

DRAFT 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

Article 1.

(Purpose and definitions)

1. This Law lays down provisions designed to ensure the protection of human health and the interests of citizens and to preserve the agri-food heritage, as a set of products that express Italy's socio-economic and cultural evolution, that is of strategic importance for the national interest.
2. For the purposes of this Law, the definitions set out in Articles 2 and 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 as well as European Union and national provisions on designations of food and feed and labelling thereof shall apply.

Article 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)

1. On the basis of the precautionary principle set out in Article 7 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, food business operators and feed business operators shall be prohibited from using in the preparation of food, beverages and feed, selling, holding for sale, importing, producing for export, administering or distributing for food consumption or promoting for those purposes food or feed consisting of, isolated from or produced from cell cultures or tissues derived from vertebrate animals.

Article 3.

(Prohibition on the designation of processed products containing vegetable proteins as meat)

1. In order to protect national livestock heritage, recognising its high cultural, socio-economic and environmental value, as well as to adequately support its promotion, while ensuring a high level of protection for human health and the interests of citizen-consumers and their right to information, for the production and marketing within the national territory of processed products containing exclusively vegetable proteins, it shall be prohibited to use:
 - a) legal, common and descriptive names referring to meat, meat production or products made mainly of meat;
 - b) references to animal species or groups of animal species or to animal morphology or animal anatomy;
 - c) specific terms used by butchers, delis or fishmongers;
 - d) names of foods of animal origin representative of commercial uses.
2. The provisions referred to in paragraph 1 shall not preclude the addition of vegetable proteins, flavourings or ingredients to products of animal origin.

3. The provisions referred to in paragraph 1 shall not apply where animal proteins represent the predominant share of the product containing vegetable proteins and provided that the citizen-consumer is not misled as to the composition of the food.

4. The provisions of this Article shall not apply to combinations of foodstuffs of animal origin with other types of food that do not replace nor are alternative to those of animal origin, but are added to them in such combinations.

5. By decree of the Minister for Agriculture, Food Sovereignty and Forestry, to be adopted within sixty days from the date of entry into force of this Law, a list of sales names of foodstuffs that, if traced back to plant products, may mislead the citizen-consumer as to the composition of the foodstuff, shall be adopted.

Article 4.

(Control authority and method for applying penalties)

1. The Ministry for Health, the regions, the autonomous provinces of Trent and Bolzano, local health authorities, the Carabinieri Command Unit for the Protection of Health, through the relevant dependent Anti-Sophistication and Health Units, the Command of the Forest, Environmental and Agri-food units (CUFA), through the relevant dependent Command Units, the Central Inspectorate of Quality Protection and Fraud Repression of Agri-Food Products (ICQRF) of the Ministry for Agriculture, Food Sovereignty and Forestry, the Guardia di Finanza and the Customs and Monopolies Agency, as well as, for products pertaining to the fish supply chain, the Harbour Masters Corps – Coast Guard, each in accordance with their respective remits, shall carry out checks as to the implementation of this Law. The authorities referred to in the first point shall carry out checks of their respective competence with the support, where necessary, of the specialised staff of the Ministry for Health, the Carabinieri Command Unit for the Protection of Health and local health authorities with specific powers for biological quality and technical checks of a health nature, in relation to potential risks to human health on the basis of the precautionary principle laid down in Article 7 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002.

2. The provisions of Chapter I, Sections I and II of Law No 689 of 24 November 1981 shall apply to the determination of infringements and penalties provided for in this Law. The reduced payment referred to in Article 16 of Law No 689 of 1981 is not permitted.

3. For the infringements referred to in Articles 2 and 3 of this Law, the competent authorities to whom the report referred to in Article 17 of Law No 689 of 1981 shall be addressed shall be those referred to in Article 2(1) and (3) of Legislative Decree No 27 of 2 February 2021, in accordance with their remits regarding territory and subject matter.

Article 5.

(Penalties)

1. Unless the act constitutes a criminal offence, food business operators and feed business operators who violate the provisions of Articles 2 and 3 shall be subject to an administrative fine of a minimum of EUR 10 000 up to a maximum of EUR 60 000 or 10% of the total annual turnover achieved in the last financial year closed before the establishment of the infringement, where that amount exceeds EUR 60 000. The maximum penalty may not, however, exceed EUR 150 000. The infringement shall result in the confiscation of the illicit product, the application of the administrative penalties of the prohibition to access contributions, financing or benefits or other disbursements of the same type, however denominated, granted or disbursed by the State, other public bodies or the European Union for the performance of entrepreneurial activities, for a minimum period of one year and up to a maximum of three years, as well as the closure of

the production plant, for the same period. Any person who finances, promotes or facilitates in any way the conduct referred to in Articles 2 and 3 shall be subject to the same penalties.

2. In determining the administrative pecuniary penalties provided for in this Law, the competent authority shall take into account the seriousness of the fact, the duration of the infringement, and the work carried out by the staff member in order to eliminate or mitigate the consequences of the infringement and its economic conditions.

Article 6.

(Reference to Law No 689 of 1981 and methods for updating penalties)

1. To the extent not provided for in this Law, the provisions of Law No 689 of 24 November 1981 shall apply.
2. The amount of the administrative pecuniary penalties provided for in this Law shall be updated every two years, on the basis of changes in the national index of consumer prices for the whole community, recorded by the Italian National Institute of Statistics (ISTAT), by decree of the Minister for Economic Affairs and Finance, in agreement with the Ministers for Health and for Agriculture, Food Sovereignty and Forestry.

Article 7.

(Financial invariant clause)

1. The implementation of this Law must not result in new or increased burdens on public finances.
2. The administrations concerned carry out the activities provided for by this Law with the human, financial and instrumental resources already available under current legislation.