

July 15, 2025

The National Milk Producers Association (NMPF) and U.S. Dairy Export Council (USDEC) appreciate the opportunity to comment on the European Commission's call for evidence on animal welfare for certain animals: modernisation of EU legislation, which was notified for a 4-week public comment period on the [Have your say website](#)¹.

NMPF develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the United States (U.S.) milk supply, making NMPF the voice of dairy producers on Capitol Hill and with U.S. government agencies. NMPF provides a forum through which dairy farmers and their cooperatives formulate policy on national issues that affect milk production and marketing.

USDEC is a non-profit, independent membership organization representing the global trade interests of U.S. dairy farmers, dairy processors and cooperatives, dairy ingredient suppliers and export trading companies. Its mission is to enhance U.S. global competitiveness and address non-tariff barriers that have the potential to negatively impact U.S. dairy exports. USDEC and its 100-plus member companies are supported by staff in the United States and overseas in Mexico, South America, Asia, Middle East and Europe.

Overview of Initiative

In the political context section of the consultation document, the European Commission identifies that the February 2025 Vision for Agriculture and Food establishes plans to issue legislative proposals on animal welfare and to apply these same standards to products produced in the EU and those imported from non-EU countries. The Commission has identified the following reasons for developing animal welfare legislation:

1. Citizen-driven animal-welfare initiatives in member states have led to complex and overlapping rules in member states which are difficult to apply, monitor, and enforce.
2. Lack of cohesion in member-state requirements creates unequal conditions for farmers and food businesses.

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14671-On-farm-animal-welfare-for-certain-animals-modernisation-of-EU-legislation_en

3. Desire to level the playing field to ensure consistent standards across Member States and foreign countries in order to prevent market distortions and unfair competition.
4. Legislate consumer preference in response to citizens' expectations "given the strong societal demand for improved animal welfare."
5. Safeguard the viability of the EU's agri-food sector.

The objectives and policy options of the initiative are identified as follows:

"The main objectives of this legislative revision are to ensure a good functioning of the internal market when it comes to animal welfare standards, to modernise existing rules and to follow up on the European Citizens' Initiative "End the Cage Age". This revision will be based on the latest scientific evidence and take into account the legislation's socio-economic impact on farmers and those in the food supply chain, including SMEs and consumers. The revision will also provide support and appropriate species-specific transition periods. To uphold EU's moral values in response to societal demand, the Commission will explore, in line with international rules, equivalent animal welfare production standards on imported products."

The Call for Evidence document identifies 4 options to be considered during the consultation and impact assessment state: (1) Phasing out of cages; (2) Indicators and digitalization (3) Import requirements, and (4) Killing of male day-old chicks in the laying hens' sector.

The document also notes that these regulatory initiatives will comply with WTO rules and be based on an impact assessment. Farm animal stakeholders have called for supportive measures, including EU financing and extended transitional periods. The Commission will consult a diverse group of stakeholders, including international organisations active in animal welfare.

Please find below our comments on the Call for Evidence document, which contains only a broad outline of the expected animal welfare initiatives that are under consideration.

Over-Arching Commission Approach to Animal Welfare

NMPF and USDEC recognize the absolute right of the Commission to take a harmonized approach to setting animal welfare standards for products produced on EU member state farms. It is naturally up to the Commission, European Parliament and Council representatives and the people of the EU to determine the appropriate balance between food prices and consumer preferences as it relates to products produced on farms across the EU. However, what is not appropriate is for the Commission to dictate farming practices to its trading partners when those practices have no bearing on the safety of the exported food nor its potential to introduce contagious diseases into the EU farming sector.

Our objections are specifically to the prospect of EU regulators enforcing animal welfare requirements on trading partners. The U.S. dairy industry is deeply devoted to the importance of ensuring robust animal welfare, but this is not an area that is appropriate for the EU to impose mandates on its trading partners. As detailed in comments below, U.S. dairy farmers have long been leaders on animal welfare. In fact, the U.S. dairy sector was the world's first to have a dairy welfare program certified by ISO as compliant with international guidelines. Despite the existence of this robust program and the full commitment of the U.S. dairy industry to animal welfare, we remain deeply opposed to any imposition by the EU of restrictive requirements on trading partners given the trade distortions this is expected to create. If the EU is to truly comply with its WTO obligations, consumer preference on animal welfare cannot be imposed on imported products.

Impacts on Trade Partners / Import Requirements

In the Call for Evidence document, the Commission has stated an intention to apply animal welfare requirements to imports “in line with international rules”. It is not possible for the EU to both align with its WTO TBT Agreement commitments and at the same time impose consumer preferences regarding farm-level production practices on its trading partners. Voluntary labeling approaches (as referenced below) would allow the EU to regulate animal welfare in a way that would be applicable to both imports and domestically produced products. However, imposing certification or other border mandates that specific animal welfare practices have been followed would certainly fall short of the EU's obligation to respect its existing international commitments.

The Commission's increasing use of process-based controls at the farm level is of particular concern to its trading partners as these measures are unrelated to the safety of the final product imported. Imposition of process-based mandates on the EU's trading partners is an inherent imposition on their sovereignty to regulate within their own territories. We strongly urge the Commission to respect its international obligations and work with its trading partners to find a mutually acceptable solution that does not involve the export of EU consumer preferences on process-based requirements to third countries through import requirements. We urge the Commission to guard against animal welfare requirements becoming the next obstacle in an increasingly burdensome and complex web of requirements that act as non-tariff barriers to trade.

In addition to the regulatory overreach already identified, we are also concerned with the potential for the Commission to use animal welfare requirements to boost its domestic industry at the expense of imports through the provision of even greater farm subsidies. The policy document [A Vision for Agriculture and Food](#)² states that one of its primary goals is to improve the competitiveness of the EU farming sector. Both the Call for Evidence document and in the EU Platform meetings on animal welfare have identified that there is planned financial support for EU producers to implement animal welfare standards, yet producers in third countries

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52025DC0075>

would not have comparable financing. If requirements are implemented as mandates on imports, such an approach would disproportionately penalize the EU's trading partners and lead to animal welfare requirements becoming a non-tariff trade barrier.

Should the Commission move forward as intended to present a legislative proposal for the first sectors in 2026, as indicated in the Call for Evidence document, we urge the Commission to consider the following points:

1. **Alignment with international obligations:** Any new animal welfare provision relevant to trading partners must align with internationally accepted guidance in Chapter 7 of the [WOAH Terrestrial Animal Health Code](#)³. As noted above, the imposition of mandatory animal welfare requirements for all products imported would not comply with the EU's WTO obligations and as such must be rejected. In contrast, a labelling-based approach aligned with WOAH guidelines would ensure that the Commission does impose requirements "in line with international rules," as stated in the Call for Evidence document. In particular, we encourage adherence to articles 2.2 through 2.4 of the TBT agreement, which state:

2.2: "Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade..."

2.3: "Technical regulations shall not be maintained if... objectives can be addressed in a less trade-restrictive manner"

2.4: "Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations..."

The WOAH international guidance represents the consensus of participating countries, including the EU participants. Alignment with WOAH guidance is the only way to ensure that new provisions are carried out in a way that aligns with international rules and creates a level playing field for EU farmers. We note that even where policies align with WOAH guidance, it remains entirely inappropriate to impose them as mandatory requirements on imports as animal welfare requirements do not relate to the safety of the imported products themselves.

2. **Systems recognition:** Any policies – such as labelling requirements – that pertain to animal welfare and impact third countries must include an option for systems recognition in which the Commission accepts that a third country is achieving comparable outcomes even if done through different means. NMPF and USDEC encourage the Commission to adhere to Article 7.1.2 of the WOAH Terrestrial Animal Health Code, point 8, when

³ https://www.woah.org/en/what-we-do/standards/codes-and-manuals/#chapter/?rid=76&volume_no=1&ismanual=false&language=102&standard_type=5&animal_type=7

evaluating other countries' systems, which states: "That equivalent outcomes based on performance criteria, rather than identical systems based on design criteria, be the basis for comparison of animal welfare standards and recommendations."

Systems evaluations should consider industry standards in addition to legislation. For example, the U.S. dairy industry developed a national program on animal welfare to complement the underlying animal care requirements at the federal level. The industry launched the Farmers for Responsible Management (FARM) Program in 2009, with the National Milk Producers Federation working in partnership with Dairy Management, Inc. The program demonstrates that U.S. dairy farmers are committed to producing high quality, safe milk with integrity. **The FARM Animal Care Program was the first private program in the world to be certified by ISO as meeting the [ISO Technical Specification 34700:2016](https://www.iso.org/obp/ui/#iso:std:iso:ts:34700:ed-1:v1:en)⁴ on animal welfare management.**

Animal care is one of five pillars of the FARM Program. The program's standards are revised every three years to reflect the most current science and best management practices within the dairy industry, and a broad stakeholder base of individual farmers, veterinarians, cooperative and processor staff, and animal scientists are involved to ensure that animal care standards are supported by the latest dairy industry science. Each revision maintains alignment with WOA standards. Although technically voluntary, U.S. processors expect their producers to participate in this program, reflecting a shared industry commitment to supporting animal welfare. As a result, the participation rate in the U.S. dairy industry exceeds 99%.

Despite this broad adoption rate, the FARM program remains domestically focused only. There are no requirements for producers in third countries to adopt FARM Program recommendations. Import requirements into the United States continue to be focused on animal health, and only a declaration of foot-and-mouth (FMD) freedom or pasteurization to inactivate FMD is needed, in alignment with SPS and TBT principles.

3. **Broad stakeholder consultation:** NMPF and USDEC urge the Commission to notify the WTO and allow trading partners to comment early on in the regulatory development process. Moreover, the Commission should ensure that there is true consideration of the comments received before any regulations are finalized. We note that this is not how the Commission often develops regulations. In the past, the Commission has finalized regulations the day following the end of the WTO comment period, showing an utter lack of good faith with the WTO consultation requirement. Given the potential for new requirements to impact on trade, it is important that trading partners be able to contribute to their development and for the Commission to engage third country governments before new regulations are finalized.

⁴ <https://www.iso.org/obp/ui/#iso:std:iso:ts:34700:ed-1:v1:en>, Animal welfare management — General requirements and guidance for organizations in the food supply chain on February 14, 2018.

EU Domestic Approach to Animal Welfare

In keeping with best practices globally and international guidelines, NMPF and USDEC encourage the Commission to consider the following approaches to address animal welfare concerns when developing requirements for EU farmers:

1. **Voluntary animal welfare labelling:** Given that consumer preferences are driving this animal welfare initiative, we believe that it is appropriate to establish voluntary animal welfare guidelines and then give consumers a choice of whether they are willing to pay more for those higher welfare guarantees. As discussed in the 17th meeting of the EU platform on animal welfare on 30 June 2025, there is often a disconnect between consumers stated preference and what they are willing to pay for at the supermarket when it comes to animal welfare, as demonstrated by the egg sector. A voluntary labelling scheme would allow consumers that wish to pay more for higher animal welfare to have this opportunity, without burdening EU consumers who are more sensitive to prices with higher food costs.

Should the Commission move forward to implement a labeling approach, we urge consideration of a positive approach to labeling so that products meeting a certain animal welfare standard can be identified through a seal or comparable indicator rather than labeling products that do not meet certain criteria. This positive labeling indicator would give consumers that are interested in purchasing foods based on certain welfare requirements an opportunity to identify compliant products without penalizing those that may choose not to carry the label even if their production methods are comparable to those in the EU regulation.

2. **Outcome-based domestic requirements based on international guidance:** Should the Commission decide to establish mandatory requirements for its own farmers in lieu of voluntary labeling, we encourage the establishment of a reasonable baseline that producers can viably meet and that align with the guidelines in Chapter 7 of the WOA's [Terrestrial Animal Health Code](#)⁵. As an active participant in WOA, the EU has agreed to these international guidelines already.

WOAH guidelines include general rather than prescriptive guidance to achieve outcome-based targets, taking into account the vastly different regions in which animal agriculture exists. Flexibility must be provided with a recognition that producers must choose different paths and practices tailored to the local climatic and epidemiological conditions, natural resources, and local agricultural practices. We urge a focus on outcome-based rules that allow producers to meet stated targets without over-regulating how they meet these targets. Moving away from the overly prescriptive recommendations in the [EFSA guidance](#)⁶ to a more balanced approach that focused on outcomes is important to

⁵ https://www.woah.org/en/what-we-do/standards/codes-and-manuals/#chapter/?rid=76&volume_no=1&ismanual=false&language=102&standard_type=5&animal_type=7

⁶ <https://www.efsa.europa.eu/en/topics/topic/animal-welfare>

ensuring the new requirements are commercially viable and do not drive hikes in food prices.

On behalf of the National Milk Producers Federation and USDEC's 100-plus member companies, we appreciate the opportunity to provide comments on this important U.S. dairy industry issue. We kindly request your consideration of our comments. Thank you in advance.

Best Regards,

Shawna Morris
Executive Vice President, Trade Policy
NMPF

Sandra Benson
Vice President, Market Access & Regulatory Affairs
USDEC