**Drafting aid for an amendment**

**on the draft legislation of the Federal Government — Document 20/4822**

**Draft legislation on the labelling of foodstuffs with the husbandry of the animals from which the foodstuffs were obtained**

(Animal Husbandry Labelling Act – TierHaltKennzG)

The Bundestag shall resolve

to adopt the draft legislation in document 20/4822 with the following provisos, otherwise unchanged:

* 1. the heading now reads:

“Draft legislation on the labelling of foodstuffs with the husbandry of the animals from which the foodstuffs were obtained[[1]](#footnote-1)\*) [[2]](#footnote-2)\*\*)

(Animal Husbandry Labelling Act – TierHaltKennzG)”.

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* 1. In § 1 (1), after the word “regulated” the words “in the interest of comprehensive and long-term information to end users” are inserted.
  2. § 2 shall be amended as follows:
     1. Under number 2, the word “operation” is replaced by the words “animal husbandry”.
     2. Under number 3, the word “proprietor” is replaced by the words “owner of the livestock farm”.
  3. § 3 shall be amended as follows:
     1. Under paragraph 1, the words “§ 7(1), § 9(1) sentence 1 or (2) sentence 1, § 10(1) number 1 or § 11(1) sentence 1, (2) sentence 1, (3) sentence 1 and 3, (4) sentence 1 and (5) sentence 1” shall be replaced by the words “§ 7(1), (3) sentence 1, (4) sentence 1, (5) sentence 1, § 9(1) sentence 1 or (2) sentence 1, § 10 or § 11(1) sentence 1, (2) sentence 1, (3) sentence 1 and (4) sentence 1”.
     2. In paragraph 3, a comma is inserted in numbers 1(c) and 2(a) after the word “was”.
  4. In § 4(1) number 4 and (2) and § 5(2) sentence 3, the words “outdoor/free country” are replaced by the words “outdoor/pasture”.
  5. § 7 shall be amended as follows:
     1. In paragraph 1, the words ‘2 and 3, sentence 1’ are replaced by the words ‘2, 3, sentence 3 and (6) sentence 1’;
     2. Paragraph 3 is replaced by the following paragraphs 3 to 6:
     3. ‘ Where a foodstuff is produced from more than one material of animal origin from animals of a species listed in Appendix 2, or where a packaging contains more than one food produced from food of animal origin from animals of a species listed in Appendix 2, the food or packaging shall be marked with the husbandry form “Stable” if:
        1. a proportion of at least 80 % of the total food according to the lot composition or food contained in the packaging is assigned to the ‘stable’ husbandry form; and
        2. a total of not more than 20 % of the total foodstuff according to the lot composition or food contained in the packaging is not labelled or is assigned to the husbandry types “Stable+Space”, “Open Air Stable” or “Outdoor/Pasture”.

In the case of sentence 1, the marking shall be determined in accordance with paragraph 2. Where a food has been produced from several foodstuffs from different animal species or where a packaging contains food from different animal species, the labelling shall be based on the model and the technical description set out in Appendix 6.

* + 1. Where a foodstuff is produced from more than one material of animal origin from animals of a species listed in Appendix 2, or where a packaging contains more than one food produced from food of animal origin from animals of a species listed in Appendix 2, the food or packaging shall be marked with the husbandry form “Stable+Space” if:
       1. a proportion of at least 80 % of the total food according to the lot composition or food contained in the packaging is assigned to the ‘stable+space’ husbandry form; and
       2. a total of not more than 20 % of the total foodstuff according to the lot composition or food contained in the packaging is assigned to the husbandry type “Open Air Stable” or “Outdoor/Pasture”.

Paragraph 3, sentences 2 and 3 shall apply accordingly.

* + 1. Where a foodstuff is produced from more than one material of animal origin from animals of a species listed in Appendix 2, or where a packaging contains more than one food produced from food of animal origin from animals of a species listed in Appendix 2, the food or packaging shall be marked with the husbandry form “Open Air Stable” if:
       1. a proportion of at least 80 % of the total food according to the lot composition or food contained in the packaging is assigned to the “open air stable” husbandry form; and
       2. a total of not more than 20 % of the total foodstuff according to the lot composition or food contained in the packaging is assigned to the husbandry type “Outdoor/Pasture”.

Paragraph 3, sentences 2 and 3 shall apply accordingly.

* + 1. The omission or addition of components or any other changes to the labelling are prohibited. Sentence 1 shall not apply if there is a case mentioned in § 11.”
  1. In § 8, the reference “Annex 6” is replaced by the reference “Annex 7”.
  2. § 9 shall be amended as follows:
     1. In paragraph 1 sentence 3, the words “§ 7(2) and (3) sentence 1” is replaced by the words “§ 7(2) and (6) sentence 1”.
     2. Paragraph 2 is amended as follows:
        1. In sentence 1, after the word “foodstuff” the word “also” is inserted.
        2. In sentence 2, the entry “§ 7 (3)” is replaced by the entry “§ 7(6)”.
     3. In paragraph 3, the word “concerning” is deleted.
  3. § 10 is worded as follows:

“ § 10

Labelling for distance sales

If a foodstuff subject to labelling pursuant to § 3(1) is offered by the use of remote communication techniques for supply to the end consumer, the labelling shall, in addition:

* + - 1. appear on the carrier material of the distance selling business; or
      2. be made available in such a way that:
         1. it is easily and permanently accessible,
         2. it is complete and clear,
         3. no additional costs are imposed on the end consumer; and
         4. the end consumer has sufficient time to take note of all the information contained on the label in order to be able to make a purchase decision.”
  1. § 11 is worded as follows:

“§ 11

Special cases of labelling

* + 1. Contains a food subject to labelling in accordance with § 3(1), which was produced from several foodstuffs subject to labelling, which, in accordance with the lot composition, contains, by way of derogation from § 7(3) sentence 1, (4) sentence 1 and (5) sentence 1
       1. a proportion of less than 80% of foodstuff assigned to the husbandry form “Stable”,
       2. a proportion of less than 80% of foodstuff associated with the “Stable+Space” type;
       3. a proportion of less than 80% of foodstuff classified as ‘open air stable’; or
       4. a proportion of less than 100% of foodstuff classified in the ‘Outdoor/pasture’ husbandry type;

the proportions of the individual husbandry types in the complete foodstuff are to be indicated in the labelling according to § 3 (1) in accordance with the model and the technical description of Appendix 8 Section I. The respective share of the husbandry forms in the complete foodstuff is to be given in increments of five percent without decimal places, rounded commercially. § 7 Paragraph 3 sentence 3, paragraph 6 sentence 1 and § 8 shall apply mutatis mutandis.

* + 1. Contains a foodstuff produced from more than one foodstuff, a proportion of unlabelled foods and according to the lot composition, by way of derogation from § 7(3) sentence 1, (4) sentence 1 and (5) sentence 1
       1. a proportion of less than 80% of foodstuff assigned to the husbandry form “Stable”,
       2. a proportion of less than 80% of foodstuff associated with the “Stable+Space” type;
       3. a proportion of less than 80% of foodstuff classified as ‘open air stable’; or
       4. a proportion of less than 100% of foodstuff classified in the ‘Outdoor/pasture’ husbandry type;

the proportions of the individual husbandry types as well as the unlabelled part in the complete foodstuff are to be indicated in the labelling according to § 3 (1) in accordance with the model and the technical description of Appendix 8 Section I. Paragraph 1 sentence 2, § 7 (3) sentence 3, (6) sentence 1 and § 8 shall apply mutatis mutandis.

* + 1. If in one packaging several foodstuffs subject to labelling pursuant to § 3(1) are included and these foods are, by way of derogation from § 7(3) sentence 1, (4) sentence 1 and (5) sentence 1
       1. with a share of less than 80% of the husbandry form “stable”,
       2. with a share of less than 80 % of the husbandry form “Stable+Space”,
       3. with a proportion of less than 80% of the husbandry form “open air stable”, or
       4. with a share of less than 100% of the husbandry form “Outdoor/pasture”,

the proportions of the individual forms of husbandry contained in the packaging are to be indicated in the labelling pursuant to § 3 (1) in accordance with the model and the technical description of Appendix 8 Section I. Paragraph 1 sentence 2, § 7 (3) sentence 3, (6) sentence 1 and § 8 shall apply mutatis mutandis.

* + 1. If in one packaging a partially unlabelled foodstuff or several foodstuffs subject to labelling pursuant to § 3(1) are included and these foods are, by way of derogation from § 7(3) sentence 1, (4) sentence 1 and (5) sentence 1
       1. with a share of less than 80% of the husbandry form “stable”,
       2. with a share of less than 80 % of the husbandry form “Stable+Space”,
       3. with a proportion of less than 80% of the husbandry form “open air stable”, or
       4. with a share of less than 100% of the husbandry form “Outdoor/pasture”,

the proportions of the individual husbandry forms that are contained in the packaging and the unmarked proportion are to be indicated in the marking in accordance with § 3 (1) in accordance with the model and the technical description of Appendix 8 Section II. Paragraph 1 sentence 2, § 7 (3) sentence 3, (6) sentence 1 and § 8 shall apply mutatis mutandis.”

* 1. § 12 and § 13 are worded as follows:

“ § 12

Notification of husbandry facilities of domestic companies

* + 1. An owner of an animal-keeping establishment must notify the competent authority in writing or electronically in accordance with paragraphs 2 and 4 sentence 2 that animals from which foodstuffs subject to labelling are obtained in accordance with § 3 (1) are kept in a husbandry facility as soon as they are in the husbandry facility where the animal husbandry process begins. An owner of an animal-keeping establishment may voluntarily inform the competent authority in writing or electronically in accordance with paragraphs 2 and 4 sentence 2 that animals of an animal species listed in Appendix 2 are kept from which food is made in accordance with Appendix 1, which does not have to be reported in accordance with sentence 1.
    2. The notification referred to in paragraph 1 shall contain:
       1. the name and address of the husbandry establishment;
       2. the name and address of the owner of the husbandry establishment;
       3. if available, the registration number of the husbandry establishment held in accordance with § 26(2) of the Livestock Transport Ordinance in the version of the notice of 26 May 2020 (BGBl. I p. 1170),
       4. if there are several husbandry facilities in the animal-keeping facility in which animals of the same animal species are kept as in the reported husbandry facility, the locations of the individual husbandry facilities of the animal-keeping facility, including a site plan, and
       5. the following information on the individual husbandry facility:
          1. the size of the unrestricted floor area of the husbandry facility;
          2. the number of animals to be kept in the husbandry facility, and
          3. the form of husbandry referred to in § 4(1) in which the animals are to be kept in the husbandry facility.

In addition to the information referred to in sentence 1, the owner of the husbandry facility shall demonstrate that the establishment complies with the requirements for the notified type of husbandry referred to in § 4(2) or (3). Appropriate evidence shall include, in particular, official certificates, certificates from supervisory authorities proven to be accredited in the field of farming and animal husbandry in accordance with DIN EN ISO/IEC 17065, issue January 2013[[3]](#footnote-3)1)), and, in the case of an organic establishment, the certificate is issued in accordance with Article 35(1) of Regulation (EU) 2018/848.

* + 1. By way of derogation from paragraph 2 sentence 1 the transmission of information in accordance with paragraph 2, sentence 1, numbers 4 and 5 is not required, provided that these have already been communicated to a competent authority on the basis of this law or other legislation, in particular animal health regulations relating to the movement of livestock. Upon request, the owner of the animal-keeping establishment must inform the competent authority pursuant to paragraph 1 which data has been communicated to which authority. In the case of sentence 1, the relevant authority must transmit the required information to the authority responsible under paragraph 1 upon request.
    2. The competent authority may publish samples, make forms available or provide a format to be used for electronic transmission of the data for notifications in accordance with paragraph 1. Where the competent authority publishes samples, makes forms available or provides a format to be used, they shall be used.

§ 13

Notification of amendments for domestic enterprises

* + 1. Once a change has occurred, the owner of the husbandry facility shall notify it in writing or electronically to the competent authority in accordance with § 12(1), if:
       1. the amendment concerns the information referred to in § 12(2) sentence 1; or
       2. the keeping of animals in a husbandry facility notified in accordance with § 12(1) has been permanently terminated.
    2. By way of derogation from paragraph 1, number 1, temporary changes in the manner in which the husbandry is done shall not be notified in a husbandry facility if those changes do not exceed a total period of two weeks during the relevant holding period in relation to the respective animal taken together.
  1. § 14 shall be amended as follows:
     1. Paragraph 1 sentence 2 shall read as follows:

“This identification number shall be communicated to the owner of the husbandry facility within two months of notification pursuant to § 12(1).”

* + 1. Paragraph 3 is amended as follows:
       1. In sentence 1, the word “without delay” is deleted.
       2. In the second sentence, the words “paragraph 1, sentence 2 and paragraph 2” are replaced by the words “paragraph 1 sentence 2 and 3 and paragraph 2”.
    2. Under paragraph 4, the word “proprietor” is replaced by the words “owner of the livestock farm”.
    3. In paragraph 5, number 1, the entry “Appendix 8” is replaced by “Appendix 9”.
  1. § 15 shall be amended as follows:
     1. Paragraph 2 is amended as follows:
        1. In sentence 2, the indication “according to § 14” is replaced by the words “in addition”.
        2. The following sentences are added:

“The identification number shall clearly identify the husbandry facility. The competent authority shall communicate the identification number to the owner of the husbandry facility within two months of its notification in accordance with § 12(1).”

* + 1. Paragraph 3 is amended as follows:
       1. In sentence 1, the word “proprietor” is replaced by the words “owner of the livestock farm”.
       2. In sentence 3, the words “and notify the owner of the husbandry facility” are inserted after the word “to determine”.
  1. In § 16(1) sentence 1, the words “of the establishment” are replaced by the words “of the livestock farm”.
  2. § 17 Paragraph 1 is worded as follows:
     1. ‘ The competent authority under § 12(1) is authorised to collect, store and use the data referred to in § 12(2), § 13(1), § 14, § 15 and § 19(1), as well as the evidence referred to in § 12(2) sentence 2, § 14(4) and § 15(3) sentence 2, for the purposes referred to in § 12(1), § 14(1) to (3), § 15(1) and (3) and § 19(2).”
  3. § 18 is worded as follows:

“§ 18

Deletion of data of domestic enterprises

Subject to other statutory provisions, personal and non-personal data shall be deleted by the competent authority in accordance with § 12(2), 13(1), 14, 15, 16(1) and 19(1), as well as the evidence referred to in § 12(2) sentence 2, § 14(4) and § 15(3) sentence 2 one year after the reason for the collection has ceased. If the storage has been carried out electronically, the deletion must be carried out automatically.”

* 1. § 19 shall be amended as follows:
     1. Paragraph 1 is amended as follows:
        1. In the introductory sentence, the word “proprietor” is replaced by the words “owner of the livestock farm” and the entry “sentence 1” is deleted.
        2. Number 2 is worded as follows:
        3. “the average weight of the animals per stabling group when stabled,”.
     2. Paragraph 2 sentence 1 shall read as follows:

“The records referred to in paragraph 1 shall be kept up to date in a permanent manner from the date on which animals are stabled in the establishment.”

* + 1. Paragraph 3 is amended as follows:
       1. In sentence 1, the word “proprietor” is replaced by the words “owner of the livestock farm”.
       2. In sentence 2, the word “without delay” is deleted.
    2. The following paragraph 5 is added:
    3. ‘ In the case of a record referred to in paragraph 1 number 5 or 6, in addition to the amendments, the date of the change shall be indicated. In addition, in the case of a record referred to in paragraph 1 number 6, where an animal is delivered to a husbandry facility or a food business operator holding a registration number in accordance with § 26(2) of the Livestock Transport Ordinance, the registration number shall be provided.”
  1. In § 20(3), the word “proprietor” is replaced by the words “owner of the livestock farm” and after the word “transmit” a comma and the words “as soon as this has been communicated to them by the competent authority” are added.
  2. § 21 shall be amended as follows:
     1. In the heading, the words “foreign foodstuff” are deleted.
     2. Paragraph 1 is worded as follows:
     3. ‘ If a food business operator produces foodstuffs according to Appendix 1, which were obtained from an animal species listed in Appendix 2 and
        1. which were obtained from animals reared abroad
           1. during the relevant husbandry period,
           2. slaughtered, or
           3. butchered, or
        2. abroad
           1. processed, or
           2. which were treated,

with an identification of the type of husbandry of the animals from which the food was obtained in accordance with § 7 (1), (3) sentence 1, (4) sentence 1, (5) sentence 1, § 9 (1) sentence 1 or (2) sentence 1, § 10 or § 11 (1) sentence 1, (2) sentence 1, (3) sentence 1 and (4) sentence 1 to the end consumer in Germany, the food business operator requires prior approval from the competent authority. § 3 Paragraph 2 shall apply accordingly. The authorisation must be available before the first delivery of the foodstuff to the end consumer in Germany.”

* + 1. In paragraph 3number 4(b), the entry “§ 33” is replaced by the entry “§ 32”.
  1. § 22 shall be amended as follows:
     1. the heading now reads:

“§ 22

Application for permission to use the labelling”.

* + 1. Paragraph 1 sentence 1 shall read as follows:

“The application for authorisation pursuant to § 21(1) sentence 1 shall be submitted by the food business operator who delivers the food to the final consumer in Germany.”

* + 1. Paragraph 2 is worded as follows:
    2. ‘ The competent authority is, if the food business
       1. has its registered office in Germany, the authority in whose area of ​​responsibility the
       2. registered office is located does not have a registered office in Germany, the Federal Office for Agriculture and Food.”
    3. In paragraph 4 sentence 2, a comma and the words “certificates from supervisory authorities proven to be in the field of farming and production of animals according to DIN EN ISO/IEC 17065, issue January 2013[[4]](#footnote-4)2), and another comma are inserted after the word “Animal welfare label”.
    4. In paragraph 6 number 2, the word “proprietor” is replaced by the words “owner of the livestock farm” and “number 1” is inserted after the entry “previously”.
  1. § 23 shall be amended as follows:
     1. the heading now reads:

“§ 23

Granting and renewal of permission to use the label”.

* + 1. Paragraph 3 is worded as follows:
    2. ‘ The competent authority may refuse the application if it becomes aware of a final decision concerning an offence committed during a period of two years prior to the application, or of a final decision rendered during that period concerning an administrative offence of the applicant food business operator that is against this law. The competent authority may collect, store and use data pursuant to sentence 1 from the body responsible for the prosecution of criminal or administrative offences for the purpose specified in sentence 1, insofar as this is necessary for examining the refusal of the permit. It must delete the data pursuant to sentence 1 one year after the decision on the application has become final.”
  1. § 24 shall be amended as follows:
     1. In the heading, after the word “Amendment Notification” the words “of the license holder” are inserted.
     2. In paragraph 1, the words “without delay” are deleted, and the words “which have occurred after application or grant of authorisation pursuant to § 23(1)” are replaced by the words “once these have occurred”.
     3. Paragraph 3 is worded as follows:
     4. ‘ The competent authority may retract the authorisation if it becomes aware of a final decision concerning an offence committed during a period of two years prior to the application, or of a final decision rendered during that period concerning an administrative offence of the applicant food business operator that is against this law.
  2. § 25 shall be amended as follows:
     1. In the heading, the words “foreign establishments” are inserted after the words “husbandry facilities”.
     2. Paragraph 1 is amended as follows:
        1. In sentence 1, the word “proprietor” is replaced by the words “owner of a livestock farm”.
        2. Sentence 2 shall be worded as follows:

“The notification shall be made in writing or electronically in German or English in accordance with paragraphs 2, 4, sentence 3 and paragraph 5 sentence 2.”

* + 1. Paragraph 2 is amended as follows:
       1. Sentence 1 is amended as follows:
          1. In point 1, the words “livestock farm” is inserted after the words “address of”.
          2. Under number 2, the word “proprietor” is replaced by the words “owner of the livestock farm”.
          3. Under number 3, the word “if” is replaced by the words “as far as” and after the words “registration number of” the words “livestock farm” is inserted.
          4. Number 4 is worded as follows:
       2. “ if there are several husbandry facilities in the animal-keeping facility in which animals of the same animal species are kept as in the reported husbandry facility, the locations of the individual husbandry facilities of the animal-keeping facility, including a site plan,”.
       3. Sentence 2 shall be worded as follows:

“The owner of the husbandry facility shall declare that the establishment complies with the requirements for the notified mode of husbandry referred to in § 4(2) or (3).”

* + 1. Paragraph 3 is replaced by the following paragraphs 3 and 4:

“(3) In the event that the husbandry facility communicated in accordance with paragraph 1 does not meet the requirements of the stated type of husbandry or comparable requirements, the owner of the business may request that an identification number with the identifier of a different type of husbandry be specified for the husbandry facility if the husbandry facility meets the requirements corresponds to this type of husbandry according to § 4 (2) or (3).

(4) The owner of the husbandry facility must demonstrate compliance with the requirements laid down in § 4(2) or (3) as regards the husbandry form in the individual husbandry establishment vis-à-vis the Federal Office for Agriculture and Food. Appropriate evidence is in particular official certificates, participation in a state animal welfare label, certificates from inspection bodies that are demonstrably accredited in the field of agricultural husbandry and production of animals according to DIN EN ISO/IEC 17065, issue January 2013[[5]](#footnote-5)3))), and an ecological/biological husbandry, the certificate issued in accordance with Article 35 (1) of Regulation (EU) 2018/848. The supporting documents must be attached to the notification.”

* + 1. The previous paragraph 4 becomes paragraph 5.
  1. § 26 shall be amended as follows:
     1. the heading now reads:

“§ 26

Notification of amendments for foreign enterprises”.

* + 1. Paragraph 1 is worded as follows:
    2. ‘ As soon as a change has occurred, the owner of the animal-keeping business must notify the Federal Office for Agriculture and Food of this in writing or electronically if
       1. the amendment concerns the information referred to in § 25(2) sentence 1; or
       2. if the keeping of animals in a notified husbandry facility has been permanently terminated.”
    3. In paragraph 2, the word “these” is replaced by the word “all”.
  1. § 27 shall be amended as follows:
     1. In the heading, the word “foreign” is inserted after the word “for”.
     2. Paragraph 1 is worded as follows:
     3. ‘ If the owner of the husbandry facility has demonstrated that the establishment referred to in the notification pursuant to § 25(1) fulfils the requirements of § 4(2) or (3) for the specified husbandry, the Federal Office for Agriculture and Food shall establish an identification number for that husbandry facility by which that establishment is clearly identifiable. This identification number shall be communicated by the Federal Office for Agriculture and Food to the owner of the livestock farm within two months of its notification pursuant to § 25(1). If the establishment referred to in the notification referred to in § 25(1) does not meet the requirements of the specified husbandry form or similar requirements, the Federal Office for Agriculture and Food may establish an identification number for that husbandry facility with the identification of another type of facility if the establishment complies with the requirements for that type of husbandry in accordance with § 4(2) or (3) and the owner of the husbandry facility has applied for it in accordance with § 25(3).”
     4. In paragraph 2, number 1, the entry “Appendix 9” is replaced by “Appendix 10”.
     5. Paragraph 3 is amended as follows:
        1. In sentence 3, the entry “§ 25 (3)” is replaced with the reference “§ 25(4)”.
        2. In sentences 2 and 5, the word “proprietor” is replaced by the words “owner of the livestock farm”.
     6. In paragraph 5, the word “proprietor” is replaced by the words “owner of the livestock farm” and the word “without delay” is deleted.
     7. Under paragraph 6, the word “proprietor” is replaced by the words “owner of the livestock farm”.
  2. § 28 is worded as follows:

“ § 28

Use of an identification number of foreign husbandry facilities

* + 1. The farmer or other food business operator may provide the identification number of the husbandry facility where the animal or group of animals was kept at the relevant stage of production to the food business operator at the subsequent production or distribution stage, in addition to the information on the husbandry system, to ensure the link between the food and the information on the husbandry system of the animal or group of animals from which the food was obtained.
    2. If a husbandry facility does not or no longer meets the requirements for determining an identification number in accordance with § 27 (1) sentence 1, the Federal Office for Agriculture and Food must prohibit the owner of the animal-keeping operation from using the identification number.”
  1. § 29 Paragraph 1 is amended as follows:
     1. In sentence 1, the words “livestock farm” is inserted after the words “address of”.
     2. In sentence 2, the words “the prohibitions referred to in § 28(1) or (2)” are replaced by the words “the prohibition pursuant to § 28(2)”.
     3. In sentence 3, the reference “§ 27(3) or (5)” is replaced by the reference “§ 27(1) or (5)”.
  2. § 30 shall be amended as follows:
     1. Paragraph 1 is worded as follows:
     2. ‘ The Federal Office for Agriculture and Food is authorised to provide the data referred to in § 22(3), (5) and (6) No. 2, § 23, § 24(1) to (3), § 25(2), § 26(1), § 27, § 28(2), § 29(1) and § 32(1) and to collect, store and use the evidence referred to in § 22(4) sentences 1 and 3 and (5), § 23(2) sentences 2 and 4, § 25(4) sentence 3 and § 27(6) relating to the purposes referred to in § 22(1), § 23(1) to (3), § 24(2) and (3), § 25(1), § 27(1), (2) and (5), § 28, § 29(1) and § 32(2).”
     3. In paragraph 2, a comma is inserted after the words “processed by this law”, as well as the words “made available in particular to other authorities responsible under this law” and another comma.
  3. § 31 is worded as follows:

“ § 31

Deletion of data of licence holders and foreign enterprises

Subject to other statutory provisions, personal and non-personal data shall be deleted by the competent authority in accordance with § 22(3), (4), (6) number 2, § 23, § 24(1) to (3), § 25(2), § 26(1), § 27, § 28(2), § 29(1) and § 32(1), as well as the evidence referred to in § 22(4) sentence 1 and 3 and (5), § 23(2) sentence 2 and 4, § 25(4) sentence 3 and § 27(6), one year after the reason for their collection has ceased. If the storage has been carried out electronically, the deletion must be carried out automatically.”

* 1. § 32 is deleted.
  2. § 33 becomes § 32 and is amended as follows:
     1. Paragraph 1 is amended as follows:
        1. In the introductory sentence, the word “proprietor” is replaced by the words “owner of the livestock farm” and the words “paragraph 2 sentence 1” are replaced by the words “paragraph 2”.
        2. Number 2 is worded as follows:
        3. “the average weight of the animals per stabling group when stabled,”.
     2. In paragraph 2 sentence 1, the words “without delay and in a permanent manner” shall be replaced by the words “from the time when animals are stabled in the establishment in a permanent manner”.
     3. In paragraph 3 sentence 1, the word “proprietor” is replaced by the words “owner of the livestock farm” and the word “without delay” is deleted.
     4. Paragraph 4 is replaced by the following paragraphs 4 and 5:
     5. ‘ Contrary to paragraph 1, no records are required if corresponding records are to be made on the basis of other legal provisions. The same shall apply insofar as corresponding provisions are made for the obligations to amend in accordance with paragraph 2 and the obligations to retain and delete in accordance with paragraph 3.
     6. In the case of a record referred to in paragraph 1 number 5 or 6, in addition to the amendments, the date of the change shall be indicated. In addition, in the case of a record referred to in paragraph 1 number 6, where an animal is delivered to a husbandry facility or a food business operator holding a registration number in accordance with § 26(2) of the Livestock Transport Ordinance, the registration number shall be provided.”
  3. § 34 becomes § 33 and paragraph 2 is worded as follows:
     1. ‘ The competent authority can, in particular, request the owner of the livestock farm to immediately
        1. submit a notification of change in order to eliminate identified violations
           1. and to prevent future violations, if it finds that information from earlier notifications has become incorrect, according
           2. to the required records § 19 (1) and § 32 (1), order to change the labelling of food before it is placed on the market or provide the
        2. end consumer with corrected information if the food has already been placed on the market.”
  4. § 35 becomes § 34 and in paragraph 1 number 4 the word “proprietor” is replaced by the words “owner of the livestock farm”.
  5. § 36 becomes § 35 and in paragraph 1 sentence 1 the word “proprietor” is replaced by the words “owner of the livestock farm”.
  6. § 37 becomes § 36.
  7. § 38 becomes § 37 and in it the words “and the identification numbers of the competent authorities” are inserted after the words “competent authorities”.
  8. § 39 becomes § 38 and is worded as follows:

“§ 38 Fines

* + 1. An administrative offence shall be deemed to have been committed by any person who, intentionally or negligently,
       1. does not ensure, contrary to § 3(1), that a label is attached;
       2. contrary to § 5(1) or (2) sentence 2, in each case also in conjunction with § 21(2), a designation is used,
       3. contrary to § 12(1) sentence 1, § 13(1), § 15(3) sentence 1, § 24(1) or § 26(1) does not make a communication, incorrect, incomplete, not in the prescribed manner or not on time,
       4. contrary to § 19(1) or § 32(1), does not make a record or does not correctly keep a record;
       5. contrary to § 19(3) sentence 1 or § 32(3) sentence 1, a record is not made or not kept for at least three years;
       6. does not ensure, contrary to § 20(1) number 1, that the connection referred to therein is guaranteed;
       7. does not ensure, contrary to § 20(1) sentence 2, that the information referred to therein is transmitted;
       8. contrary to § 20(3), an identification number is not provided, incorrect, incomplete or not in time;
       9. submits a foodstuff without authorisation pursuant to the first sentence of § 21(1); or
       10. acts in violation of an enforceable order pursuant to § 28(2) or § 33(2);
    2. The administrative offence may be punished by a fine of up to thirty thousand EUR in the cases referred to in paragraph 1, numbers 1, 6, 8 and 9, and by a fine of up to ten thousand EUR in the other cases.
    3. Administrative authority within the meaning of § 36(1) number 1 of the Law on Administrative Offences shall, in the cases referred to in paragraphs 2 to 5 and 9 of paragraph 1, be the Federal Office for Agriculture and Food, insofar as it is responsible for the implementation of the provisions referred to therein.”
  1. § 40 becomes § 39.
  2. § 41 becomes § 40 and is worded as follows:

“ § 40

Transitional provisions

* + 1. By way of derogation from § 12 (1), husbandry facilities in which... [insert: date of entry into force of this Act] animals from which foodstuffs subject to labelling are produced in accordance with § 3(1) shall be kept to the competent authority by the owner of the husbandry facility until [insert: notify the first day of the twelfth calendar month following the entry into force]. § 12(2-5) shall apply to the notification.
    2. Foodstuffs subject to labelling in accordance with this law and before... [insert: the first day of the twenty-fourth calendar month following the entry into force] and which do not comply with the requirements of this law may continue to be placed on the market until the respective stocks are exhausted.”
  1. § 42 is replaced by § 41 and the entry “Appendix 10” is replaced by the entry “Appendix 11”.
  2. § 42 is inserted after § 41:

“§ 42

Evaluation

Five years after the entry into force of this law, the Federal Office of Food and Agriculture shall report to the German Bundestag on the effectiveness of the measures taken under this law.”

* 1. § 43 is worded as follows:

“ § 43

Entry into force

This law comes into force on the day after promulgation.”

* 1. Appendix 3 is worded as follows:

“Appendix 3 (regarding § 3(2))

Relevant husbandry section

The relevant husbandry type for fattening pigs where the animals are slaughtered at the age of more than 10 weeks and with a live weight of at least 40 kilograms shall be the husbandry type after the animals of a group of establishments have reached an average live weight of 30 kilograms.”

* 1. Appendix 4 is amended as follows:
     1. Section I sentence 3 number 2 is amended as follows:
        1. In (a), the word “and” is replaced by a comma.
        2. In (b), the period is replaced by the word “and”.
        3. The following point (c) is inserted after point (b):
           1. “health-safe and sufficient amount of organic and fibre-rich material, to which every pig has access at all times and which the pig can examine and move and which can be manipulated by the pig and thus serves the exploratory behaviour.”
     2. Section II is worded as follows:

“For the labelling of foodstuffs obtained from fattening pigs, the designation “Stable+Space” shall be used if the animals in the relevant husbandry type

1. have been kept in a husbandry facility:

a) consisting of a fortified, fully or partially covered and closed or predominantly enclosed building or room,

b) meets the requirements for husbandry facilities pursuant to § 3 and 22 of the Animal Welfare Farming Regulation;

c) offer to each animal, by way of derogation from the first sentence of § 29(2) of the Animal Welfare Farming Regulation, at least an unrestricted land area in accordance with table 1 in regard to the average weight of the animals,

d) provides each animal with a lying area according to § 29(2) sentence 2 in conjunction with sentence 1 of the Animal Welfare Farming Regulation,

e) has bays equipped with the following elements which comply with the requirements of the Animal Welfare Farming Regulation:

aa) health-safe and sufficient amount of organic and fibre-rich material, to which every animal has access at all times and which the pig can examine and move and which can be manipulated and thus serves the exploratory behaviour, and

bb) Rough fodder added to the material according to double letter aa; and

f) have bays each equipped with at least three of the following elements, which comply with the requirements of the Animal Welfare Farming Regulation:

aa) contact lattices between bays allowing at least three fattening pigs simultaneously to be in contact with fattening pigs of another group;

bb) partition walls within the bays that separate different functional areas from each other;

cc) one or more elevated levels above the ground area which can be safely used for pigs and easily accessible via a ramp, and whose areas are not counted against the unrestricted land area referred to in point 1;

dd) Micro-climate areas offering different temperature ranges within the bays;

ee) different lighting conditions in the bays;

ff) suitable scouring devices;

gg) for up to 24 pigs for fattening at least one suitable vessel with open water surface available in addition to § 29(3) in conjunction with § 28(2) number 5 of the Animal Welfare Farming Regulation;

hh) a lying area which has a maximum perforation degree of 5 % and must be soft or scattered and which, in accordance with the average weight of the animals, has at least one area for each animal as defined in table 2, and

ii) other elements that allow additional structuring of the bay,

or

2. have been kept in a husbandry facility:

a) meets the requirements of numbers 1(a) to (e) double letter aa; and

b) in which the animals have at all times a limited area outside a stable, which can be visited and left by the pigs independently (outdoor run) and thus allows each animal to perceive external weather influences and environmental impressions.

Table 1

|  |  |
| --- | --- |
| **1** | **2** |
| **Average weight in kilograms** | **Floor area in square meters** |
| over 30 to 50 | 0.563 |
| over 50 to 110 | 0.844 |
| over 110 | 1.125 |

Table 2

|  |  |
| --- | --- |
| **1** | **2** |
| **Average weight in kilograms** | **Lying area in square meters** |
| over 30 to 50 | 0.3 |
| over 50 to 110 | 0.6 |
| over 110 | 0.9 |

By way of derogation from sentence 1 number 2(b) the time during which animals are allowed to run out may be reduced to a maximum of eight hours per day for the required period of cleaning or, in individual cases, for reasons of animal welfare.

* + 1. Section III is amended as follows:
       1. Sentence 1 number 1(b) and (c), are worded as follows:

“b) is designed in such a way that

aa) the outdoor climate in each bay has a significant influence on the stable climate,

bb) each animal has access to different climatic areas at all times; and

cc) each pig has access at all times to organic and fibrous-rich organic and fibrous material that is safe for health and which can be manipulated by the pig, and thus serves its exploratory behaviour; and

c) in accordance with the average weight of the animals, makes at least one unrestricted floor area available to each pig in accordance with the table below;

|  |  |
| --- | --- |
| **1** | **2** |
| **Average weight in kilograms** | **Floor area in square meters** |
| over 30 to 50 | 0.7 |
| over 50 to 120 | 1.3 |
| over 120 | 1.5 |

or”.

* + - 1. Sentence 1 number 2 is amended as follows:
         1. Under (a), the words “§ 3, § 22 and § 29(2) sentence 1” are replaced by the entry “§ 3 and § 22”.
         2. Letter (d) is replaced by (d) and (e):
         3. “where animals have access to the outdoors at all times, allowing each animal to perceive external weather influences and environmental influences, and
         4. by way of derogation from the first sentence of § 29(2) of the Animal Welfare Farming Regulation, in accordance with the average weight of the animals, each pig as a whole has at least one unrestricted land area available in accordance with the following table:

|  |  |
| --- | --- |
| **1** | **2** |
| **Average weight in kilograms** | **Floor area in square meters** |
| over 30 to 50 | 0.7 |
| over 50 to 120 | 1.1 |
| over 120 | 1.4.” |

* + - 1. In sentence 2, the words “letter (b)” shall be replaced by “letter (c)”.
      2. Sentence 3 shall be worded as follows:

“By way of derogation from sentence 1 number 2(d), the period during which animals are allowed to be outdoors may be reduced for the necessary period of cleaning or for a short time, where this is absolutely necessary in individual cases for reasons of animal welfare.”

* + 1. Section IV is amended as follows:
       1. In the heading and in sentence 1, the words “outdoor/free country” are replaced by the words “outdoor/pasture”.
       2. Sentence 2 number 1 is amended as follows:
          1. Letter (b) double letter bb is worded as follows:

“in which each animal has a scattered lying area, and”.

* + - * 1. The previous letter (b) double letter bb becomes letter (b) double letter cc
        2. Letter (c) is worded as follows:
        3. “each pig has access at all times to organic and fibrous-rich organic and fibrous material that is safe for health and which can be manipulated by the pig, and thus serves its exploratory behaviour; and”.
        4. The previous letter (c) becomes letter (d).
      1. Sentence 2 number 2 is amended as follows:
         1. In (a), the word “and” is replaced by a comma.
         2. In (b), the period is replaced by the word “and”.
         3. The following point (c) is inserted after point (b):
         4. “each pig has access at all times to organic and fibrous-rich organic and fibrous material that is safe for health and which can be manipulated by the pig, and thus serves its exploratory behaviour.”
      2. Sentence 3 shall be worded as follows:

“By way of derogation from sentence 2 number 1(d) or number 2 (b), the period during which animals are allowed to be outdoors may be reduced for the necessary period of cleaning or for a short time, where this is absolutely necessary in individual cases for reasons of animal welfare.”

* + - 1. Table 1 and Table 2 are worded as follows:

“Table 1

|  |  |
| --- | --- |
| **1** | **2** |
| **Average weight in kilograms** | **Floor area in square meters** |
| over 30 to 50 | 0.5 |
| over 50 to 120 | 1.0 |
| over 120 | 1.5 |

Table 2

|  |  |
| --- | --- |
| **1** | **2** |
| **Average weight in kilograms** | **Floor area in square meters** |
| over 30 to 50 | 0.25 |
| over 50 to 120 | 0.5 |
| over 120 | 0.8’ |

* 1. Appendix 5 is amended as follows:
     1. Number 1 is worded as follows:

“1. Sample animal husbandry identification pursuant to § 7(2):

* + - * 1. Sample husbandry type “stable”



|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

* + - * 1. Sample husbandry type ‘stable+space’



|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

* + - * 1. Sample husbandry type ‘open-air stable’



|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

* + - * 1. Sample husbandry type “outdoor/pasture”



|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

* + - * 1. Sample husbandry type “organic”

“.

|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

* + 1. Number 2 is amended as follows:
       1. In (b) sentence 4 number 2, the words “outdoor/free country” are replaced by the words “outdoor/pasture”.
       2. Letter (c) sentence 3 is repealed.
  1. The following Appendix 6 is inserted after Appendix 5:

“Appendix 6 (regarding §7(3) sentence 3)

Black colour labelling for pre-packaged food of animal origin of various animal species

1. Sample animal husbandry identification pursuant to § 7(3) sentence 3



|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

2. Technical description

a) Colours

The label shall be two-coloured. The letters, the outlined rounded rectangles and the QR code must be printed in black. The numbers and characters in the black-marked rounded rectangles must be white. The background must be white.

Black portion (black = 100 %)

b) Design

The label shall consist of an outlined rounded rectangle. In the rectangle the word “animal husbandry” must be written, going from the bottom left to the top left. On the right side of the word ‘animal husbandry’ five outlined rounded rectangles have to stand underneath each other. In addition to each rectangle, one of the five forms of husbandry shall be in order from top to bottom:

1. “Organic”,

2. “Outdoor/pasture”,

3. “Open-air stable”,

4. “Stable+space”,

5. “Stable”.

The relevant husbandry method shall be marked by a black filling of the rounded rectangles.

In addition to the husbandry methods, there must be a QR code, with which the information on the husbandry methods on the website [the official website for mandatory animal husbandry labelling; Link to the website] can be accessed.

In addition, the word ‘animal species’ shall be indicated on the left-hand side of the bordered rounded rectangle in bold black font followed by the animal species from which the part of the food subject to labelling was obtained.

c) Protection zone, size, rotation, size and space ratio

The technical description of number 2(c) to (f) of Appendix 5 shall apply accordingly.

* 1. The current Annex 6 becomes Annex 7 and is set out in number 1 as follows:

“1. Model animal husbandry identification according to § 8:

“.

|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

* 1. The current Annex 7 becomes Appendix 8 and is amended as follows:
     1. Section I is amended as follows:
        1. the heading now reads:

“Section I: Animal husbandry identification according to § 11 (1) and (3)”

* + - 1. Number 1 is worded as follows:
      2. ‘ Sample



|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |

“.

* + - 1. In number 2(b) sentence 4 number 2, the words “outdoor/free country” are replaced by the words “outdoor/pasture”.
    1. Section II is amended as follows:
       1. the heading now reads:

“Section II: Animal husbandry identification according to § 11 (2) and (4)”

* + - 1. Number 1 is worded as follows:
      2. ‘ Sample

“.

|  |  |
| --- | --- |
| **TIERHALTUNG** | **ANIMAL HUSBANDRY** |
| **Bio** | **Organic** |
| **Auslauf/Weide** | **Outdoor/pasture** |
| **Frischluftstall** | **Open-air stable** |
| **Stall+Platz** | **Stable+space** |
| **Stall** | **Stable** |
| **PLATZHALTER** | **PLACEHOLDERS** |
| **30% Kennzeichnungsfreier Anteil** | **30% Unlabelled share** |

* + - 1. In number 2(b) sentence 4 number 2, the words “outdoor/free country” are replaced by the words “outdoor/pasture”.
    1. Section III is repealed.
  1. The previous Appendix 8 becomes Appendix 9 and in the table in column 2, the words “AFH — Outdoor/Free country” are replaced by the words “AFW — Outdoor/Pasture”.
  2. The current Annex 9 becomes Appendix 10 and is amended as follows:
     1. the heading now reads:

“Appendix 10 (regarding § 27(2))

Identification of husbandry for foreign enterprises”.

* + 1. In the table in column 2, the words “AFH — Outdoor/Free country” are replaced by the words “AFW — Outdoor/Pasture”.
  1. The previous Appendix 10 becomes Appendix 11 and in the heading the entry “(according to § 42)” is replaced by the entry “(according to § 41)”.

Justification

**In relation to number 1**

The title of the law complements the notification notes under Directive (EU) 2015/1535 and Regulation (EU) No 1169/2011.

**In relation to number 2**

Since the headings of different paragraphs are changed below, an editorial adjustment of the table of contents is necessary.

**In relation to number 3**

Consumers have an interest in reliable and comprehensible labelling. The amendment to § 1(1) therefore serves to clarify that the provisions of the law should be long-term in order to ensure that a once established consumer expectation can remain consistent with the actual rules on a lasting basis. At the same time, a long-term labelling system, in addition to the principle of the protection of legitimate expectations for livestock farms and food businesses, can create additional investment clarity and also serve a future-proof orientation of agricultural animal husbandry and food production.

**In relation to number 4**

The insertions in § 2 by letters (a) and (b) serve to clarify that the definitions and the rights and obligations associated with the concepts of ‘facility’ and ‘owner’ cover only livestock farms and, for example, non-cutting or slaughterhouses.

**In relation to number 5**

The changes in § 3 by letters (a) and (b) serve the editorial adaptation of references and grammatical revisions.

**In relation to number 6**

The husbandry type “outdoor/free country” is renamed to “outdoor/pasture”. With regard to the farming requirement to provide predominantly unpaved soil to the animals so that they have the possibility for species-appropriate milling, the term “outdoor/pasture” better illustrates the husbandry type. With regard to the term “pasture”, consumers have a more concrete idea of the actual husbandry facility conditions than would be the case with “free country”.

**In relation to number 7**

The new § 7(3) regulates the labelling of foods produced from several foodstuffs (whether it concerns meat from animals of the same species or not) and the labelling of packaging containing several foodstuffs to be labelled with the “stable” type. In the cases referred to in paragraph 3, the food business operator shall apply the label “stable” if a proportion of at least 80 % of the food is to be classified as “stable”. If the proportion of not more than 20% comes from other forms of farming (“Stable+space”, “open-air stable”, “outdoor/pasture”) shall be labelled exclusively with stable without explicitly specifying the proportions of the other forms of animal husbandry. For example, concerning pork minced meat, which consists of 80% of the husbandry type, 20% meat can be added to the husbandry type “open air stable” without explicitly marking the proportion of the husbandry type “open air stable”. Also in the exemplary constellation 80% “Stable”, 10% “Stable+Space” and 10% “open air stable” the proportions of the husbandry types “Stable+Space” and “open air stable” are not explicitly marked. More than 20% of a different type of husbandry must not be added without this having to be explicitly marked. For example, it requires explicit labelling if the food is made up of 50% “Stable”, 20% “Stable+Space” and 30% “open air stable”. The addition of food produced in accordance with the requirements of the EU Regulation on Organic Farming (EU) 2018/848 is also possible. According to § 5(2) of the law, foodstuffs must be labelled with the “outdoor/pasture” husbandry type if the food business operator waives labelling as an organic product in accordance with the EU Regulation on Organic Farming. These foods may then be added in accordance with the principles laid down in paragraph 3, without explicitly labelling them as “outdoor/pasture”.

In addition, food or packaging containing food containing at least 80 % meat from animals of the “Stable” type shall be labelled “Stable” if they are accompanied by a share of (maximum) 20 % of an unlabelled foodstuff.

Accordingly, the versions apply to food consisting of meat from animals of different animal species to the respective proportions of the animal species contained. An example of this would be mixed minced meat.

For food produced from several different foodstuffs (e.g. minced meat) is the label is related to the lot composition and not in relation to the individual food. This takes into account the production processes in practice. Lot composition must be understood within the meaning of § 1(2) of the Lot Markings Ordinance of 23 June 1993 (BGBl. I, p. 1022), as last amended by Article 4 of the law of 25 July 2013 (BGBl. I, p. 2722). A lot is the totality of sales units of a foodstuff that has been produced, manufactured or packaged under practically the same conditions. The lot shall be determined by the producer, manufacturer, packager or first domestic seller of the foodstuff in question.

Paragraph 4 regulates the labelling of foods produced from more than one foodstuff (whether of meat from animals of the same species or not) and the labelling of packaging containing more than one foodstuff to be labelled with “Stable+Space”. The share of at least 80% “Stable+Space” may be added to a maximum of 20% “open air stable” or “outdoor/pasture”. Unlabelled foods may not be included. Moreover, the explanations according to paragraph 3 shall apply mutatis mutandis.

Paragraph 5 regulates the labelling of foods produced from more than one foodstuff (whether of meat from animals of the same species or not) and the labelling of packaging containing more than one foodstuff to be labelled with “Open air stable”. The share of at least 80% “open air stable” may be added to a maximum of 20% “outdoor/pasture”. Unlabelled foods may not be included. Moreover, the explanations according to paragraph 3 shall apply mutatis mutandis.

Unlike, for example, allergen labelling, animal husbandry labelling does not provide health precautionary information, but animal husbandry labelling serves animal welfare-oriented consumer protection and consumer information. This is achieved even if, in the cases definitively regulated in § 7(3-5), the dominant and thus defining form of husbandry is applied and the food is labelled exclusively with it. To the extent that a significantly predominant proportion of food (at least 80%) comes from the declared husbandry type and the consumer is informed that up to a maximum of 20% may contain foodstuff from other forms of farming, consumers can continue to consciously choose food from husbandry forms that enable more species-appropriate behaviour. This should also be ensured, in particular, by the fact that only food from husbandry types may be mixed under such a scheme, which enables at least equal or even more species-appropriate behaviour. Such a solution also reflects the outcome of a balancing of the conflicting interests of the economy and the consumer interest.For consumer expectations, what form of husbandry is the dominant part of the foodstuff is crucial. For the economy, a certain degree of flexibility is important in the labelling or production of foodstuffs subject to labelling, as this allows for a certain degree of price stability and brand design. This is also essential in conversion processes towards more animal-friendly farming. For example, if not all parts of a pig can be marketed in the more animal-friendly manner (i.e. the husbandry form in which the animal was actually kept), it is possible, within a tight framework, to add the remaining parts to other forms of farming in accordance with the provisions in § 7(3-5). In this way, the interests of the economy can be reconciled with the aim of the law and consumer information, without misleading consumers.

Paragraph 6 prohibits the omission or addition of components or other changes in labelling. This does not apply to the special cases referred to in § 11.

**In relation to number 8**

As a follow-up to the restructuring of the Appendices, the reference to the colour marking of the Appendix is adjusted.

**In relation to number 9**

The changes in § 9 through letter (a) are consequential changes resulting from the changes in § 7.

The amendment to § 9(b) serves to clarify that food business operators who offer non-pre-packed foods have the option of labelling those foods in accordance with § 7 or a simplified labelling under § 9.

The editorial amendment by letter (c) removes superfluous elements and serves to simplify the legislative text.

**In relation to number 10**

The new version of § 10 is done, on the one hand, for legal reasons, and on the other hand, the amendments specify the requirements for a label for distance sales.

**In relation to number 11**

The recast of § 11 follows from the amendment to § 7(3-5).

Paragraph 1 lays down the labelling of food produced from more than one foodstuff and in which the meat comes from animals kept in different forms of farming and the proportions of the facilities of the foodstuffs concerned must be identified with the labelling. As fresh meat from pigs is currently required to be labelled, this requirement primarily covers minced meat, i.e. meat with the bones removed that has been minced and contains less than 1% salt (see Appendix I, number 1.13 of Regulation (EC) 853/2004), and chopped meat such as goulash or minced meat that is not a meat preparation. It does not cover marinated or seasoned meat, but only meat to which no foodstuffs, seasoning or additives have been added (see Appendix I number 1.13 to Regulation (EC) 853/2004).

It must be explicitly labelled whenever less than 80% of the husbandry form “Stable”, “Stable+Space” or “open air stable” or less than 100% of the husbandry form “outdoor/pasture” is included. Where meat from animals from different farms is used in the manufacture of these foods, the percentage of each type of farming shall be reported. One example is pork minced meat, which comes to 30% of animals from the husbandry form “Stable”, 35% of animals from the “fresh air barn” and 35% from animals from the “outdoor/pasture” type.

If less than 80% of the food comes from meat (see, on the other hand, § 7(3-5)), which comes from animals of a form of farming, no form of farming that characterises the food can be identified, which is why, in the sense of comprehensive consumer information, explicit labelling of the forms of farming contained must be made.

The versions also apply mutatis mutandis to food produced from meat from animals of different species. One example is mixed minced meat.

In order to take into account production processes in practice, the labelling refers to the lot composition and not to the individual foodstuff. In addition, it is foreseen that the percentage data on the different proportions of the husbandry types will be commercially rounded to five percent each. This serves to simplify the labelling practice.

Paragraph 2 lays down the cases in which the proportions of the facilities and the non-labelled share must be explicitly indicated in the labelling. This is always the case when less than 80% of the husbandry form is “stable” or any other form of husbandry is included and unlabelled foods are included.

The versions also apply mutatis mutandis to foods produced from several foodstuffs derived from meat from animals of different species. One example is mixed minced meat.

This is also marked according to the lot composition. In addition, it is foreseen that the percentage data on the different proportions of the husbandry types and the unlabelled share will be commercially rounded to five percent each. This serves to simplify the labelling practice.

Paragraph 3 lays down the cases in which several foodstuffs produced from meat from animals of different types of farming are in one package together. The label refers to the contents of the entire packaging. The husbandry types do not have to be allocated to the individual foodstuff in the package. For example, pork schnitzels, which originate from animals of the “Stable” form and are offered in a large package together with other pork schnitzels derived from animals of the “open air stable” type.

The proportions of the husbandry types must be explicitly indicated in the label whenever less than 80% of the husbandry type “Stable”, “Stable+Space” or “Open air stable” or less than 100% of the husbandry type “spout/pasture” is included. This covers, for example, large packs in which 70% of the pork schnitzels contained come from animals of the “Stable” type and are offered together with other pork schnitzels derived from animals from the “fresh air stable”.

Paragraph 4 regulates the cases in which several foodstuffs, labelled and non-labelled, are in one package together. The label refers to the contents of the entire packaging. The husbandry types do not have to be allocated to the individual foodstuff in the package. This includes, for example, pork schnitzels from animals of the “Stable” type and are offered in a large pack together with other pork schnitzels that are not marked.

For reasons of practicality, it is also waived the requirement that each individual foodstuff must be identified in a packaging containing several foodstuffs derived from different forms of husbandry. For consumer clarity, it is sufficient if the proportion of the respective types of husbandry is recognizable for a packaging. This applies both to packaging with different types of husbandry (paragraph 3) and in the event that unlabelled meat is included (paragraph 4).

**In relation to number 12**

The new version of § 12(1) sentence 1 serves to clarify that it is not a prohibition rule, but a notification obligation. Once the owner of the farm has completed stabling of animals and stables animals there for the first time, they are obliged to report this to the competent authority. This notification shall also apply to all other animals kept husbandry facility. A further notification is only necessary when the owner of the husbandry facility changes husbandry type. A new notification to the authority as soon as a new group of animals is stabled would not be proportionate and would unnecessarily burden owners of the husbandry facility. It can be assumed that the animals are kept permanently in the same manner in a husbandry facility, since they are primarily linked to structural requirements such as structural measures, an open front or a path to the outdoors as well as the soil condition.

The insertion of the new §12(1) sentence 2 serves to equalise German companies with foreign enterprises. German farms, for example, slaughter and butcher their animals abroad and are thus not subject to the obligation to notify. Therefore they must be given the possibility of voluntary communication. This was not previously planned in this form in the draft. Instead, a procedure for exemption from the notification obligation was laid down in paragraph 5. This will be deleted due to the new regulations. The voluntary notification shall be subject to the same requirements as for the mandatory notification. It is therefore easier to implement the newly regulated procedure in a more non-bureaucratic manner than the previously foreseen scheme and for owners of the farms and the public authorities.

The amendments in paragraph 2 are editorial amendments to clarify and harmonise the wording in the legislative text. In addition, an enumeration has been inserted which standardises exemplary and not exhaustively appropriate evidence. In addition, construction plans and photos may also be suitable to substantiate the information covered by the obligation to notify pursuant to § 12(1).

The amendments to paragraph 3 were introduced on the basis of the Bundesrat’s opinion. If the owner of the livestock farm does not inform the authority of the data already reported, retrieval and merging of the data would be considerably more difficult. However, such a notification shall only be made at the request of the authority.

The previous paragraph 5 has been deleted to avoid bureaucracy and to reduce the burden on farm owners and authorities as a consequence of the introduction of paragraph 1 sentence 2.

The amendments in § 13 are editorial amendments to clarify and harmonise the wording in the legislative text.

**In relation to number 13**

The changes in (a) and (b) shall replace the immediate time limit of the authorities to notify the identification number for legal reasons by a period of 2 months. The designation of a specific time limit is intended to clarify the period during which the authority is to assign the identification number. It is based on the fattening phase of pigs, which is two to three months. The purpose of this period is to enable the farm owners to pass on the pigs of the first transit with an identification number after notification, as the identification number is to be assigned by the authorities in good time before the animals are removed.

In addition, necessary editorial adjustments of references are made.

**In relation to number 14**

The amendments in § 15 are editorial amendments to clarify and harmonise the wording in the legislative text as well as the adjustment of references. In addition, as in § 14, the immediate time limit is amended to a period of two months in order to standardise the provisions on the issue of identification numbers for temporary and indefinitely valid identification numbers.

**In relation to number 15**

The amendment in § 16 is an editorial amendment to clarify and harmonise the wording in the legislative text.

**In relation to number 16**

The changes in § 17 are editorial changes for the necessary adaptation of references.

**In relation to number 17**

The changes in § 18 are editorial changes for the necessary adaptation of references.

**In relation to number 18**

The amendments in § 19 by letter (aa) and (c) double letter (aa) are editorial amendments to clarify and harmonise the wording in the legal text.

The changes in letter a double letter (bb) are due to a request from the Bundesrat. Instead of the weight of a single animal, the average weight of the stabled group should be taken into account. This is appropriate, as other legislation also focuses on the average weight of the animals.

The changes to (b) and (c) of double letter (bb) are necessary for legal reasons. The time when the records have to be started must be determined in concrete terms. This is the time when the animals are stabled in the husbandry facility, i.e. kept. The immediate period shall be superfluous and deleted when the specific time limit is set.

The changes in point (d) are due to requests from the Bundesrat. When recording changes in the number of animals or the manner in which animals are kept and the whereabouts of animals, in addition to the content, the date of the change shall be recorded. This allows the authorities to track the changes in time. In addition, this is necessary in order to determine the temporal focus of the keeping of animals in accordance with § 3(2) if the husbandry of animals has been changed during the fattening phase. When sending animals to a husbandry facility that has a registration number under the Livestock Transport Ordinance, this must now also be indicated for better traceability for the authorities.

**In relation to number 19**

The amendments in § 20 are editorial amendments to clarify and harmonise the formulations in the legislative text as well as a necessary clarification. Unless an identification number has been notified to the owner of the husbandry facility, they cannot forward it to the next in the food chain. It is imperative to clarify that the obligation to pass it on applies only if the owner of the husbandry facility has a number.

**In relation to number 20**

The amendments in § 21 are editorial amendments to clarify and harmonise the wording in the legislative text. In addition, necessary editorial adjustments of references are made.

**In relation to number 21**

With the amendment to § 22(4) sentence 2, control reports by private supervisory authorities are authorised as evidence for food business operators to participate in the voluntary labelling.

The remaining amendments in § 22 are necessary legal adjustments that do not result in any substantive changes.

**In relation to number 22**

The amendments in § 23 through letter (a) are editorial amendments to clarify and harmonise the wording in the legislative text.

Necessary legal amendments shall be made to the amendments referred to in (b). Thus, when taking into account criminal or administrative offences, a necessary period of time is added to how long they can be taken into account. The deletion period is also aligned with the deadline in § 31.

**In relation to number 23**

The amendments in § 24 are editorial amendments to clarify and harmonise the wording in the legislative text. In addition, references are adapted due to changes to the rules referred to. Again, when taking into account criminal or administrative offences, a necessary period of time is added to how long they can be taken into account.

**In relation to number 24**

Control reports from private control bodies are now authorised as evidence for food business operators to participate in voluntary labelling. The remaining amendments in § 25 are editorial amendments to clarify and harmonise the wording in the legislative text. In addition, the numbering and distribution of paragraphs for better comprehensibility for legal users will be revised editorially.

**In relation to number 25**

The amendments in § 26 are editorial amendments to clarify and harmonise the wording in the legislative text.

**In relation to number 26**

The amendments in § 27 are editorial amendments to clarify and harmonise the wording in the legislative text. In addition, the deadline for issuing the identification number will be aligned with the new provisions for domestic enterprises.

**In relation to number 27**

For legal reasons, the provisions of the previous § 32 are incorporated into § 28(1). The previous § 28(2) shall be deleted. The provision contained is superfluous, since, for reasons of proportionality, the authority is in any event obliged to repeal the prohibition once the reasons for it have been eliminated. In addition, editorial amendments are made to clarify and harmonise the wording in the legislative text.

**In relation to number 28**

The amendments in § 29 are editorial amendments to clarify and harmonise the wording in the legislative text. In addition, references are adapted due to changes to the rules referred to.

**In relation to number 29**

The amendments in § 30 are editorial amendments for the necessary adaptation of references due to changes in the provisions referred to.

**In relation to number 30**

The amendments in § 31 are editorial amendments for the necessary adaptation of references due to changes in the provisions referred to.

**In relation to number 31**

The former § 32 is deleted for legal reasons and the substantive rules are included in the remade § 28(1).

**In relation to number 32**

The amendments to the new § 32 through (aa) and (d) to (4) are editorial amendments to clarify and harmonise the wording in the legislative text.

The changes in letter a double letter (bb) are due to the Bundesrat’s opinion. Instead of the weight of a single animal, the average weight of the stabled group should be taken into account. This is appropriate, as other legislation also focuses on the average weight of the animals.

The changes in points (b) and (c) are necessary for legal reasons. The time when the records have to be started must be determined in concrete terms. This is the time when the animals are stabled in the husbandry facility, i.e. kept. The immediate period shall be superfluous and deleted when the specific time limit is set. The provision is identical to the rules applicable to domestic enterprises.

The amendments made by (d) with regard to the new paragraph 5 aim to align with the newly established requirements for domestic establishments. When recording changes in the number of animals or the manner in which animals are kept and the whereabouts of animals, in addition to the content, the date of the change shall be recorded. This allows the authorities to track the changes in time. In addition, this is necessary in order to determine the temporal focus of the keeping of animals in accordance with § 3(2) if the husbandry of animals has been changed during the fattening phase. When sending animals to a husbandry facility that has a registration number under the Livestock Transport Ordinance, this must now also be indicated for better traceability for the authorities.

**In relation to number 33**

The amendments in § 34 are editorial amendments to clarify and harmonise the wording in the legislative text. In addition, references are adapted due to changes to the rules referred to. In addition, it is made clear to the authority that it may order a correction of the labelling before and after the food is placed on the market.

**In relation to number 34**

The amendment in § 35 is an editorial amendment to clarify and harmonise the wording in the legislative text.

**In relation to number 35**

The amendment in § 36 is an editorial amendment to clarify and harmonise the wording in the legislative text.

**In relation to number 36**

Under number 36, paragraph classification is amended editorially.

**In relation to number 37**

The addition in § 37 ensures that the authorities know the identification numbers of the other authorities. This allows them to identify, during an inspection of establishments and food business operators, on the basis of the identification number which authority was responsible for issuing the identification number and, when appropriate, contact them.

**In relation to number 38**

The amendments to the new § 38 are, on the one hand, editorial adjustments to the references. In addition, the new paragraph 3 supplements the determination of the competent administrative authority within the meaning of § 36(1) number 1 of the Law on Administrative Offences.

**In relation to number 39**

Under number 39, paragraph classification is amended editorially.

**In relation to number 40**

The amendments in § 40 are editorial amendments to clarify and harmonise the wording in the legislative text.

**In relation to number 41**

Under number 41, the classification of paragraphs and the reference to the investment are adjusted editorially.

**In relation to number 42**

It is regulated that the Federal Office of Food and Agriculture reports to the Bundestag five years after the entry into force of the Animal Husbandry Labelling Act on the effectiveness of the measures taken under the law.

**In relation to number 43**

The amendment regulates the entry into force of the law. This law comes into force on the day after promulgation. This shifts the entry into force of the law so that the farm owners and food business operators who wish to apply the labelling voluntarily before the regulated obligation can implement this immediately.

**In relation to number 44**

The relevant section of the fattening is now determined on the basis of the average live weight of the animals per stabled group, not on the basis of the individual animal. The amendment to Appendix 3 takes account of the ongoing practice.

**In relation to number 45**

The amendments in Appendix 4 are legally necessary amendments as well as grammatical corrections and editorial changes to clarify and harmonise the wording in the legislative text. In addition, references are adapted due to changes to the rules referred to. The material criterion has been included in all forms of husbandry. As a material, straw, hay, sawdust or a mixture of these materials can be used in particular.

In Section II, alternative requirements for another husbandry facility are added, which should also be assigned to the “Stable+Space” type. Under number 1, the soil areas are adapted and roughage is required as a mandatory element. Previously, rough fodder was intended as an optional element.

The requirements now referred to in number 2 are largely in line with the previous requirements for the husbandry facility, i.e. a closed or predominantly closed warm stable. Instead of the three optional elements, however, a husbandry facility can now also be marked with the “Stable+Space” mode, if the animals in this husbandry facility are provided at any time with an area outside the husbandry facility (outdoor), and thus allow each animal to perceive external weather influences and environmental influences. The husbandry facility shall provide for the square metres per animal provided for in Table 1 as a whole, i.e. the total area of the floor area in the house that is fully usable and the unrestricted floor area in the outdoor section. Through the outdoor area, different climatic areas are made available to the animals. The structure of the husbandry facility resulting from the total available area and access to the external climate shall be considered to be comparable to the husbandry facilities complying with the requirements set out in Section II number 1.

If a (small) outdoor area is provided in a husbandry facility but not the unrestricted floor area provided for in Table 1 per animal, it is no longer guaranteed that the structure resembles the requirements of a husbandry facility with three optional elements (number 1). A distinction from the conventional stable is hardly possible, so that such a husbandry facility, i.e. a (mainly) closed warm stable with a small outdoor section, is assigned to the husbandry type “Stable”.

In addition, in the husbandry form “Stable+Space” as the optional element “open drinking source”, it is stipulated that for each - up to 24 (instead of 12) - pig for fattening at least one drinking source with an open water surface is available. This is considered sufficient, in particular because the potions must be offered in addition to the potions to be made available under the Animal Welfare Farming Regulation.

In the “open air stable” husbandry type, number 1 now stipulates that each animal has access to different climatic areas at all times. With this formulation, a higher degree of flexibility is achieved because it is no longer mandatory for every pen to be open to the outside, but at the same time it is ensured that the main effect of the stall opening arrives in every pen and that every animal benefits from it.

Under number 2, a minimum area requirement is added. This applies to the total area of the husbandry facility, i.e. the total area must result from the unrestricted floor area in the house and the floor area that is fully usable in the outdoor area. The structuring of the husbandry facility resulting from the available total area and the access to the outdoor climate (outdoor area) and the resulting movement possibilities for the animals mean that these husbandry facilities are comparable to the husbandry facilities according to Section III number 1, and are also applied accordingly to the husbandry type “open air stable”. The reference to the legal minimum area requirement is therefore deleted. An outdoor stable that only meets the legal minimum standard in the total area shall not be comparable to those laid down in Section III number 1.

In addition, the “outdoor/free country” mode was renamed to “outdoor/pasture” because this designation better describes the actual conditions of husbandry facility. In addition, lying areas scattered with hay in this type are defined as a criterion. In the weight class of 30 to 50 kg, a floor area in the outdoor area of 0.25 square meters is now provided.

In addition, the weight classes are adjusted in the “open air stable” and “outdoor/pasture” types. The floor surfaces are now based on the weight classes of 30 to 50 kg, over 50 to 120 kg and over 120 kg.

In addition, the provision for closing the outdoor area has been amended. This may be closed for a short time, where this is absolutely necessary for reasons of animal welfare, for example due to predators or in special weather conditions in which the animals have to be moved to the stable, for example, at night. In principle, however, the outdoor area should be available to the animals at any time.

**In relation to number 46**

Since the posture form “outdoor/free country” is renamed to “outdoor/pasture”, subsequent changes result in Appendix 5. The protection zone surrounding the animal husbandry labelling now also applies to the European Union logo for organic production and the eco-label according to the act on labelling organic products.

**In relation to number 47**

Appendix 6 defines the requirements of § 7(3) sentence 3 (new) and contains a model for labelling. The restructuring of the Appendices for the models of labelling results from the amendments in § 7 and § 11.

**In relation to number 48**

The current Appendix 6 will become Appendix 7. Since the posture form “outdoor/free country” is renamed to “outdoor/pasture”, subsequent changes result in Appendix 7.

**In relation to number 49**

The current Appendix 7 will become Appendix 8. Since the posture form “outdoor/free country” is renamed to “outdoor/pasture”, subsequent changes result in Appendix 8.

**In relation to number 50**

The current Appendix 8 will become Appendix 9. Since the posture form “outdoor/free country” is renamed to “outdoor/pasture”, subsequent changes result in Appendix 9.

**In relation to number 51**

The current Appendix 9 will become Appendix 10. The heading of Appendix 10 is remade due to an editorial error. In addition, subsequent changes result from the renaming of the husbandry type “outdoor/free country” to “outdoor/pasture”.

**In relation to number 52**

The current Appendix 10 will become Appendix 11. The amendment to Appendix 11 is an editorial amendment for the necessary adaptation of a reference due to changes to the provision referred to.

1. \*) Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1). [↑](#footnote-ref-1)
2. \*\*) the provisions of Regulation (EU) 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) 1924/2006 and (EC) 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) 608/2004 (OJ L 304, 22.11.2011, p. 18). [↑](#footnote-ref-2)
3. 1) This DIN EN ISO/IEC standard is to be obtained from Beuth Verlag GmbH Berlin and can be archived, stored and viewed at the German National Library. [↑](#footnote-ref-3)
4. 2) This DIN EN ISO/IEC standard is to be obtained from Beuth Verlag GmbH Berlin and can be archived, stored and viewed at the German National Library. [↑](#footnote-ref-4)
5. 3) This DIN EN ISO/IEC standard is to be obtained from Beuth Verlag GmbH Berlin and can be archived, stored and viewed at the German National Library. [↑](#footnote-ref-5)