

Brussels 20 January 2024

## **Eurogroup for Animals' response to TRIS Notification 2023/0675/IT**

Eurogroup for Animals welcomes the opportunity to submit comments on Italy's new law *Provisions relating to the prohibition on the production and marketing of food and feed consisting of, isolated from or produced from cell cultures or tissues derived from vertebrate animals, as well as the prohibition on the designation of processed products containing vegetable proteins as meat.*

We wish to highlight the following key points with regard to Italy's new law:

### **Art. 2. (Prohibition on the production and marketing of food and feed consisting of, isolated from or produced from cell cultures or tissues derived from vertebrate animals)**

Cultivated meat is recognised by IPCC for its ability to substantially reduce GHG emissions from food production. The report notes that less land and water is used, the nutrient footprint is smaller and it addresses concerns over animal welfare.<sup>1</sup> When produced with renewable energy, the carbon footprint of cultivated meat is lower than conventional meat. Importantly, cultivated meat scores significantly lower on land use, air pollution and nitrogen emissions when compared with conventional meat.<sup>2</sup>

When cultivated meat can substitute some meat in diets from industrial farming, land will be freed up and can be used for sustainable agriculture with traditional breeds that can fulfil an ecological role by grazing, or other ecosystem services.<sup>3</sup> Sustainable farming, with small groups of animals in a sustainable food system, is more compatible with cultivated meat

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<sup>1</sup> IPCC. 2022. *Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press, Cambridge, UK and New York, NY, USA. doi: 10.1017/9781009157926

<sup>2</sup> Sinke, P. et al. 2023. Ex-ante life cycle assessment of commercial-scale cultivated meat production in 2030. *International Journal of Life Cycle Assessment* 28, 234–254.  
<https://doi.org/10.1007/s11367-022-02128-8>

<sup>3</sup> Sinke, P. et al. 2023. Ex-ante life cycle assessment of commercial-scale cultivated meat production in 2030. *International Journal of Life Cycle Assessment* 28, 234–254.  
<https://doi.org/10.1007/s11367-022-02128-8>

than with the current industrial farming system that drives deforestation, biodiversity loss and consumes crops that can be used for human consumption.

Regulation (EU) 2015/2283 on Novel Foods provides a robust legal framework for evidence-based safety assessment and regulatory approval of all novel foods. The Regulation requires pre-market authorisation of cultivated meat and thorough safety assessment by EFSA. Hence, EU legislation to safeguard consumer protection already exists, which makes preventive national legislation unnecessary. Cultivated meat will only be placed on the EU market if it is scientifically proven to be safe to consume.

While no applications for regulatory approval of cultivated meat have to date been submitted in the EU, it has been approved in Singapore and the U.S. We would also like to draw attention to the recent report by FAO and WHO on the food safety aspects of cell-based food that concludes that potential risks of cultivated meat are known and they exist equally in traditionally produced meat.<sup>4</sup>

The precautionary principle, invoked in the Italian law, is based on Art. 7 Regulation 178/2002 on the general principles and requirements of food law. Art. 7 applies when there is a risk and measures for risk management should be temporary. As cultivated meat cannot be placed on the EU market before it has been proved safe for consumers, there is no risk for consumer safety. We believe that the precautionary principle is used here to impose a barrier for cultivated meat to come to market. It does not consider the existing regulatory framework for the safety assessment of novel foods.

### ***Art. 3. (Prohibition on the designation of processed products containing vegetable proteins as meat)***

The IPCC warns that methane emissions continue to increase. In their report on mitigation pathways, the IPCC notes that a shift to more plant-based diets, with only a moderate intake of animal-source food, has significant mitigation potential.<sup>5</sup> A crucial aspect for shifting food consumption patterns is to tackle the barriers that consumers encounter. These barriers can be affordability and availability of plant-based products, but also the ability to easily identify

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<sup>4</sup> FAO & WHO. 2023. *Food safety aspects of cell-based food*. Rome. <https://doi.org/10.4060/cc4855e>

<sup>5</sup> IPCC. 2022. *Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press, Cambridge, UK and New York, NY, USA. doi: 10.1017/9781009157926

them. Another aspect is to easily understand how new plant-based products can be used when cooking. According to consumer surveys, most consumers are not concerned about meat sounding names on vegan or vegetarian food if the products are clearly identifiable as vegetarian or vegan.<sup>6</sup>

There is no risk of consumers being confused by meat-sounding names such as ‘veggie burger’ as it is clear they are plant-based. Recent surveys indicate that consumers distinguish between plant-based burgers and meat burgers correctly. They are not confused by plant-based products labelled with meat-sounding names such as ‘nuggets’ or ‘burgers’. The overwhelming majority, 96.4% of respondents, said they had chosen the product consciously. More than 80% thought it was obvious that the product did not contain meat as long as it was labelled ‘vegan’, ‘vegetarian’ or plant-based’.<sup>7</sup>

EU food law establishes the consumers’ right to information about food products. Plant-based foods are labelled according to the EU’s legal framework, Regulation (EU) No 1169/2011 relating to the provision of food information to consumers, which ensures food information to consumers. Hence, the legal framework in force assures a high level of consumer protection, as also demonstrated in consumer surveys.

It should be noted that many plant-based products are made from EU agricultural produce. This means that EU farmers and EU companies could be disadvantaged if they can no longer market their products in ways that make the products easy to identify by consumers, and easy for consumers to understand how they can be used. Currently, a ruling by the EU Court of Justice is pending on whether Member States can restrict certain denominations or whether it is a distortion of fair competition and trade on the internal market. The ban on certain denominations can be a case of State Aid, which is prohibited by Articles 107 and 108 of the Lisbon Treaty. Until the Court of Justice ruling, Member States should not introduce their own rules on the denominations.

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<sup>6</sup> BEUC. 2020. *One bite at a time: Consumers and the transition to sustainable food. Analysis of a survey of European consumers on attitudes towards sustainable food*, p. 35.  
[https://www.beuc.eu/sites/default/files/publications/beuc-x-2020-042\\_consumers\\_and\\_the\\_transition\\_to\\_sustainable\\_food.pdf](https://www.beuc.eu/sites/default/files/publications/beuc-x-2020-042_consumers_and_the_transition_to_sustainable_food.pdf)

<sup>7</sup> ProVeg. 2022. *Plant-based labelling. How common labelling language impacts consumer perceptions of plant-based products*.  
<https://proveg.org/press-release/new-reports-reveal-best-ways-to-label-plant-based-products-2/>