EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 103

Communication from the Commission - TRIS/(2026) 2513

Directive (EU) 2015/1535

Notification: 2026/0313/IT

Forwarding of the observations of a Member State (Spain) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

MSG: 20262513.EN

1. MSG 103 IND 2026 0313 IT EN 28-12-2026 08-09-2026 ES COMMS 5.2 28-12-2026

2. Spain

3A. Ministerio de Asuntos Exteriores, UE y Cooperación
DG Coordinación del Mercado Interior y Otras Políticas Comunitarias
SG Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente
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3B. Comisión Interministerial para la Ordenación Alimentaria
Agencia Española de Seguridad Alimentaria y Nutrición.
Ministerio de Derechos Sociales, Consumo y Agenda 2030.

4. 2026/0313/IT - C60A - Labelling

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Notification 2026/0313/IT

Within the framework of Directive (EU) 2015/1535, on 25 June 2026 the Italian Government notified the draft ‘Regulation on the ‘National Quality Scheme for Animal Welfare (SQNBA)’, pursuant to Article 224-bis of Decree-Law No 34 of 19 May 2020, and operational procedures for the management and approval of certification requirements applicable to outdoor fattening pigs and bovine animals’.

Examination of the draft has led the Spanish authorities to submit the comments set out below pursuant to Article 5(2) of said Directive:

1. Comments on the nature and scope of the National Quality Scheme for Animal Welfare.

According to the basic text of this notification, Decree-Law No 34/2020 of the Council of Ministers and the Minister for Economic Affairs and Finance, Article 224-bis, concerning the National Quality Scheme for Animal Welfare, lays down the following objectives:
‘[…]
- improve food quality;
- improve the economic, social and environmental sustainability of livestock production;
- improve animal welfare and health conditions;
- reduce emissions and environmental impacts from livestock holdings.
[…]’
Furthermore, it provides that:

'[…]
1. The scheme is based on animal health and welfare requirements that go beyond the minimum standards laid down in EU and national legislation.
2. Adherence to the scheme is voluntary for operators in the sector
3. By decrees of the Ministry of Agricultural, Food and Forestry Policies and the Ministry of Health, the following shall be defined:
a. technical production standards
b. the distinguishing mark or label identifying qualifying products
c. control and surveillance mechanisms
d. coordination with other existing certification schemes
e. the use and integration of agricultural and health databases
4. It is envisaged that a technical-scientific body will be set up to define the arrangements for managing the scheme and the certification criteria.
[…]'

The definition of a National Quality Scheme is currently set out in Article 47(a) of Commission Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 as regards the additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023–2027 pursuant to that Regulation, and rules on the ratio for good agricultural and environmental condition (GAEC) standard 1.

Among the requirements for national quality schemes under the CAP Strategic Plans are, inter alia, the requirement to ensure that the quality of the final product produced in accordance with such schemes significantly exceeds commercial standards as regards public health, animal health and plant health, animal welfare and environmental protection, and the requirement that the schemes be open to all producers in the Union.

In this case, the process of awarding the SQNBA mark is conditional upon the award of certification through the ClassyFarm verification process, the granting of the so-called 'green light', and the use of information contained in Italian veterinary databases.
Annex 2 to the SQNBA states that 'any other traceability certification is not considered equivalent'.

The Italian draft does not provide for a mechanism for recognising equivalent data from national databases in other Member States, such as holdings registered in REGA or movements recorded in SITRAN, instead focusing its operation on ClassyFarm and Italian databases. Consequently, the SQNBA does not expressly recognise the functional equivalence of the identification, registration and traceability systems established by the Member States in accordance with Regulation 2016/429, and in practice imposes additional requirements based on ClassyFarm and Italian national procedures.

In view of the above, the Spanish authorities submit the following questions to Italy:

1. Is the national quality scheme for animal welfare a quality scheme within the meaning of Article 47(a) of Commission Delegated Regulation (EU) 2022/126?
2. If so, would this be a scheme open to all livestock farmers in the European Union, irrespective of the Member State of production or the Member State in which the producer is established?
3. If it is a scheme open to the management of the breeding process of food-producing animals reared in any EU Member State, could a certification audit be requested outside the Italian territory?

2. Comments on the

Article 2 of the draft defines the Unique Registration Number as 'the alphanumeric code generated by the BDN which refers to the establishment where the activity takes place, the operator's tax identification number and the species of kept animals'

Article 109(1) of Regulation (EU) 2016/429, the EU Animal Health Law, requires Member States to establish and maintain

a computerised database for the traceability of certain kept terrestrial animals.
In view of the above, the Spanish authorities submit the following questions to Italy:

1. Would it be possible to register an operator from another Member State, or an operator who is either a national or from another Member State but who rears the animals in a Member State other than Italy?
2. If so, is there the possibility of certifying derived meat products in other Member States following the SQNBA guidelines?

3. Comments on the incorporation of additional indications such as: 'Origin.. [EM] SQNBA certificate'.

Article 8 on marketing and labelling of the SQNBA paragraph c) provides:
'[…]
Reared at …' refers to the SQNBA-certified establishment where the animal is reared in accordance with the requirements, procedures and time limits laid down in the certification schemes referred to in Article 1(5). In accordance with the provisions of this Decree, the statement 'From rearing … [nationality] … certified under the SQNBA' or 'From breeding … [nationality]… SQNBA-certified' and where the animal was born, reared and slaughtered in the same Member State, the information may also be provided in the cumulative form 'Origin… '[name of the Member State]', possibly accompanied by an indication of a geographical region.
[…]'
On the one hand, Regulation (EC) No 1760/2000 establishing a scheme for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 comprehensively regulates the birth, rearing and slaughter of bovine animals and beef, laying down mandatory requirements. It follows from this that national indications must not cause confusion with the EU scheme, suggest a legal category different from that provided for in the Regulation, or create artificial competitive advantages.
On the other hand, Article 9 of Regulation 1169/2011 provides for the list of mandatory particulars, with point (i) indicating the country of origin or place of provenance where provided for in Article 26.

In addition, Article 26(9) of Regulation (EU) No 1169/2011 states: 'In the case of foodstuffs referred to in paragraph 2(b), paragraph 5(a) and paragraph 6, the reports and impact assessments under this Article shall examine, amongst other aspects, the options for the manner in which the country of origin or place of provenance of such foodstuffs is to be indicated, in particular in relation to each of the following key stages in the animal's life: (a) place of birth; (b) place of rearing; (c) place of slaughter'.

In this regard, and on the basis of Article 7(1)(a) of Regulation (EU) No 1169/2011, which provides that food information must not be misleading as to the characteristics of the food, its nature, identity, properties, composition, quantity, durability, country of origin or method of manufacture; the dual indication of origin on the labelling could infringe the mandatory rules laid down by the EU.

In view of the above, the Spanish authorities submit the following questions to Italy:

How will a product be labelled under the SQNBA scheme whilst also complying with the mandatory requirements set out in European legislation?

4. Comments on the use of expressions such as 'animal welfare'.

Article 1(1), concerning the Purpose and scope of application, provides as follows:

'This Decree sets out the procedure for establishing animal health and welfare requirements, which go beyond those of the relevant European and national standards, to assess the management of the rearing process for food-producing animals, broken down by species, production type and rearing method, including the management of emissions on the holding, as part of the 'National Quality Scheme for Animal Welfare', hereinafter referred to as SQNBA'.

A large part of the SQNBA's prerequisites simply consists of: compliance with European legislation on veterinary matters, biosecurity and traceability, and the absence of administrative infringements.

As it is not specified which requirements of the scheme would result in products that significantly exceed the standards relating to public health, animal health and plant health, animal welfare and environmental protection.

The use of terms such as 'animal welfare' may suggest that non-certified products do not meet animal welfare requirements or do not comply with EU legislation, whereas all products are legally required to meet the minimum animal welfare requirements laid down in EU Directives.

Article 7(1)(c) of Regulation (EU) No 1169/2011 states that food information must not mislead by suggesting that a food possesses special characteristics when, in fact, all similar foods possess those same characteristics.

In view of the above, the Spanish authorities submit the following question to Italy:

Which requirements of the voluntary animal welfare certification scheme go beyond those set out in EU legislation?

In summary, the Spanish authorities request Italy to:

1. provide a response to the questions raised about the nature and scope of the scheme;

2. Review the optional elements relating to 'animal welfare', compliance with which does not in itself result in the resulting product being different from other products with the same characteristics available on the EU market. These elements would not be sufficient for the award of a quality mark and could give rise to unfair information practices towards consumers.

3. Confirm whether there is the possibility of certification of products produced in other Member States following the SQNBA production guidelines.

4. Specify the animal health and welfare requirements that go beyond EU legislation for the certification of bovine animals and pigs reared outdoors.

Madrid, 8 September 2026

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