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Ensuring stable supply chains: The *EU-Australia Strategic Partnership on Sustainable Critical and Strategic Minerals*

On 28 May 2024, the European Commission's (hereinafter, Commission) Executive Vice-President and European Commissioner for Trade, *Valdis Dombrovskis*, the European Commissioner for Internal Market, *Thierry Breton*, and Australia's Minister for Resources and for Northern Australia, *Madeleine King*, as well as Australia's Minister for Trade and Tourism, *Don Farrell*, signed a *Memorandum of Understanding* (hereinafter, MoU) establishing a *Strategic Partnership on Sustainable Critical and Strategic Minerals for the Green and Digital Transition* (hereinafter, the Strategic Partnership). The *Strategic Partnership* aims at diversifying the EU's supply of critical and strategic minerals and at developing Australia's critical minerals sector. The *Strategic Partnership* covers the entire supply chain, with a focus on sustainability and the reduction of environmental impacts. This article looks into the EU's broader strategy related to critical raw materials, the practice of concluding strategic partnerships, and reviews the EU-Australia *Strategic Partnership*.

The EU's *Critical Raw Materials Strategy*: towards securing sustainable supply?

Driven by the need for critical raw materials for the transition to a "*green economy*" and by geopolitical concerns linked to export restrictive policies in certain markets, the EU has stepped up its efforts to secure sustainable supplies. The cornerstone is the EU's continuously updated list of Critical Raw Materials identified for their economic importance and potential supply risks, and the recently adopted *Critical Raw Materials Act* (see *Trade Perspectives*, Issue No. 17 of 25 September 2023). To reach its objective, the EU has developed a multilayered Critical Raw Materials strategy, which combines trade policy initiatives, as well as a focus on domestic industries. The EU has also stepped up its engagement with mineral-rich countries, notably through the conclusion of *Strategic Partnerships*.

This approach was outlined in the European Commission's 2020 Communication on *Critical Raw Materials Resilience*, which formulated the need for the EU to "*engage in strategic partnerships with resource-rich third countries, making use of all external policy instruments and respecting its international obligations*", systematised later through the *Critical Raw Materials Act*. *Strategic Partnerships* are either formalised through legally binding instruments,

such as preferential trade agreements, or through non-binding instruments, such as *Memoranda of Understanding*. The EU's more recent preferential trade agreements, such as those concluded with Chile and with New Zealand, contain dedicated chapters on '*Energy and Raw Materials*', with commitments on access to critical raw minerals. Separately, in recent years, the EU has concluded 11 *Memoranda of Understanding* with relevant resource-rich countries.

The *EU-Australia Strategic Partnership*: a key partner for reaching climate objectives

In view of the EU's '*green*' objectives, for instance as they relate to battery-powered electric vehicles, Australia is a natural partner, as it is a key producer of minerals that are key for the manufacturing of batteries, such as copper, cobalt, manganese ore, lithium, rare earth elements and many more elements, most of which are listed as critical by the EU.

Signed in the context of mutual commitments under the *Paris Agreement* and towards net zero emissions by 2050, the EU-Australia *Strategic Partnership* builds on the EU-Australia *Framework Agreement*, which entered into force on 21 October 2022, and establishes a framework to strengthen and "*promote cooperation across a broad range of areas of mutual interest".* Notably, the *Strategic Partnership* follows the collapse of EU-Australia negotiations for a comprehensive preferential trade agreement in October 2023, which was to include a chapter on "*Energy and raw materials*". Negotiations may resume at some stage, but, for now, the Stratefic Partnership provides the less-committal framework. In this context, the EU and Australia note that their *Strategic Partnership* "*is not intended to and does not create legally binding rights or obligations under international or domestic law*" and that the *Memorandum of Understanding* "*does not intend to represent any commitment from either Side to give preferential treatment to the other Side*". The non-binding nature of the Partnership and the lack of preferential treatment for both the EU and Australia is in stark contrast to what both parties would have achieved under a preferential trade agreement.

The EU-Australia *Memorandum of Understanding* is relatively brief, containing only five paragraphs in which the parties explain that they would use the Partnership to "*build secure sustainable critical and strategic minerals value chains*", considered vital for "the *clean energy and digital transition and are relevant for other key industrial sectors such as defence and aerospace*". This broad objective is divided into seven more granular objectives, which include developing "*open, fair and competitive markets for critical raw and processed minerals*"; cooperating on environmental, social and governance (hereinafter, ESG) standards and assessments; and coordinating in international *fora*. Cooperation on ESG may include aligning "*international mineral pricing with high ESG standards*", strengthening "*supply chain transparency*" and promoting "*market recognition for high ESG standards*", as well as strengthening "*market opportunities and projects for EU and Australian industry players with strong responsible mining credentials*".

Australia's mining sector has faced criticism from some civil society groups, particularly regarding its environmental impact and the respect for indigenous peoples' land rights. The EU's strong focus on high ESG standards, including environmental protection, social responsibility, and transparency, with particular attention to respecting indigenous peoples' land rights and heritage, aligns with these concerns. Studies show that more than half of critical mineral projects in Australia are located "*where Indigenous peoples have a right to negotiate*". This overlap underscores the need for collaboration with First Nations Australians. By adhering to high ESG principles and fostering transparent negotiations with indigenous communities, EU businesses could gain a significant advantage in securing access to Australia's resources.

In terms of scope, the *Strategic Partnership* encompasses the entire value chain from exploration to extraction, processing, refining, recycling, and processing of extractive waste. Additionally, the EU and Australia seek to use the *Memorandum of Understanding* as a political framework to collaborate in three core areas: 1) The "*Integration of sustainable raw materials value chains*", through, for instance, "*facilitating business-to-business links and supporting investments in sustainable critical and strategic mineral projects*"; 2) "*Closely cooperate on*

environmental, social, and governance (ESG) standards"; and 3) Foster "*research and innovation along the critical minerals value chain*", including advancing exploration, extraction, processing, refining, circularity, and recycling technologies. In general terms, the *Strategic Partnership* is also intended to facilitate a robust multi-level public-private collaboration of, *inter alia*, representatives from EU Member States, relevant Government agencies in Australia, companies, NGOs, and business associations. To oversee the implementation of the *Strategic Partnership*, the EU and Australia will establish an "*officials' level Critical and Strategic Minerals Dialogue"*.

The EU-Australia Strategic Partnership and the dual pricing challenge

The *Strategic Partnership* between the EU and Australia represents a step forward to enhance access to critical minerals after the collapse of the FTA negotiations. A central controversy during the FTA negotiations concerned the chapter on "*Energy and raw materials*", in which the EU intended to include a ban on the practice of dual pricing. '*Dual pricing*' refers to a policy under which a country sells raw materials at a lower price to its domestic industries compared to the price charged to foreign buyers. Such policies are intended to allow domestic companies to benefit from cheaper materials, potentially boosting their competitiveness in manufacturing finished products that rely on critical raw materials.

The EU's Proposal for the chapter on "*Energy and raw materials*" foresaw an Article providing that "*A Party shall not impose a higher price for exports of energy goods or raw materials to the other Party than the price charged for such goods when destined for the domestic market, by means of any measure such as licenses or minimum price requirements*".

The legality of the practice remains an unsettled issue and WTO case law is rather limited. Its compatibility with WTO rules hinges on whether it could be considered contrary to Article XVI of the *General Agreement on Tariffs and Trade* (hereinafter, GATT) on '*Subsidies*', which prohibits WTO Members from imposing internal charges or regulations that have the same effect as quantitative restrictions on exports or imports, or to the *WTO Agreement on Subsidies and Countervailing Measures* (hereinafter, SCM Agreement). Regarding Article XVI of the GATT, if the lower domestic price were to give companies a significant cost advantage, it could effectively discourage exports and incentivise production for the domestic market, which could be considered equivalent to an export restriction. Regarding the SCM Agreement, dual pricing could be considered as a hidden subsidy challengeable at the WTO, if it were demonstrated that it distorts competition or causes harm to other countries and their industries.

Although the *Strategic Partnership* does not include a similar provision, nor is it a legally binding document, it does aim to develop "*open, fair and competitive*" markets for critical raw materials. Arguably, the practice of dual pricing could be considered as incompatible with the commitment on an "*open, fair and competitive*" market.

Towards increased cooperation?

The EU-Australia *Strategic Partnership* has the potential to facilitate greater collaboration on critical raw materials and clean energy. This could lead to additional business opportunities and encourage investment in both regions. The EU sees Australia as a vital supplier of raw materials for its green and digital transitions, potentially bolstering its strategic autonomy. Additionally, cooperation on renewable energy could benefit both the EU and Australia in achieving climate objectives and fostering job creation. However, challenges remain, notably the risk of tensions around the practice of dual pricing. Regarding the road ahead, the Commission notes that "*a roadmap with concrete actions*" would "*be jointly developed to put the Strategic Partnership into practice, over the next six months*". Stakeholders on both sides should closely follow the related developments to ensure that the partnership creates a level playing field for businesses in both Australia and in the EU.

ASEAN launches *Minimum Standards and Guidelines* regarding the marketing of food and beverages: Towards harmonised regional rules to protect children?

On 18 March 2024, ASEAN Health Ministers launched the *ASEAN Minimum Standards and Guidelines on Actions to Protect Children from the Harmful Impact of Marketing of Food and Non-alcoholic Beverages* (hereinafter, Minimum Standards and Guidelines), which provide 12 non-binding recommendations that ASEAN Member States are to implement to "*adequately protect children from the harmful impacts of food marketing*". Notably, the *Minimum Standards and Guidelines* recommend ASEAN Member States to introduce food marketing policies, adopt relevant mandatory government legislation, and adopt an evidence-based food classification system that categorises food, drinks, and master brands (*i.e.,* the overarching brand name under which other sub-products are sold) into different marketing categories. This article provides an overview of the recommendations provided in the *Minimum Standards and Guidelines* and discusses their potential effectiveness. The article also looks into existing rules in several ASEAN Member States and the need for a regional framework.

Addressing the adverse impacts of the marketing of "unhealthy" foods

Over the past 10 to 20 years, the rates of childhood obesity increased in all ASEAN Member States, coinciding with notable shifts in food systems and diets. The increase is attributed to a number of factors, including the availability and sale of highly processed foods and sugary beverages, as well as the high intake of fast food. According to the *Minimum Standards and Guidelines*, "*unhealthy food marketing is a key factor contributing to high and rising levels of overweight and Noncommunicable diseases*", as it "*increases the awareness and preference of unhealthy food products and brands*".

So far, individual ASEAN Member States have restricted the marketing of "*unhealthy*" food to children in specific settings or media. For instance, in 2017, the Philippines' Department of Education issued the *Policy and Guideline on Healthy Food and Beverage Choices in Schools and Department of Education Offices*, which regulates the availability and sale of food products that may be marketed in schools. Singapore introduced an industry-regulated set of *Guidelines for Food Advertising to Children*, which were developed through a public-private partnership with the Ministry of Health, the *Health Promotion Board*, and the *Consumers Association of Singapore* (CASE), which govern food advertising targeted at children 12 years or younger across all media in Singapore. The *Minimum Standards and Guidelines* highlight that most ASEAN Member States have opted for "*voluntary industry-led food marketing codes*", rather than comprehensive Government-led mandatory actions.

The Minimum Standards and Guidelines

Against this background, the *Minimum Standards and Guidelines* are designed to provide ASEAN Member States with comprehensive technical and practical guidance for developing, implementing, monitoring, and enforcing relevant legislation to "*control the marketing to children of foods and non-alcoholic beverages that are high in fats, salt, and sugars*". While each ASEAN Member State will need to act at the national level to introduce relevant laws and regulations, the *Minimum Standards and Guidelines* are intended to improve collaboration among ASEAN Member States, as well as with development partners. The *Minimum Standards and Guidelines* provide 12 recommendations that are divided into three main chapters: 1) "*Minimum standards and guidelines for regulating the marketing of food and beverages*"; 2) "*Governance*"; and 3) "*Monitoring, evaluation, and enforcement*".

Call for evidence-based minimum regulatory standards

The Chapter on "*Minimum standards and guidelines for regulating the marketing of food and beverages*" stresses the importance of *"evidence-based minimum regulatory standards to protect children from the harmful impact of unhealthy food marketing*". It provides nine specific recommendations that can be adopted by ASEAN Member States in formulating their

respective domestic policies, ranging from marketing in media, to how to develop comprehensive legislation, to the establishment of a food classification system, as well as to recommendations relating to the regulatory scope and relevant definitions, such as defining the term "*children*".

Recommendation 1 calls on ASEAN Member States to introduce food marketing policies "*as part of a broad whole-of-systems approach for addressing childhood overweight*". Additionally, in developing the legal framework, Recommendation 3 calls on ASEAN Member States to implement a comprehensive law that covers various aspects of food marketing that children are exposed to, namely the marketing of food and beverages in schools and retail settings. It emphasises that preventing childhood obesity requires action across all aspects, including actions that address "*food environments*", such as taxes on sugary drinks and front-of-pack nutrition labelling.

Some ASEAN Member States already introduced such measures. For instance, on 30 December 2022, Singapore introduced the mandatory '*Nutri-Grade*' nutrition labelling scheme, which requires manufacturers and retailers of pre-packed beverages to display a '*Nutri-Grade*' mark on the front-of-pack label, ranging from '*A*' to '*D*', indicating the sugar and saturated fat content from low to high (see *Trade Perspectives*, Issue No. 8 of 24 April 2023). Brunei Darussalam, Malaysia, the Philippines, and Thailand have imposed "*sugar taxes*", which aim at reducing the consumption of sugar-sweetened beverages.

These measures do not appear to be part of a cohesive set of comprehensive policies, which is in contrast to the policies in other countries. For instance, as highlighted in the *Minimum Standards and Guidelines*, Chile's "*unhealthy food marketing*" policies are part of a broader strategy to address high rates of obesity and consist of, *inter alia*, a "*sugar tax*", front-of-pack food labelling regulations, and "*restrictions on the promotion and sales of unhealthy foods and beverages in schools*" (see *Trade Perspectives*, Issue No. 16 of 11 September 2015).

Recommendation 2 calls on ASEAN Member States to adopt a Government-led mandatory approach in regulating food marketing, arguing that it is a more effective approach at "*reducing the power and exposure of unhealthy food marketing*", when compared to self-regulatory or voluntary approaches.

Calling for an evidence-based classification for food and beverages

Recommendation 8 within the Chapter on "*Minimum standards and guidelines for regulating the marketing of food and beverage*" discusses the adoption of an evidence-based food classification system that categorises food, drinks, and master brands into different marketing categories. The *Minimum Standards and Guidelines* provide that the marketing of foods, drinks, and master brands should be divided into two classifications that would allow or prohibit the marketing of the respective products, namely "*Permitted*" for healthier foods or "*Not Permitted*" for "*unhealthy*" foods, which refers to "*foods and non-alcoholic beverages considered to be harmful to health*".

In distinguishing food products considered as "*healthy*" and "*unhealthy*" for the purpose of the marketing categories, the *Minimum Standards and Guidelines* recommend that ASEAN Member States should adopt existing evidence-based classification systems, such as the *WHO Nutrient Profile Model for Southeast Asia Region* and the *WHO Nutrient Profile Model for the Western Pacific Region*. Recommendation 8 also outlines a number of key aspects to be considered by ASEAN Member States when developing a food classification system, including that: 1) The marketing of certain foods, such as chocolate and sugar confectionery, should be classified as "*Not Permitted*", "*regardless of their nutrient content*"; 2) The marketing should be prohibited for products containing *">1% of total energy in the form of industrially produced trans-fatty acids or if the product contains ≥0.5% of total energy in the form of alcohol*"; and 3) The marketing of master brands that are synonymous with "*unhealthy food*" products should not be permitted.

In line with international rules and trends?

The Chapter on "*Governance*" of the *Minimum Standards and Guidelines* provides guidance on how ASEAN Member States could use their respective governance systems to "*steer the government's authority to exercise power, co-ordinate the relationships between actors, and govern the processes of law making in relation to introducing and implementing food marketing restrictions*". This chapter highlights that Governments are often concerned that their legal mandate to regulate the marketing of unhealthy foods and beverages would "*be challenged by a third party, or another government through the World Trade Organization procedures, or under international investment law or trade law*".

To avoid potential conflicts and trade disputes with trading partners, it is important for ASEAN Member States to ensure that their respective measures to restrict the marketing of "*unhealthy food and beverages*" are in line with the relevant WTO rules. Under the WTO's *General Agreement on Tariffs and Trade 1994*, such restrictions might be considered inconsistent with Article III:4 if they accord less favourable treatment to imported products than is accorded to '*like*' domestic products. Other actions that address "*food environments*", such as sugar taxes and nutrition labelling, must also be consistent with WTO rules. For instance, in accordance with the WTO *Agreement on Technical Barriers to Trade*, technical regulations, such as labelling requirements, must generally be based on the relevant international standards, including the guidelines developed by *Codex Alimentarius*. Article 2.2 of the TBT Agreement mandates WTO Members to ensure that technical regulations do not create unnecessary obstacles to international trade and are not more trade-restrictive than necessary to fulfil a legitimate objective, such as the protection of human health.

Towards effective implementation?

The definition of the *Minimum Standards and Guidelines* can be considered an important step forward in guiding ASEAN Member States to develop their respective domestic legal frameworks for the marketing of certain "*unhealthy*" foods and beverages, particularly for ASEAN Member States that do not have yet in place the relevant initiatives or rules. The 12 recommendations can serve as a basis for ASEAN Member States to extend the scope of their relevant regulatory frameworks, also moving towards an ASEAN-wide harmonised framework.

While the *Minimum Standards and Guidelines* provide comprehensive recommendations covering various stages in the development, implementation and enforcement of regulation that address the marketing of certain "*unhealthy*" foods and beverages, they remain rather general, and will need to be further defined and applied by each ASEAN Member State, in line with their respective needs and interests. At this stage, it remains to be seen whether ASEAN Member States will indeed work towards developing sets of comprehensive Government-led policies, as in the case of, for instance, Chile.

The French Agency for Food, Environmental and Occupational Health and Safety (ANSES) proposes new criteria for animal welfare labelling for food products

In May 2024, the French National Agency for Food, Environmental and Occupational Health and Safety (*Agence Nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail*, hereinafter, ANSES) proposed a scheme for animal welfare conditions in the context of the production of food products to be indicated by labels ranging from "*A*", which reflects high animal welfare standards, to the lowest "*E*". ANSES argues that its proposal would help to improve animal welfare standards because an operator would only receive the lowest "*E*" ranking when it merely complies with "*EU legislation on animal welfare, whether related to rearing, transport, or slaughter*" and does not go beyond it.

The classification would be similar to the *Nutri-Score* front-of-pack nutrition labelling for food that is being used by various food business operators. ANSES claims "*to take a more holistic*

approach", compared to other animal welfare labels, which only considered "*the rearing methods and ways to improve them*", and stresses that current animal welfare labels are "*not enough*". This article provides an overview of the proposal on animal welfare labelling by ANSES, looks at existing EU animal welfare labelling, as well as the animal welfare labelling introduced in Germany in 2023.

Limited current EU rules on animal welfare labelling

In the EU, there is currently only one compulsory animal welfare labelling system, namely that for table eggs based on *Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens,* which defines different production methods. The specific marking and labelling rules (*i.e.*, Class A for '*Free range eggs*', Class B for '*Barn eggs*', and Class C for '*Enriched cages*') are set out in *Commission Delegated Regulation (EU) 2023/2465 of 17 August 2023 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for eggs, and repealing Commission Regulation (EC) No 589/2008*.

EU legislation also provides for voluntary marketing standards for poultry meat, which includes references to types of farming, such as '*Fed with … % …*'; '*Extensive indoor*' ('*Barn-reared*'); '*Free range*'; '*Traditional free range*'; and '*Free range - total freedom*'. In addition, the EU rules on organic farming encourage a high standard of animal welfare. Apart from table eggs, there are other animal welfare labelling claims that are made under voluntary schemes, such as "*Initiative Tierwohl*" in Germany and the "*UNICARVE*" labelling scheme in Italy, but, currently, there is no EU harmonised system for animal welfare labelling of products other than table eggs.

On 20 May 2020, the European Commission (hereinafter, Commission) announced in its '*Farm to Fork Strategy*' that it would consider options for animal welfare labelling to better transmit value through the food chain. On 7 December 2020, the Council of the EU had adopted the *draft Conclusions on an EU-wide animal welfare label*, which were endorsed by the EU Member States' Ministers responsible for agriculture gathered in the Council of the EU on 15 December 2020, supporting consumer demands to easily recognise food produced under stricter animal welfare standards. In the Council Conclusions, EU Member States' Ministers called for specific criteria to be taken into account when developing an EU-wide animal welfare label.

For instance, the Commission was invited to consider the following aspects before submitting a proposal: 1) To develop a tiered transparent labelling scheme allowing for sufficient incentives for producers to improve animal welfare; 2) To establish EU-wide harmonised, measurable and verifiable criteria that go beyond current EU legal requirements on animal welfare; 3) To gradually include all livestock species in the label covering their entire lifetime (including transport and slaughter); 4) To create a standardised EU logo and to determine easily understandable protected terms; and 5) To ensure a smooth interplay with existing national schemes and the new EU-wide animal welfare labels (see *Trade Perspectives*, Issue No. 1 of 15 January 2021).

However, although the Commission planned to consider options for animal welfare labelling in the framework of the *Farm to Fork Strategy*, it refrained from launching a comprehensive review during the current mandate from 2019 to 2024. In March 2022, the Commission published an external Study on Animal Welfare Labelling and, in parallel, in March 2022, the Commission established, under the EU Platform on Animal Welfare (*i.e.*, an expert group established in 2017 by the Commission under *Decision 2017/C 31/12* with the aim to develop and exchange coordinated actions on animal welfare) a sub-group on animal welfare labelling. The sub-group on animal welfare is tasked to assist the Commission in collecting data on previous experiences on animal welfare labelling.

A more holistic approach?

ANSES claims "*to take a more holistic approach*", compared to other animal welfare labels that "*only consider the rearing methods and ways to improve them*" and stresses that current animal welfare labels were "*not enough*". In this context, instead of only considering rearing conditions, ANSES intends "*to assess animal welfare according to scientific indicators measured directly on animals*", as well as "*to take not just the food-producing animals into account, but also the living conditions of their parents*". According to ANSES, the identified factors that can affect animals' well-being "*at every stage of its life*" are: genetic characteristics, rearing methods, the breeder's practices and training, housing, feeding, breeding, transport and slaughter, as well as "*measures taken to ensure good health, and limiting the use of painful practices*".

According to ANSES, the new requirements would require "*the sectors to organise themselves to ensure that they have this information*". ANSES states that, in case "*an operator only meets EU legislation on animal welfare, whether related to rearing, transport, or slaughter*", it would "*receive an E ranking*". ANSES anticipates that the "*low score*" would incentivise producers to go beyond the required EU law. With respect to the animal welfare standards for animal parents, ANSES suggests that "*if no information is available, the operator should receive a ranking of 'C' or lower*". It appears that this is meant to be an incentive for producers to provide information on additional aspects. In order to achieve a better ranking, more transparency could ultimately lead to better animal welfare conditions. Arguably, the legal conditions to ensure the well-being of animals held for food production should continue to improve and greater transparency could be a first step to sensitise both farmers and consumers alike.

Germany's *Animal Husbandry Labelling Act* only covers rearing conditions

On 24 August 2023, Germany's *Animal Husbandry Labelling Act* (*i.e.*, *Tierhaltungskennzeichnungsgesetz*) came into force. According to the Government Germany, "*Animal husbandry labelling is intended to ensure transparency and clarity with regard to the way animals are kept and to enable consumers to make a conscious purchase decision*". When asked about the criteria followed when choosing food, a large proportion of German end consumers said that they paid attention to the husbandry conditions under which the animal from which the food originates was kept.

Germany's mandatory *Animal Husbandry Labelling Act*, makes it possible to see, at a glance, how an animal was kept. This way, the method of animal husbandry, that stands out from the legal minimum standard and offers the animals opportunities to carry out species-specific behaviour to a greater extent, can be chosen by consumers. The *Animal Husbandry Labelling Act* provides for five forms of husbandry: "*stable*", "*stable and space*", "*fresh air barn*", "*run/pasture*", and "*organic*". Initially, the *Animal Husbandry Labelling Act* only regulates the fattening of pigs, but is to be extended to the entire life cycle of animals, other animal species, and other areas in the exploitation chain, such as gastronomy and processed products in the future. An extension of the *Animal Husbandry Labelling Act* to processed products, as well as out-of-home catering/gastronomy, is still planned for 2024.

In addition, the *Animal Husbandry Labelling Act* has created the possibility for foods that are not subject to mandatory labelling, because they come from animals from an EU Member State or a third country or have been produced or processed abroad, to be voluntarily labelled in accordance with the law. Both German and foreign food companies can participate in the voluntary labelling. To do so, the food operator that wants to sell the food to the end consumer in Germany must first submit an application for approval and, if approved, can then label its products accordingly.

Harmonised EU rules on animal welfare labelling instead of piecemeal

The approach proposed by ANSES encompasses many identified factors that can affect the animals' well-being at every stage of their lives, namely genetic characteristics, rearing methods, the breeder's practices and training, housing, feeding, breeding, transport and slaughter, as well as measures taken to ensure good health, and limiting the use of painful practices. In principle, the idea of a score for animal welfare conditions may be interesting if it

does indeed incentivise operators to adhere to higher standards than the minimum requirements established by law.

However, implementation must be well thought through in order to avoid placing an insurmountable burden on producers to implement better animal welfare conditions on farms and to address increased transparency requirements. Still, a more holistic approach compared to, for example, Germany's *Animal Husbandry Labelling Act*, which currently only covers the rearing conditions of pigs for fattening, would be important. In any case, a harmonised EU approach for animal welfare labelling would be a preference, rather than a piecemeal approach in the individual EU Member States, as the current piecemeal approach of animal welfare labelling measures does not do justice to the EU Internal Market.

ANSES notes that the Proposal "*is aimed primarily at French and European scientists and stakeholders who are planning to develop a reference framework for animal welfare labelling*" and that the framework would "*need to be tailored to each sector or category of animal concerned, and jointly developed with the various players in this sector: livestock professionals, animal protection associations and scientists*". Thus, the ANSES Proposal is an important contribution to the debate on animal welfare regulation in the EU, but it is now for EU and EU Member States' regulators and legislators to follow up.

Recently adopted EU legislation

Trade Law

- *Commission Implementing Regulation (EU) 2024/1608 of 5 June 2024 making imports of erythritol originating in the People's Republic of China subject to registration*

- *Commission Implementing Regulation (EU) 2024/1617 of 6 June 2024 making imports of titanium dioxide originating in the People's Republic of China subject to registration*

- *Notice concerning the date of entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the Arab Republic of Egypt pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union*

- *Commission Implementing Regulation (EU) 2024/1662 of 11 June 2024 amending Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council*

Customs Law

- *Council Regulation (EU) 2024/1652 of 30 May 2024 amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff*

Trade Remedies

- *Commission Implementing Regulation (EU) 2024/1513 of 31 May 2024 correcting Implementing Regulation (EU) 2022/191 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China*

- *Commission Implementing Regulation (EU) 2024/1666 of 6 June 2024 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating in the People's Republic of China as extended to imports of steel ropes and cables consigned from Morocco and the Republic of Korea, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council*

Food Law

- *Commission Implementing Regulation (EU) 2024/1611 of 6 June 2024 authorising the placing on the market of isomaltulose powder as a novel food and amending Implementing Regulation (EU) 2017/2470*

Ignacio Carreño, Joanna Christy, Tobias Dolle, Alejandro López Bo, Alya Mahira, Stella Nalwoga, and Paolo R. Vergano contributed to this issue.

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