



Court of Justice of the European Union

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Advocate General's Opinion in Case C-497/17
Œuvre d'assistance aux bêtes d'abattoirs (OABA) v Ministre de l'Agriculture
et de l'Alimentation, Bionoor, Ecocert France, Institut national de l'origine et
de la qualité (INAO)

Press and Information

Advocate General Wahl proposes that the Court find that products from animals that have been the subject of ritual slaughter without prior stunning can be issued the European 'organic farming' label

In 2012, the French association Œuvre d'Assistance aux bêtes d'abattoirs ('OABA') submitted to the Ministre de l'Agriculture et de l'Alimentation (French Minister for Agriculture and Food) a request for a ban on the use of the indication 'organic farming' in the advertising and marketing of minced beef patties certified 'halal' from animals slaughtered without pre-stunning. The certification body concerned, Ecocert, implicitly refused the request, and the court with jurisdiction to annul the refusal dismissed OABA's application. The Cour administrative d'appel de Versailles (Administrative Court of Appeal, Versailles, France), hearing the appeal, asks the Court whether the applicable rules of EU law deriving from, inter alia, the Regulation on organic production and labelling of organic products,¹ its Implementing Regulation² and the Regulation on the protection of animals at the time of killing³ must be interpreted as permitting or prohibiting approval of the use of the European label 'organic farming' in relation to products derived from animals which have been slaughtered in accordance with religious rites without being stunned.

In today's Opinion, Advocate General Nils Wahl dismisses at the outset any question of interference with the freedom of worship that might be posed by the impossibility of combining the certification 'organic farming' with the indication 'halal'. He takes the view that the possibility of eating products bearing those two certifications does not, as such, relate to the practice of a 'religious rite'. The inability to obtain meat labelled 'organic farming' from slaughterhouses that do not practise stunning does not affect the religious prescriptions, which do not require the consumption solely of products of organic farming. He goes on to note that there is no 'right' of access to products bearing an 'organic farming' label.

The Advocate General also considers that the question submitted to the Court is not so much whether the certifications 'organic farming' and 'halal' are compatible, but rather whether an 'organic farming' certification may be issued for products from animals killed without pre-stunning. To date, the certification 'halal' says very little about the slaughtering method actually employed, as there is no uniformity in the practices followed by the 'halal' certification bodies in the Member States. Thus, it is the Advocate General's view that the question is to be considered in the light of the requirement to respect high levels of animal welfare and the standards relating to organic animal production and the slaughter of animals.

The Advocate General observes that organic products are subject to stricter production requirements than those applicable to non-organic ones. In that regard, he notes that the Court of

¹ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ 2007 L 189, p. 1).

² Commission Regulation (EU) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EU) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ 2008 L 250, p. 1).

³ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJ 2009 L 303, p. 1).

Justice has underlined the importance that must be afforded to the objectives of food safety and consumer protection in order to preserve consumer confidence in products labelled as organic. However, the relevant legislation says relatively little about the standards applicable to the slaughter of animals and does not prohibit slaughter without stunning, as it is only required that, during slaughter, any suffering is to be kept to a minimum.

Although slaughter after stunning is established as the rule by the Regulation on the protection of animals at the time of killing, an exception is provided for the ritual slaughter of animals without stunning in conditions that ensure that the suffering of the animals will be limited. In both slaughter methods, the necessary measures should be taken to avoid pain and minimise the distress and suffering of animals. The Advocate General adds that, although they say relatively little on slaughter without stunning, the Regulation on organic production and labelling of organic products and its Implementing Regulation impose no conditions in relation to stunning prior to killing in order to benefit from the indication 'organic farming'; therefore, they do not exclude the practice of ritual slaughter. It is the Advocate General's position that the fact that these provisions are silent cannot be regarded as purely fortuitous, given that, inter alia, that question has long been known and recognised in the provisions governing the slaughter of animals.

Thus, applying his reasoning to 'kosher' and 'halal' indications, the Advocate General considers that to conclude that ritual slaughter is incompatible with the label of 'organic farming' would be tantamount to adding a condition not provided for in the current rules and would deny consumers of kosher or halal products the right to benefit from the guarantees provided by the 'organic farming label' in terms of quality and food safety.

Therefore, the Advocate General proposes that the Court find that the Regulation on organic production and labelling of organic products and the Regulation on the protection of animals at the time of killing do not prohibit the issue of the European 'organic farming' label to products from animals which have been the subject of ritual slaughter without prior stunning carried out in the conditions laid down in the latter regulation.

NOTE: The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the Opinion is published on the CURIA website on the day of delivery.

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