of voluntary labelling and quality schemes in the Member States may be misleading and risk making unwarranted and ill-conceived distinctions between products and creating an uneven playing field for stakeholder producers and distributors.

3.3 Consumers are able to prioritise animal welfare on the basis of ethical, quality-related or other considerations, but lack of documentation means they are distrustful of the validity and reliability of marketing statements. Objective and scientifically sound documentation is thus vital to promote the marketing of animal products that exceed EU minimum requirements. Obviously, labelling can only have the desired effect if the information provided is readily understandable and if consumers are sufficiently alert to what it means and are interested in receiving it.

3.4 An identifiable guarantee based on objective and reliable information is therefore needed and, in line with its 2007 opinion, the EESC fully supports moves in that direction. The EESC is grateful for the exhaustive work that has been done since then and understands that it has been time-consuming.

⁽⁵⁾ Cf. EESC opinion on a Community Action Plan on the Protection and Welfare of Animals 2006-2010, OJ C 324, 30.12.2006, p. 18.

⁽⁶⁾ Article 13 states that: '(...) the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.' This mandatory provision replaces the 'gentlemen's agreement' (i.e. protocol) formerly in place and, for instance, gives the European Court of Justice authority to settle disputes.

3.5 That said, it would have been more beneficial if the Commission had listed the available options in order of priority and homed in on one or more proposals as the point of departure for the ongoing political process, including one based on the EESC's recommendations. The wide-ranging studies that have been conducted clearly bear out the EESC's recommendations, i.e. that any labelling system must, realistically speaking, be voluntary, harmonised and market-driven if it is to establish a practical and viable framework for marketing animal products that exceed minimum animal welfare requirements.

3.6 The Commission should also draw on the extensive European-led work in this area; knowledge-based systems which inform both the provider and producer of goods and services and stimulate market-centred action and consumer response. Such examples include the Fairtrade mark, the Forest Stewardship Council, the Marine Stewardship Council and the Rainforest Alliance. The essential elements must address scheme governance, scope, goals and norm-setting; provide for independent review, impact assessment and cost-benefit analysis; and also monitor public claims and promotion ⁽⁷⁾.

3.7 Coordinating research would secure a more effective use of resources, and the EESC feels it is important in that regard to step up the interinstitutional debate. This is particularly true given the need to put the findings of the WQ project into practice as quickly as possible and to foster researchers' commitment and press ahead on the basis of findings reached to date, without wasting too much time carrying on the discussion of theoretical options without any concrete proposals. Networking with researchers in key non-EU countries is also vital for the further dissemination of research findings and a better understanding of EU policy. This is important for future trade relations.

The labelling system

3.8 Although the study fails to reach any clear conclusion as to the labelling scheme, it does indicate – albeit indirectly – that the most realistic option is a straightforward and flexible system which, on all major points, ties in with the EESC's recommendations and proposals, i.e. a system that is scientifically based, market-driven, voluntary and able to be used in conjunction with existing private labels and quality labels.

3.9 The EESC therefore still feels that the system should basically be underpinned by the following elements:

⁽⁷⁾ Such a scheme could also seek ISO65 accreditation - general requirements for bodies offering product certification systems.

- The proposed reference centre(s) should establish the requisite objective criteria and assess 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 ⁽⁸⁾.
- The criteria must be translated into norms ⁽⁹⁾ to apply to the labelling system, not least to ensure proper measuring and checking by an independent body, with input from the relevant stakeholders.
- Producers and consumers will then be able, on a voluntary basis, to label animal products with a logo recognised by the EU guaranteeing that they comply with a higher norm than the EU's minimum requirements.
- The norms may, for instance, reflect three different levels above minimum requirements, depending on how relevant this is for the particular species or product concerned ⁽¹⁰⁾.
- Compliance with specific requirements and controls on how the label is used should be subject to self-policing and independent monitoring ⁽¹¹⁾.

3.10 Under this scheme, the relevant logo is deployed, checked and used under market conditions, independently of the public authorities. Through the voluntary addition of the logo on existing labels (in conjunction with a system of stars, colours or points), the proposal would also resolve the problem of too many labels providing information overload on the individual products. The information would reach interested and motivated consumers, and confidence in the system would be underpinned by a sound scientific basis and independent certification.

3.11 The timeframe involved in launching the scheme must reflect the requirements of the market, but producer organisations, businesses and the retail trade would be able to use the system for their own range of products, provided these

⁽⁸⁾ In line with the WQ project, assessments must be predicated primarily on animal behaviour ('welfare outcomes') rather than directly on production systems ('input and resources'). In practice, production systems are thus assessed in terms of impact on animal behaviour. The indicators should include all the essential data on the animal species concerned as regards rearing, space and accommodation, scope for natural behaviour, daily supervision, health and sickness aspects, weaning, surgical operations, transport to the slaughterhouse, stunning and slaughter. The system also encourages voluntary innovation and improvements carried out on an individual basis.

⁽⁹⁾ The term 'norms' is proposed to avoid confusion with 'standards' which are worked out by the European standardisation bodies using specific procedures.

⁽¹⁰⁾ This reflects the WQ project's three-level classification: excellent (highest level), enhanced (good welfare) and above minimal requirements.

⁽¹¹⁾ An 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.

products meet the higher requirements, and to market them as such. It is, for instance, important that the system be compatible with the growing trend towards 'branding' whereby the retail sector uses methods other than labelling to publicise a product's animal welfare credentials.

3.12 The system could also be applied under similar conditions to imported products, thereby obviating any difficulties in relation to WTO rules, as the WTO allows voluntary labelling systems provided they are appropriate and accessible to third-country producers under the same conditions.

3.13 A market-based approach of this kind presupposes, among other things, that the system is sufficiently attractive for consumers and retailers – and that producer costs are offset by improved market access and higher prices.

A European network and reference centres

3.14 Existing research bodies within the EU need to be involved if animal welfare provisions are to develop smoothly and on an objective footing. This why the EESC backs the establishment of a European network in this area, coordinated by one or more reference centres (ENRC), organised along similar lines to the existing animal health reference centres ⁽¹²⁾.

3.15 The European Food Safety Authority, the Joint Research Centre and the national reference laboratories do to some extent deal with animal welfare but are not qualified to coordinate this area across the EU. The network must supplement – not duplicate – the work of these EU bodies. Basically, it should cover all aspects of commercial animal use and must be independent of outside interests.

3.16 The network should have the following interconnected tasks:

- to establish and update indicators and other elements in order to assess animal welfare on a scientific basis with input from the various stakeholders involved;
- to assess the impact of animal welfare measures and improvements;

⁽¹²⁾ The Commission uses the term 'European network of reference centres' (ENRC) but what is involved here is a network of research units coordinated, as in the animal health sector, by one or more reference centres (possibly for each individual species) which, on the basis of indicators, propose animal welfare norms for adoption by an independent body. The opinion does not detail how these bodies are to be organised, other than the proposal that the relevant stakeholders be involved.

- to press ahead with research and further develop the scientific basis used to update norms;
- to provide information and conduct dialogue on the application of the norms and help secure a more pro-active animal welfare policy across the world.

3.17 The best way to approach such a venture might be to press ahead with the existing WQ network in conjunction with the larger network in key non-EU countries. The WQ project has thus provided a foundation for the development of a labelling scheme by working out animal-based indicators that can, at a later stage, be used in the classification process to underpin transparent and reliable consumer information.

3.18 The norms proposed by the network should be adopted by an independent body. Given that stakeholders must be actively involved if the system is to function properly, they must have the widest possible input into the decision-making process, not least in terms of working out strategy and drawing up a work programme.

Other issues

3.19 The EESC's animal welfare labelling proposal is based on the best currently available scientific knowledge and assessments. Harmonised requirements make it possible for consumers to make well-informed purchasing decisions, thereby also generating incentives for producers. For that to happen, however, steps need to be taken to raise awareness of animal welfare, norms and labelling through information campaigns and educational programmes. Despite the clear need for European coordination, this should be organised and implemented at regional and national level since experience has shown that centralised EU information campaigns fail to hit home in the Member States.

3.20 The proposals outlined above would not conflict with the existing EU organic farming scheme, which also covers many facets of animal welfare. It is safe to assume that animal welfare will be given due consideration in relation to organic products through the gradual application of the norms once they become available and will thus be a factor in the

monitoring arrangements for such products, without incurring any extra administrative costs. Consumers associate organic farming with higher animal welfare norms and they may be expected to recognise organic products labelled with the EU logo.

3.21 The proposed system is basically planned as an adjunct to existing EU quality schemes, which use 'reserved terms' in production systems for eggs, and to the rules on geographical indications and traditional specialities. These schemes also take as their point of reference production methods and origin, not animal welfare, although these aspects are to some extent understood as such. Consumers, however, are familiar with these schemes and they should be retained. Further mandatory or voluntary requirements for the use of 'reserved terms' based on production systems should, on the other hand, be avoided since specific production conditions are not suited to regulation under the EU's complex legislative procedures – something that is clearly apparent, for instance, when laying down EU minimum norms.

3.22 The Commission's communication on agricultural product quality policy contains a proposal to draw up guidelines for private and national food certification schemes⁽¹³⁾. The proposed guidelines will also help protect consumers from misleading information, while at the same time leaving it up to the market to respond to consumer concerns for animal welfare, and will introduce certification as a key element in EU food policy.

3.23 The proposed system has no bearing on any specific religious issues, since labelling is solely a guarantee of compliance with animal welfare requirements that specifically exceed EU minimum requirements.

3.24 The ENRC should play a key role in fostering the welfare of all vertebrates kept for commercial purposes, including, for instance, fish and fur animals which should be subject to the same criteria as other livestock. This also applies to laboratory animals, whereby the European Centre for the Validation of Alternative Methods (ECVAM) assesses alternatives to the use of animals for scientific purposes.

Brussels, 26 May 2010.

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⁽¹³⁾ COM(2009) 234, 28.5.2009.