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Subject: Notification 2023/615/AT

**AgrarMarkt Austria (AMA) Quality Seal Guidelines – Cow farming,
2024 Version**

**Delivery of comments pursuant to Article 5(2) of Directive (EU)
2015/1535 of 9 September 2015**

Sir,

Within the framework of the notification procedure laid down by Directive (EU) 2015/1535 ⁽¹⁾, the Austrian authorities notified to the Commission on 2 November 2023 the **“AgrarMarkt Austria (AMA) Quality Seal Guidelines – Cow farming, 2024 Version”** (hereafter “the notified draft”). According to the notification message, the notified draft introduces a voluntary module with higher requirements for animal husbandry. The module lays down additional requirements for animal husbandry and feeding on the farm, and provides for mandatory participation in an animal health service and an enhanced animal health monitoring programme. Milk products from holdings participating in the ‘*animal husbandry plus*’ module are labelled ‘*AMA quality label for livestock farming plus*’. Products made from milk from holdings participating in the

¹) 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.

‘animal husbandry plus’ module and keeping the cows in free houses with an outdoor climate are labelled ‘AMA quality label for livestock farming plus outdoor climate’.

The examination of the notified draft has prompted the Commission to issue the following comments.

The Commission notes that the notified draft lays down requirements for products to obtain the AMA quality label. In this respect, the Commission would like to underline that a quality label must specify the requirements related to the characteristics of the product that go beyond the standards and that give superior quality to the products with respect to similar products.

The affixing of a quality label to products or foodstuffs not complying with superior requirements would mislead the consumer, suggesting a quality that appears to be higher, when similar products or foodstuffs are actually of the same quality (judgement in case 13/78 Eggers, ECLI:EU:C:1978:182, paragraphs 24 and 25; reiterated in the judgement in the case C-325/00, Commission v Germany, ECLI:EU:C:2002:633, paragraph 24).

In this regard, it should be noted that according to Article 7(1)(c) of Regulation (EU) No 1169/2011 on the provision of food information to consumers ⁽²⁾, food information shall not be misleading, particularly by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics”.

In particular, the Commission would like to draw the attention of the Austrian authorities to Chapter A, point 4.2 of the notified draft, according to which “*Only soy from certified deforestation-free production may be used under the AMA Quality Seal programme. The use of deforestation-free feed is guaranteed when feed labelled with the ‘pastus+ AMA Quality Seal’ is purchased. Only deforestation-free soy may be used in feed labelled with the ‘pastus+ AMA Quality Seal’.*”

The Commission reminds the Austrian authorities that on 30 December 2024, Regulation (EU) 2023/1115 on products associated with deforestation ⁽³⁾ will enter into force, which makes compulsory the use of deforestation-free soya in the feed according to Articles 3 and 38(2).

²) Regulation (EU) No 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) No 1924/2006 and (EC) No 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) No 608/2004, OJ L 304, 22.11.2011, p. 18.

³) Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010, OJ L 150, 9.6.2023, p. 206–247.

In the light of Article 7(1)(c) of Regulation (EU) No 1169/2011, the Commission invites the Austrian authorities to remove the reference on the use of soy from certified deforestation-free production from the guidelines as of 30 December 2024, as this requirement will be harmonized and become mandatory at EU level. The affixing of the AMA quality label on the products on the basis of this requirement would therefore be misleading to the consumer.

The Commission invites the Austrian authorities to take the above comments into account.

The Commission furthermore recalls that once the definitive text has been adopted, it must be communicated to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.

Yours faithfully,

For the Commission

Kerstin JORNA

Directorate-General for Internal
Market, Industry, Entrepreneurship
and SMEs