Association Alliance

Position Paper

concerning the

EU Notification Procedure 2026/0234/DE

Germany – Draft of a Third Act to Amend the Animal Husbandry Labelling Act (THKG)

12 August 2026

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Position Paper of the Association Alliance on EU Notification Procedure 2026/0234/DE: Draft of a Third Act to Amend the Animal Husbandry Labelling Act (THKG)

The Association Alliance of the Food and Hospitality Industry, namely

the German Hotel and Catering Association

(Deutscher Hotellerie- und Gastronomieverband e.V., DEHOGA Bundesverband),

the **The Caterers in DEHOGA**

(Die Caterer im DEHOGA),

the **Federal Association of System Gastronomy**

(Bundesverband der Systemgastronomie e.V., BdS),

the **German Frozen Food Institute**

(Deutsches Tiefkühlinstitut e.V., dti),

the **Wholesale Association Foodservice**

(Großhandelsverband Foodservice e.V., GVF) and

the **Central Association of the German Bakers' Trade**

(Zentralverband des Deutschen Bäckerhandwerks e.V., ZDB),

jointly represent the interests of tens of thousands of establishments in the out-of-home catering (AHV) sector in Germany.

We take the ongoing EU notification procedure 2026/0234/DE as an opportunity to present our fundamental joint concerns regarding the draft of a Third Act to Amend the Animal Husbandry Labelling Act (THKG), specifically the reference draft of the Federal Ministry of Agriculture, Food and Regional Identity (BMLEH, Ref-E THKG = Draft THKG).

While the Association Alliance explicitly supports the strengthening of animal welfare, we strictly reject the proposed extension of mandatory state-administered animal husbandry labelling to the out-of-home catering sector planned in Germany. It is impractical, disproportionately bureaucratic, and highly questionable under European law. Instead, we advocate for a voluntary labelling system in the out-of-home catering sector.

Our explanations below are structured thematically and take direct reference to the official citations of the notification message contained in the European Commission Communication – TRIS/(2026) 1294.

In addition, we refer to our specific individual association position papers on the reference draft submitted within the legislative procedure on 1 May 2026.

A. Incompatibility with European Law – Conflict with Articles 38, 39, and 7 FIC Regulation, Article 34 TFEU, and Bureaucracy Reduction Goals

Citations from the Notification Message:

- *"6. Service affected: Pig farming; Products affected: Pork as fresh meat, as prepared for human consumption, and ready to eat"*
- *"7. Regulation (EU) No 1169/2011 on the provision of food information to consumers: Articles 40, 43, 44 and 45"*
- *"8. [...] In addition, animal husbandry labelling will be extended to include food service establishments and certain processed foods. Another substantive change is the mandatory labelling of imported food products, [...]. This means that foreign market participants must partake in the animal husbandry labelling system if they wish to place their products on the German market."*

Position of the Association Alliance:

The Amending Act is incompatible with EU law in key areas. It ignores the regulatory system of the EU Regulation on the provision of food information to consumers (FIC Regulation – Regulation (EU) No 1169/2011) and constitutes an impermissible intervention in the European Single Market.

The FIC Regulation stipulates that new mandatory food information requirements should only be established if and to the extent that they are necessary in accordance with the principles of subsidiarity, proportionality, and sustainability (see Recital 19 of the FIC Regulation). The German Amending Act does not comply with this.

I. Structural difference between retail and gastronomy

A fundamental systematic deficiency of the amending provisions consists in the extension of a mandatory husbandry labelling requirement to the out-of-catering sector.

1. Distinction between prepacked versus non-prepacked food / prepared meals

The systematic framework of the FIC Regulation explicitly distinguishes between the labelling requirements for prepacked and non-prepacked food (loose goods). The term "non-prepacked food" also encompasses prepared meals in the food service sector. The Amending Act does not comply with this systematic framework of the FIC Regulation.

Admittedly, the draft provides for formal presentation reliefs for the out-of-home catering sector regarding the presentation of husbandry information (such as simple text labelling under Section 9 of the Draft THKG instead of the graphical logo). However, it ignores the fundamental structural characteristics of gastronomy and its craft-prepared meals (non-prepacked within the meaning of Article 44 of the FIC Regulation) in comparison to the food retail sector (prepacked goods under Articles 9 and 10 of the FIC Regulation).

The European legislator deliberately chose a reduced information regime for loose, non-prepacked goods in Article 44 of the FIC Regulation (as well as in the predecessor Directive 2000/13/EC), as the highly division-of-labor and dynamic kitchen operations do not allow for rigid declaration systems.

According to the report on the proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers dated 19 April 2010, against this background, it was even planned to completely exempt non-prepacked food from mandatory labelling. The justification for this stated:

„Enterprises in the food retail trade and the traditional food production sector, which also include providers of mass catering services, produce products which are not prepackaged for direct delivery to the consumer. There are no standardised procedures: ingredients change on a daily basis. It should also be borne in mind that the traditional food production sector is particularly responsible for preserving regional specialities, for creativity and for innovation and thus ensures the diversity of the products available. It is therefore important to exclude these producers from the compulsory nutrition declaration requirement."[1]

2. Impact on labelling obligations – Proportionality

When conducting a legal assessment of national provisions under the standards of European Union law (in particular under Articles 38 and 39 of the FIC Regulation and Article 34 et seq. TFEU), these sector-specific characteristics must be taken into account. In any case, these structural differences must be observed in the proportionality assessment, which is strictly required as part of the legality review for mandatory labelling schemes.

The proportionality of a labelling obligation must be assessed differently for prepared meals in gastronomy than for prepacked commercial goods in the retail sector: while the retail trade distributes packaged products with fixed specifications, daily purchases, fluctuating availabilities, and changing dishes characterize daily gastronomic operations. A regulatory logic that may appear technically feasible in retail leads to insurmountable logistical hurdles in kitchen practice.

Consequently, the proportionality assessment of the measure is fundamentally different for the gastronomy sector and leads to the unlawfulness of a mandatory husbandry labelling scheme for the out-of-home catering sector.

[1] Report on the proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers, Recital 15, 19.4.2010 - COM(2008)0040 – C6-0052/2008 – 2008/0028(COD).

II. Violation of European Union law limits for national provisions (Articles 38 and 39(1) of the FIC Regulation)

The internal market law of the FIC Regulation sets narrow limits for national legislators regarding the introduction of additional national mandatory labelling requirements. Regardless of the contentious question of whether the Amending Act encroaches upon an area fully harmonised by the FIC Regulation (Article 38(1) of the FIC Regulation) or lays down national provisions in a non-harmonised area (Article 38(2) of the FIC Regulation), such a national measure requires specific justification under European Union law.

Both Article 38(1) and Article 38(2) of the FIC Regulation, as well as Article 39(1) of the FIC Regulation (in conjunction with Article 38(1) of the FIC Regulation), only permit national provisions if they do not obstruct the free movement of goods. Under these provisions, the enactment of new rules – particularly where they impair the internal market or the free movement of goods – requires specific justification based on legitimate public interest objectives (pursuant to Article 36 TFEU or Article 39(1) of the FIC Regulation). Furthermore, the measures must strictly be proportionate.

The Amending Act fails to meet these requirements, at least with regard to its extension to the out-of-home catering sector (Section 3(1) in conjunction with Annex 1; Section 9 of the Draft THKG).

1. Encroachment on the free movement of goods (Articles 34 and 36 TFEU)

The state-administered husbandry labelling scheme provided for in the Amending Act encroaches on the free movement of goods within the meaning of Article 34 TFEU.

Article 34 TFEU prohibits quantitative restrictions on imports and all measures having equivalent effect between Member States.

Pursuant to Section 3 of the Draft THKG, the proposed mandatory labelling scheme explicitly also covers foreign food products (pork) that were not produced in Germany but in other Member States, or obtained from animals originating there.[2] These food products are imported into Germany and supplied to final consumers there. This also applies, in particular, to the out-of-home catering sector.

According to the settled case-law of the CJEU, a national labelling or information requirement regularly constitutes a measure having equivalent effect if it makes the marketing of goods from other Member States dependent on additional requirements and

[2] See Legislative Justification, General Part A. Problem and Objective, page 1 et seq. Draft THKG as well as Section-by-Section Justification, page 35 f. Draft THKG.

adjustments.[3] The Amending Act establishes such additional requirements and market access barriers.

a) With regard to the minimum husbandry level (barn / "Stall"):

Pursuant to Section 4 of the Draft THKG, foreign food products may also only be placed on the German market if they are subjected to a husbandry labelling scheme.

Since German law does not recognize any level below the statutory minimum standard, foreign imports produced merely in accordance with the respective EU minimum standards are mandatorily and systematically classified into the lowest German category ("at least barn" / "mindestens Stall", Section 6 of the Draft THKG).

b) With regard to higher husbandry levels:

The indication of higher husbandry levels in accordance with German requirements is possible. However, these requirements go beyond the EU minimum standards and do not necessarily apply in other Member States. Foreign producers and food business operators are thus forced to adapt their husbandry levels, information, documents, and control systems to a unique German national format, even though they produce and market their products lawfully in their country of origin.[4]

Furthermore, the Act does not provide for a genuine mechanism for the recognition of equivalent animal welfare and labelling systems from other Member States. De facto, the German amending regulations lead to parallel regulation of the pork market within the European Union and jeopardise the mutual recognition of lawfully manufactured food products.

Consequently, the mandatory husbandry labelling scheme is undeniably capable of making market access for products from other Member States more difficult and costly. An encroachment on the free movement of goods within the meaning of Article 34 TFEU therefore exists.

This also has direct negative impacts on the supply structures and operational workflows in gastronomy.

2. No justification on the grounds of consumer protection and animal welfare objectives

Under European Union law, an encroachment on the free movement of goods requires justification pursuant to Article 36 TFEU. Such an encroachment is only justified if there are overriding requirements of public interest and the measure complies with the principle of proportionality.

[3] See, on the case-law of the CJEU, for example: CJEU, Judgment of 16 December 1980 – Case 27/80, ECR 1980, 3839 – Fietje; CJEU, Judgment of 7 March 1983 – Case 94/82, ECR 1983, 947 – De Kikvorsch.

[4] See Legislative Justification, E. Compliance costs for the economy, page 41 et seq. Draft THKG.

The German legislator justifies the extension of the husbandry labelling scheme in a blanket manner with consumer protection and animal welfare. However, neither objective justifies the newly proposed, mandatory state-administered labelling scheme for the out-of-home catering sector. In particular:

a) No justification on the grounds of consumer protection

(1) The Amending Act presupposes a level of consumer interest that does not exist in the assumed magnitude for the out-of-home catering sector. This is also evident from the Ministry's (BMLEH's) own statistical surveys in connection with its official annual Nutrition Reports.

In the justification of the Amending Act, the Ministry states that 71 % of final consumers reported eating in a restaurant at least once a month (Legislative Justification, page 1). However, no corresponding substantial demand from consumers for information on husbandry levels can be derived from this figure. The figures compiled by the Ministry in its Nutrition Reports in this regard are far lower and, in addition, declining.

*(see in detail below, in particular also regarding the results of consumer surveys, under **B. I. 1. et seq**.)*

Furthermore, the effects derived in the justification of the Amending Act for the gastronomy sector from husbandry information do not exist. When selecting dishes, the husbandry level is not a predominantly decisive criterion for consumer decisions.

*(see in detail below, in particular under **B. I. 2.)***

(2) Furthermore, the option of a full downgrading embedded in the Act (Section 6 of the Draft THKG stands in direct contradiction to the formulated objective of consumer protection.

In practice, the Amending Act forces food service operators to declare at least the statutory minimum standard ("at least barn" / "mindestens Stall"). Although higher husbandry levels can still be indicated on a voluntary basis – as has been the case to date – these disclosures are now linked to the mandatory label or mandatory information requirements, and any deviations from them are subject to severe fines (up to 30,000 euros pursuant to Section 27(2) of the Draft THKG).

As a consequence, this may lead to uncertainty regarding labelling on the part of the obligated gastronomy sector. To avoid liability (i.e. penalties), higher husbandry levels will then not be declared.

<u>This has several effects that run counter to consumer protection:</u>

- There is a realistic danger that food service operators who currently voluntarily indicate higher husbandry levels will no longer do so in the future due to fear of sanctions.
- For liability reasons, only the lowest husbandry level would be declared ("at least barn" / "mindestens Stall").

- For the consumer, however, this information has no added value, as it corresponds to the applicable statutory minimum standard in any case.
- Nevertheless, for the food service operators, this newly introduced mandatory minimum labelling – without any added value for the consumer – results in administrative effort and costs.

(3) In addition, goods within the supply chain can already be declared as "at least barn" / "mindestens Stall", even if meat of higher husbandry levels is actually sold or processed (downgrading). This minimum declaration then carries over through the supply chain down to the gastronomy sector. Consequently, a food service operators who wishes to offer and declare higher husbandry levels to consumers is unable to do so. In these cases, only meat products carrying the minimum declaration are available to them, in which any higher husbandry levels are unrecognisable.

b) Ineffectiveness in promoting animal welfare

These effects of downgrading also have a direct negative impact on the animal welfare objective explicitly pursued by the Amending Act.

(1) Efforts by farmers to achieve higher animal welfare standards – which are intended to be communicated through information on higher husbandry levels – are not communicated due to downgrading and are thus rendered ineffective. Anticipated purchasing incentives regarding meat and meat products of higher husbandry levels fail to materialise, and, conversely, so does any improvement in the income situation of farmers.

(2) Politically enforced documentation and information requirements at the end of the value chain, i.e. the out-of-home catering/gastronomy sector, do not solve structural problems in agricultural production. They fail to create any economic incentive for the genuine expansion of higher husbandry levels, but instead merely generate bureaucratic overload and legal uncertainty.

The established objectives are more likely to be achieved through voluntary and supportive measures along the value chain – including suppliers and wholesalers, who are required to provide the necessary information and are thus themselves additionally and significantly burdened by the Act, all the way to the gastronomy sector.

*(for further details on this, see in particular under **C.** below)*

III. Misleading of consumers (Article 7 of the FIC Regulation)

Food information must not be misleading, pursuant to Article 7 of the FIC Regulation. The option of comprehensive downgrading embedded in the Draft-Act runs counter to clear consumer information. If the declared objective in this respect is to create purchasing incentives by indicating higher husbandry levels, this objective will not be achieved. Consumers cannot make purchasing decisions based on animal welfare aspects if these aspects are precisely not expressed due to downgrading. The consumer would thereby be misled (cf. also Article 7 of the UCP Directive on misleading omissions, whereby no specific capacity to deceive is required).

This potential for misleading consumers is created in the first place by the Amending Act itself, namely by mandatorily requiring that, in any case, the statutory minimum standard must be declared as "at least barn" / "mindestens Stall". However, separate information stating that the food complies with the applicable standard is not necessary for the consumer, as they generally assume this to be the case and can rely on such compliance.

In the out-of-home catering sector, such misleading of consumers can be avoided by consistently voluntary disclosures.

IV. Conflict with European and national goals on reducing bureaucracy

The planned extension of mandatory labelling and documentation requirements to the out-of-home catering sector stands in stark contradiction to the explicitly declared goals of reducing bureaucracy, both in Germany and in the EU.

At EU level, the European Commission has set itself the binding goal of significantly reducing administrative burdens for companies by at least 25 %, and for small and medium-sized enterprises (SMEs) by at least 35 %.[5]

However, the Amending Act achieves the exact opposite. The proposed regulations impose new verification and documentation obligations on the out-of-home catering sector.

All areas are affected by this – from system catering and contract catering to, in particular, small and medium-sized gastronomy businesses – with their frequently changing menus, varying supply chains, and individual purchasing habits. With every change of supplier, every modification in purchasing, and every menu revision, the information would have to be constantly adjusted. Yet, there is no measurable benefit for the consumer.

For the out-of-home catering sector alone, the Amending Act estimates an annual compliance cost of around 6 million euros, in addition to a one-off compliance cost of 1 million euros.

*(for a critique of these estimates, see below under **C. III. 2.**)*

In total, the Ministry estimates the bureaucratic costs arising for the economy from the information obligations alone to be over 12 million euros annually (12,268,000 euros, Legislative Justification, page 2).

This unilateral national initiative in the area of husbandry labelling therefore directly counteracts not only German but also European bureaucracy reduction initiatives and objectives.

[5] European Commission, Commission work programme 2025, 11.2.2025, COM(2025) 45 final.

B. Lack of consumer benefit and disconnect of the legislative objectives from reality

Citations from the Notification Message:

- *"9. Mandatory animal husbandry labelling addresses consumers' desire for more information [...]."*
- *"9a. [...] 71 per cent of consumers report eating at a restaurant, pub or tavern at least once a month (see BMLEH Nutrition Report 2025, p. 24). [...] To meet consumers' desire for more information and transparency also in this sector [...].“*
- *"9b. [...] this amendment to the existing Animal Husbandry Labelling Act is necessary to achieve the goals of comprehensive consumer information [...] In order to meet the objectives of comprehensive consumer information [...]. These goals cannot be achieved otherwise.“*

Position of the Association Alliance:

The Ministry's justification misjudges the market realities in the hospitality industry and is based on erroneous assumptions regarding the actual demand for information and consumer preferences.

I. Lack of consumer interest in information and price sensitivity

The Draft Act justifies its proposal for a mandatory husbandry labelling scheme in the out-of-home catering sector as "satisfying the consumers' desire for more information and transparency" (page 1 Draft THKG).[6]

1. Contradiction of empirical findings

However, the Ministry's own empirical surveys do not support this argument. On the contrary, they prove the opposite: interest in information on husbandry levels in the gastronomy sector has decreased significantly in recent years.

According to the official Ministry (BMLEH) Nutrition Reports from 2023 to 2025, guests' interest in animal husbandry levels in gastronomy fell from 58 % in 2023 to 53 % in 2025. In parallel, the demand for organic products also fell from 45 % (2023) to 40 % (2025).[7]

Yet, even these figures are not directly comparable with the other statistical surveys in the Nutrition Reports regarding key aspects of dining out, but must in fact be set even lower. This is because the database for the animal husbandry figures only includes those respondents "who eat out and are not vegans or vegetarians" – meaning only respondents

[6] Cf. also points 9 and 9a of the notification notice; Draft THKG, page 35: “significant need for information of final consumers”.
[7] BMLEH, Ernährungsreport 2025, forsa, page 99.

who actually eat meat. For the other evaluated aspects of dining out, however, the data is based on all respondents who eat out.[8] Furthermore, multiple answers were permitted.[9]

2. Menu selection, taste, price

By contrast, price is becoming increasingly important for a vast majority of guests. In 2025, for 69 % of guests, price was one of the primary criteria when choosing a dish. In 2023, this figure stood at 62 %. Furthermore, across the years of the surveys, the most important criterion has remained consistently taste (98 % and 99 %).[10]

These findings are also confirmed by other recent studies.

For instance, a study on consumer preferences in workplace canteens showed that the dish itself has by far the greatest influence on food selection, accounting for approximately 60 % (out of 100 %), with price having the second largest influence, accounting for approximately 30 % (out of 100 %).[11] This means that more than 90 % of the selection is influenced by the dish itself and its price.

Accordingly, other aspects were clearly of far lesser importance. These included animal welfare standards, which according to the survey only accounted for 1.4 % and 2.2 % (out of 100 %), respectively, as decisive factors in selection.

This also demonstrates that, contrary to the Ministry's assumption, there is no real consumer demand for more information on animal welfare standards. In particular, there is absolutely no justification for a "proven interest on the part of the majority of consumers", as required by Recital 18 of the FIC Regulation.

3. No relevance to food safety

Unlike information on allergens, disclosures on husbandry levels serve neither food safety nor the health protection needs of guests. Consequently, a mandatory labelling scheme for husbandry levels in the out-of-home catering sector would create a bureaucratic apparatus for an information demand that does not exist on a broad scale and is, overall, declining.

II. Legally enforced obligations do not resolve the actual barriers

Official surveys and expert reports (such as the Organic Market Report Thuringia 2024/25 / Bio-Marktbericht Thüringen 2024/25[12]) support the conclusion that the expansion of meals produced in an animal-welfare-friendly manner does not fail due to a lack of labelling in the

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[8] BMLEH, Ernährungsreport 2025, forsa, page 99.
[9] BMLEH, Ernährungsreport 2025, forsa, page 99.
[10] BMLEH, Ernährungsreport 2025, forsa, page 99.
[11] Möstl, Jansen, Zander "Consumer preferences for organic, animal welfare-friendly, and locally produced meat in workplace canteens: Results of a discrete choice experiment in Germany", Food Quality and Preference, 127 (2025) 105463, page 6.
[12] Bio-Marktanalyse für Thüringen unter besonderer Berücksichtigung des Absatzes von Bio-Produkten in der Außer-Haus-Verpflegung (Status Quo und Potentiale), Studie im Auftrag des Thüringer Ministeriums für Wirtschaft, Landwirtschaft und Ländlichen Raum.

gastronomy sector. The real obstacles lie in the guests' lack of willingness to pay, high market prices for corresponding food products, limited market availability, and – from the perspective of funding – a lack of financial state support in establishing corresponding structures in agriculture.

A state-enforced mandatory labelling scheme for prepared dishes does not solve these structural problems. Instead, legally enforced information and documentation obligations at the end of the value chain further restrict the scope of action of gastronomy businesses, which are already heavily burdened, without making any measurable contribution to animal welfare.

C. Disproportionality and concerns of the out-of-home catering sector

Citations from the Notification Message:

– *"8. The amending act introduces various simplifications [...]. Furthermore, it will allow the food industry to implement a practice known as 'downgrading'."*

– *"9c. Given that the expansion of the labelling requirements also entails simplifications [...], the burdens [...] are not disproportionate. [...] Furthermore, existing regulations build upon already established structures [...], so that no parallel structure or similar needs to be created as a result of the Animal Husbandry Labelling Act."*

Position of the Association Alliance:

Every national mandatory labelling requirement must be measured against the constitutional and European law principle of proportionality. The present draft of the Amending Act fails this test with regard to dishes offered in the out-of-home catering sector.

I. Unsuitability of the measure

A measure is unsuitable if it cannot promote the established objective (consumer transparency and animal welfare).

Gastronomy businesses procure meat via wholesalers and retailers in qualities that change on a daily basis.

1. Downgrading

In order to avoid existential fines (Section 27 of the Draft THKG) in the event of short-term changes of suppliers, the legislator de facto forces businesses to apply downgrading. Many out-of-home catering establishments will systematically declare only the husbandry level "at least barn" / "mindestens Stall".

The objective of transparency and consumer information is missed. Animal welfare is made invisible instead of being rewarded.

2. Reduced availability

In Germany, the mandatory labelling requirement is also particularly relevant for foreign pork producers, as a large proportion of meat and piglets originates from abroad. According to recognised statistical surveys, the number of domestically kept pigs has been declining for several years.[13] In 2024, the share of imported piglets amounted to 23.3 %.[14]

If increased labelling requirements are imposed, there is a risk that foreign producers will no longer supply the market or will resort to lower husbandry levels, because labelling higher levels in accordance with German requirements is too burdensome (also when measured against other or their own national requirements).

This would restrict the market and reduce the availability of pork as such, and in particular within the higher husbandry levels. This has a direct impact on the gastronomy sector, which is dependent on the products offered in trade – and thus on the corresponding husbandry level declaration. The gastronomy sector has only limited choices, which also restricts the possibility of indicating higher animal welfare standards on menus (even if this is desired).

II. Lack of necessity (Less restrictive alternative)

A measure is not necessary if a less restrictive, equally effective alternative is available.

Such a less restrictive alternative is voluntary labelling, as applied in all other EU Member States. It allows quality-oriented businesses to indicate higher animal welfare standards in a legally secure manner as a competitive advantage, without burdening the entire sector with additional bureaucratic labelling requirements for conventional pork that complies with statutory requirements.

III. Disproportionality (Proportionality stricto sensu)

The requested extension of a mandatory state husbandry labelling scheme to the out-of-home catering sector is also disproportionate as a whole. The associated burdens on out-of-home catering businesses bear no reasonable relation to the informational benefit for consumers and the achievement of the desired higher animal welfare standards.

In summary, this is manifested in particular by the following points:

1. Bureaucracy instead of simplification

The Amending Act imposes new obligations on the gastronomy sector at the very end of the value chain, for which businesses must first create the necessary operational environment. Therefore, even so-called "downgrading" does not represent a simplification. The labelling of husbandry levels in the out-of-home catering sector provides no added value for

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[13] Thünen Institut, Anzahl der in Deutschland gehaltenen Nutztiere seit 1990.
[14] Thünen Institut, Steckbriefe zur Tierhaltung in Deutschland, Ferkelerzeugung und Schweinemast.

consumers and, as demonstrated by statistical surveys, is not a decisive factor for purchasing decisions in gastronomy (i.e. menu selection). It merely generates administrative effort and costs.

2. Unrealistic cost calculation

The Ministry estimates the annual financial burden for out-of-home catering businesses at 6 million euros, plus a one-off compliance cost of 1 million euros. Administratively, the Draft Bill assumes a mere 156 minutes per business per year (i.e. 3 minutes per week).[15] It thereby assumes static supply chains and completely ignores daily kitchen operations.

The actual administrative burden is many times higher.

On average, hospitality businesses already spend 14 hours per week fulfilling documentation and information obligations. Depending on the size, activities, and facilities of the business, they must comply with up to 125 separate obligations. Of these, 100 obligations cause a noticeable bureaucratic burden, ranging between 1.2 % and 6 % of annual turnover.[16]

Given that 72 % of businesses are micro-enterprises with fewer than ten employees in an industry that has suffered seven consecutive loss-making years and a historic wave of 2,563 insolvencies in 2025 alone,[17] the human and financial resources for additional documentation obligations are simply lacking.

3. Gross disproportionality of sanctions

The proposed sanctions of up to 30,000 euros for violations of the mandatory husbandry disclosures are grossly disproportionate and represent an existential threat to the businesses. This is particularly the case given that disclosures on husbandry levels have no relevance whatsoever to food safety.

4. Original Animal Husbandry Labelling Act lacking practical implementation

The present draft of a Third Amending Act refers to the First Act to Amend the Animal Husbandry Labelling Act of 2023. This provides, for the first time, for mandatory labelling of husbandry levels for fresh pork in retail, cf. Section 1(2), Annex 1 of the Animal Husbandry Labelling Act (THKG). In fact, however, it has not yet unfolded any effect in this regard. The labelling obligation has already been postponed several times, currently to January 2027.

It is disproportionate to extend regulations to an additional sector when no practical experience has yet been gained in the upstream commercial stages. Consequently, a system that remains untested in conventional retail is transferred to the out-of-home

[15] Legislative Justification, page 41 of the Draft THKG.
[16] DEHOGA Federal Association, "Recipes for Bureaucracy Reduction" ("Rezepte für den Bürokratieabbau"), 2024; DIHK Study / Sira Consulting, 2020.
[17] Cf. Federal Statistical Office (Statistisches Bundesamt), Hospitality Sector Statistics; DEHOGA Federal Association, Industry Report ("Zahlenspiegel").

catering sector, whose artisanal preparation processes involve far more complex procedures, making the implementation of labelling obligations significantly more difficult.

D. Conclusion and demands

The planned extension of the Animal Husbandry Labelling Act to prepared dishes in the out-of-home catering sector infringes the European requirements of Articles 38, 39, and 7 of the FIC Regulation (LMIV) as well as Article 34 TFEU (AEUV), and completely fails the legal proportionality test as well as the objectives of reducing administrative burdens.

The associations of the Alliance demand:

- To completely remove the mandatory labelling requirement for the out-of-home catering sector from the draft bill

- To consistently rely on a voluntary approach for the out-of-home catering sector.