

Regulations governing the use of and monitoring of the “Better Life” certification mark, owned by the Dutch Society for the Protection of Animals, established in The Hague.

The board of the Dutch Society for the Protection of Animals,

having regard to Article 29(2), first sentence, of the statutes of the Dutch Society for the Protection of Animals, adopted the following Regulations, on 1 June 2009,

as last amended and adopted on 20 December 2019.

Definitions and division of tasks

Article 1

For the purposes of these Regulations, the following definitions shall apply:

- a. The Dutch Society for the Protection of Animals: The Dutch Society for the Protection of Animals, registered and holding office in The Hague;
- b. the SPA board: the managing director/director of the Dutch Society for the Protection of Animals
- c. certification mark or Better Life label of the Dutch Society for the Protection of Animals filed with the Benelux Office for Intellectual Property under registration number 0968002;(elsewhere also referred to as 'collective logo');
- d. certified participant: the party entitled to use the certification mark (elsewhere also referred to as 'user');
- e. the BLLF: the “Better Life Label Foundation”, registered and holding office in The Hague;
- f. the BLLF board: the board of the BLLF;
- g. applicant: natural or legal person applying to the BLLF for the purpose of obtaining the right to use the certification mark.

Article 1A

The certification mark is the property of the Dutch Society for the Protection of Animals, whereby the Dutch Society for the Protection of Animals establishes the policy regarding the use of the certification mark, including the establishment of criteria in the various product groups as referred to in Article 3(1)(c) of these Regulations, the growth strategy and management of the certification mark;

The BLLF is tasked with the implementation activities associated with the certification mark, such as assessing and awarding/rejecting applications and inspecting and enforcing the use of the certification mark and, in so far as they have been given this authority on the basis of these Regulations, permitting derogations for reasons relating to the production process;

The Dutch Society for the Protection of Animals supervises and monitors the activities of the BLLF.

Article 1B

The certification mark is intended for products produced in the European Union, or in countries that were previously members of the European Union, if and insofar as these products show demonstrable and verifiable compliance with the relevant European (basic) animal welfare standards.

Application and award

Article 2

1. The BLLF may, at the request of a natural or legal person, award a right to use the certification mark.
2. A right to use the certification mark can only be awarded for activities that contribute to the (further) improvement of animal welfare.
3. The applicant must satisfy the conditions and obligations laid down in the relevant criteria applicable to the applicant, which are described in the annexes to this Regulation, of which the said annexes form an inseparable and integral part.
4. An application for the award of a right to use the certification mark is submitted to the BLLF on a form established for this purpose by the BLLF (see the business section of the Better Life label website). The application must be accompanied by a declaration completed truthfully and signed by the applicant stating that:
 - a. the category of animal products in respect of which the applicant wishes to use the certification mark complies with and will continue to satisfy the criteria applicable to that category, as referred to in the annexes referred to in paragraph 3, and
 - b. that the applicant or a company affiliated to the applicant has not previously been the subject of a conviction for a criminal offence and/or that an administrative measure has not been imposed in connection with infringements of legislation or regulations
 - i. relating to animal welfare and/or in connection with irregularities found in relation to the separation into channels, labelling, food safety, the use of veterinary medication and/or the administrative records of animals or animal products
 - ii. which can be considered to be relevant to animal welfare and food safety.

The criteria referred to in subparagraphs (a) and (b) above shall also apply where there are facts or circumstances indicating or reasonably suggesting a relationship of the user to such criminal offences and/or administrative measures and/or irregularities found.

5. The BLLF shall investigate the accuracy of the information submitted by the applicant before making a decision about awarding the applicant the right to use the certification mark.
6. If, after this investigation, it appears that the applicant cannot satisfy the conditions referred to in paragraph 3 and paragraph 4, the BLLF will refuse to award the applicant the right to use the certification mark.
7. Without prejudice to the provisions of paragraphs 1 to 6 of this Article, the BLLF reserves the right to reject an application for the use of the certification mark, or to conduct further investigations before taking a motivated decision, on the basis of policy considerations, which may be part of its views on animal welfare, its policy regarding whether or not to permit the use of the certification mark, the confidence in/image of the certification mark being jeopardised, as well as on the grounds of the exclusion criteria formulated on the basis of this and the objectives pursued by the Dutch Society for the Protection of Animals with the certification mark. The exclusion criteria (not exhaustive) are published on the business section of the Better Life label website.
8. the BLLF shall inform the applicant in writing of a decision as referred to in paragraph 7, in principle stating the reasons for the decision.

Article 3

1. The right to use the certification mark shall be awarded under the following conditions:
 - a. Subject to Articles 7 and 11, the aforementioned right shall be awarded for an indefinite period, whereby written termination by the BLLF is possible if compelling reasons, such as the complete discontinuation of the certification mark or bankruptcy of the Dutch Society for the Protection of Animals deem this necessary. In this case a reasonable period of notice of at least two months shall be observed.
 - b. The certified participant may terminate the right to use the certification mark; such termination shall be submitted in writing and accompanied by a motivation to the offices of the BLLF and a reasonable period of notice of at least two months shall be observed.; During this period of notice, the existing criteria will remain in force, as applicable and valid at the time of termination; during this period of notice, the obligations arising from these regulations, including compliance with the established criteria and the payment of the participation fee must be complied with in full.
 - c. The abovementioned right may be exercised only in respect of the category of animal products for which the party concerned has been awarded that right and which satisfy the relevant criteria, as described in the annexes, which form an inseparable and integral part of this Regulation. This without prejudice to compliance with the criteria established by or pursuant to legislation applicable to the animal groups and/or animal products concerned, and as well as only subject to the timely and full payment of the participation fee due under this Regulation;
 - d. An exception to the above provision are animals which are kept for the supply of animal products with the Better Life label (for example, milk or eggs) and which said animals may be sold as meat with the Better Life label at the end of their production cycle. If, at the time of delivery, the livestock farm in question has a valid Better Life label certificate with 1, 2 or 3 stars (for example, dairy cows or laying hens), these animals may be sold as meat with the Better Life label certificate with 1, 2 or 3 stars respectively.
 - e. The applicant shall ensure that its suppliers and customers who are subject to obligations under this Regulation, or who are entitled to derive rights from them, authorise inspectors from the certification body designated for that purpose by the BLLF to conduct inspection audits on their companies, whereby these suppliers and customers observe instructions given by the inspectors regarding organisational and administrative facilities on the company.
2. Derogations from the condition referred to in paragraph 1 may be made only in exceptional cases, and solely on the basis of reasonable grounds relating to necessary modifications in the production process and only on the basis of written agreements made between the certified participant and the BLLF specifying at least the conditions under which the described exception is permitted, and describing in any event how and with which verifiable (transitional) measures the exceptional situation will be limited in scope and time as far as possible; the obligation to pay the participation fee referred to in article 3(1)(c) and in more detail in article 12 cannot be waived.
3. As a further elaboration of the provisions of paragraph 2, the Dutch Society for the Protection of Animals may establish a regulation to be implemented by the BLLF with the specific purpose of and intended to describe the way in which situations of general cessation of business activities or the phasing out of the business activities relevant to the certification mark are dealt with.

Article 4

1. The BLLF maintains a public register in which the certified participants are registered; this register is part of the business section of the Better Life label website.
2. The right to use the certification mark is established at the time of registration in the public register, which will take place immediately after the right of use has been awarded.
3. The following information shall be entered in the public register:
 - company name and legal form;
 - address of the location;
 - scope;
 - commencement date of use of certification mark.

Use of certification mark

Article 5

1. The certified participant may display the certification mark on the relevant product produced by the certified participant, or to the packaging of the product, in accordance with the requirements of this Regulation.
2. The certified participant may use the certification mark in advertising and marketing expressions issued by the certified participant and other forms of communication about the product, provided that the advertising and marketing communications and other forms of communication satisfy the requirements established in the Style Guide drawn up by the Dutch Society for the Protection of Animals, whereby it may also be a requirement to submit certain advertising, marketing and other communication expressions to the BLLF in advance, so that the BLLF can benchmark the advertising, marketing and other communication expressions concerned against the Style Guide drawn up by the Dutch Society for the Protection of Animals, and the certified participant is subsequently granted prior written consent. The applicable Style Guide is published on the business section of the Better Life label website. Article 7 shall apply mutatis mutandis.
3. The certified participant is obliged to inform its suppliers and customers of animal products that their advertising and marketing and other forms of communication expressions referring to the certification mark or using the certification mark must satisfy the requirements of the Style Guide and may be subject to the requirement to submit certain advertising, marketing and other communication expressions to the BLLF in advance, so that the BLLF can benchmark the advertising, marketing and other communication expressions concerned against the Style Guide drawn up by the Dutch Society for the Protection of Animals, and the supplier or customer is subsequently granted prior written consent.

If the above requirements are not met, the suppliers and customers referred to above shall not be permitted to mention the certification mark (and use the certification mark) in advertising and marketing communications and/or other forms of communication; in the event of unauthorised use, the BLLF may address the suppliers and customers directly. Article 7 shall apply mutatis mutandis.

4. The prior written consent referred to in paragraphs 2 and 3 shall be deemed to have been granted tacitly if no response is received from the BLLF within ten working days of the request being submitted.
5. Subject to prior written consent granted by the board of the Dutch Society for the Protection of Animals, it is not permitted to sell products displaying the certification mark to consumers through retail outlets

located outside the Netherlands.

Monitoring and inspection of the use of the certification mark

Article 6

1. The certified participants are obliged to authorise inspectors of the certification bodies contracted for this purpose by the BLLF to enter their trading companies, company premises and sites at any time they may wish, and grant the inspectors access to their administrative records, to cooperate fully with the inspectors in the performance of their duties in the framework of these Regulations and to provide them with all the information required, including access to the accounting/financial data requested and providing recipes on request, in order for inspectors to assess whether users of the certification mark show continued compliance with the requirements for assuring the common certification marks of the goods marketed under the certification mark.
The certified participant shall ensure that, during the period of their right to use the certification mark, its suppliers and customers who are subject to obligations under this Regulation or who are entitled to derive rights from it, also comply with the obligations relating to monitoring and inspection referred to in this paragraph.
2. Failure to comply with paragraph 1 may result in the imposition of one or more of the sanctions and measures referred to in Article 7(1), in which case paragraphs 4 to 10 of Article 7 shall apply mutatis mutandis.
3. The BLLF will make agreements with the certification bodies accredited by the BLLF about the (periodical) issue of certificates to certified participants and their suppliers, which may serve as proof that, during inspection audits, the products were proven to have satisfied the requirements established in these Regulations as well as the possibility of, in addition to these certificates, providing logo signs and possibly other communication expressions to certified participants and their suppliers and customers (except consumers) which can also serve as such proof.
4. The BLLF and the certification bodies contracted by the BLLF are bound by privacy laws and legislation in the performance of their duties and will observe confidentiality with respect to the commercial and proprietary technical aspects of the certified participants and their suppliers, as well as in respect of all matters whose confidential nature must be understood; information obtained during inspection audits and assessments shall not be shared or communicated further. The applicable privacy regulations are published on the business section of the Better Life label website.
5. The provisions of paragraph 4 are without prejudice to the right of the BLLF to state information of certified participants as referred to in Article 4(3) within the framework of Article 7(1)(d), as well as the possibility of the BLLF and Dutch Society for the Protection of Animals to use anonymised, aggregated forms of inspection data obtained and assessments for the purpose of policy-making and for accountability to third parties, for example in the framework of an annual report.

Article 7

1. If the BLLF finds that a certified participant has failed or failed to comply properly with the provisions pursuant to or established in these Regulations, or if the BLLF can satisfactorily conclude, on the basis of reports, complaints and/or written information received by the BLLF that the conditions referred to in Article 3 (c, d or e) are not complied with or not fully complied with by a certified participant, the BLLF shall be entitled to take one or more of the following measures, or impose sanctions on, the certified user who is in infringement

- a. Issue a warning, which may be followed by a follow-up audit the costs of which will be charged to the certified participant concerned;
 - b. Suspend the right to use the certification mark;
 - c. Revoke the right to use the certification mark (also known as exclusion of participation);
 - d. State the infringements and/or sanctions imposed on the business section of the Better Life label website, and publish the observed infringements and/or sanctions imposed through its own communication channels.
2. Without prejudice to the above, the BLLF may:
 - a. revoke the right to use the certification mark on the basis of the exclusion criteria published on the business section of the Better Life label website or,
 - b. impose one or more of the measures referred to in paragraph 1 if the certified participant or one of its suppliers or customers jeopardises the confidence in or the image of the certification mark, for example, in the case of facts and circumstances which indicate or reasonably suggest that the user is linked with criminal offences in relation to animal welfare or separation into channels, labelling, and/or the administrative records of animals or animal products
3. On its own initiative or if the circumstances deem it necessary, for example on the basis of a risk analysis (performed by the BLLF) or on one or more complaints or reports received by the Dutch Society for the Protection of Animals or the BLLF, the BLLF or certification bodies contracted by the BLLF, may perform announced or unannounced inspection audits, such as shadow inspections or trace-back inspections at the certified participants, their suppliers and their customers; the certified participant will be informed of the results and consequences of these inspections afterwards.
4. The BLLF shall communicate the decision to issue a warning, suspend or revoke the right of use to the party concerned in writing, stating the reasons on which the decision is based.
5. Any party concerned who does not agree with a refusal of the right to use as referred to in Article 2(6) or with a decision as referred to in Article 7(4) may submit an objection stating the reasons in writing to the BLLF within one month of the date on which the contested decision was communicated, issued or sent. In an objection procedure, all the facts and circumstances will be reconsidered in accordance with the Procedure for Objection and Appeal as published on the business section of the Better Life label website.
6. An appeal against a decision on an objection may be submitted to the Appeal Committee. The Appeal Committee is tasked with issuing a binding advice to the Board of the BLLF after the facts and circumstances have been investigated. The Appeal Committee works in accordance with the Procedure for Appeal that is described in more detail in the Procedure for Objection and Appeal.
7. Together with their objection or appeal, the Complainant may submit a request to the BLLF to impose a sanction on the contested decision that is one category milder, until such time as a ruling has been made on the Complainant's objection or appeal. This request will be granted unless the BLLF considers there are immediate adverse effects on the welfare of the animals as well as if this is a case of recidivism, and in the opinion of the BLLF an extremely severe infringement of the right of use of the collective logo has occurred or the confidence in or image of the collective logo has been seriously damaged. Conditions may be attached to granting this request.
8. The suspension of the right to use the certification mark shall not exceed one year.
9. Revoking the right to use the certification mark implies that the former certified participant may not submit a new application for participation until at least one year has elapsed from the date on which the revocation took effect, unless the BLLF considers the circumstances of the case as a reason for explicitly applying a shorter period, which will in no case be shorter than a period of six months.

10. The adoption of measures and the imposition of sanctions as referred to in paragraph 1 shall be proportionate, to this end a framework of sanctions, as published on the business section of the Better Life Label website will be applied.
11. If the right to use the certification mark is revoked, the BLLF shall remove the name of the party concerned from the public register as referred to in Article 4(1). This will be communicated by the BLLF to the other certified participants.
12. The BLLF may have all or part of the provisions of paragraphs 1 and 4 performed by the certification bodies it has contracted.
13. The BLLF monitors, among other things, the certification bodies it has contracted referred to in the previous paragraph by performing inspection audits, or having these inspections performed to examine the work performed by these certification bodies, such as shadow inspections, attendance at inspections, witness audits and office audits. The costs of such monitoring inspections are for the account of the BLLF.

Liability

Article 8

1. The certified participant shall be entirely responsible to the BLLF and the Dutch Society for the Protection of Animals for their supplier(s) who supply the certified participant with products derived from animals in respect of whom the relevant criteria, as referred to in 3 of this Regulation, have been fully complied with.
2. Shortcomings on the part of the supplier(s) will therefore be imputed to the certified participant. The costs of the necessary follow-up inspections and the assessment resulting from such shortcomings will be charged to the certified participant concerned.
3. The certified participant is liable to the BLLF and the Dutch Society for the Protection of Animals for damages resulting from a shortcoming attributable to them.
4. Neither the BLLF nor the Dutch Society for the Protection of Animals shall be liable in any way to the certified participant, or to their suppliers and/or customers of the animal products, for any damage resulting from the agreements made under this Regulation and their implementation and application, unless the damage is due to a wilful breach of contract or deliberate recklessness on the part of the BLLF or the Dutch Society for the Protection of Animals.

Financial obligations of certified participants

Article 9

1. The fees due for regular inspections, follow-up inspections and their assessment, both those relating to suppliers and also to certified participants, are for the account of the certified participants and will be invoiced to the latter.
2. If an inspection as referred to in Article 7(3) reveals that the conditions referred to in Article 3(1)(c) are not being complied with, or are not being complied with sufficiently by certified participants, the costs of the inspection, follow-up inspection and their assessment referred to above are for the account of the certified

participants and will be invoiced to the latter. In all other cases, these costs are for the account of the BLLF.

3. The costs of the inspections, follow-up inspections and their assessment, relating to agreements and adopting and implementing (transitional and phasing out) measures under Article 3(2) and (3), are for the account of the certified participants concerned and will be invoiced to the latter.
4. The certified participant who has been subject to a suspension, as referred to in Article 7 (1) (b), is obliged without prejudice to pay the annual participation fee, as referred to in Article 12 (1).

Article 10

1. In the event that the registration of a certified participant is removed from the public register as referred to in Article 4(1), the right to use of a certified participant has been temporarily denied, or has otherwise ended, on the first written notice by the BLLF, the certified participant shall be obliged to return images of the certification mark still in their possession, including the certificates, logo signs and any other communication indications expression as referred to in Article 6(3) to the BLLF.

Article 11

1. The certified participants are obliged to notify the BLLF of any infringement of the certification mark that has come to their notice as soon as possible.
2. The board of the DSPA shall take legal and extrajudicial proceedings, in a manner to be determined by the DSPA, against infringements of the certification mark, both infringements by third parties/non-certified participants and infringements by parties who have lost the right to use the certification mark.

Article 12

1. Certified participants are obliged to pay an annual participation fee to the BLLF to cover the operational costs of the BLLF.
2. The method of calculation of the participation fee as referred to in paragraph 1 and an overview of the operational costs of the BLLF as referred to in paragraph 1 shall be determined by the board of the BLLF each year, no later than on 1 December preceding the calendar year to which the participation fee relates, and shall be communicated to the certified participants in the form of an annex 'Participation fee', which is an inseparable and integral part of this Regulation.
3. The annex 'Participation fee', as referred to in paragraph shall be published on the business section of the Better Life label website no later than on 15 December of each year and shall be communicated to the certified participant no later than on 15 December preceding the calendar year to which the participation fee relates.
4. The participation fee as referred to in paragraph 1 shall be levied for the period running from 1 January of the current calendar year to 1 January of the following calendar year.
5. Articles 6 and 7 of these Regulations shall apply expressly to the payment obligations as established in this Article; the timely and complete fulfilment of the payment obligation is subject to inspection by the certification bodies contracted by the BLLF for this purpose, and failure to comply with the obligation may result in the adoption of measures or imposition of sanctions.
6. The participation fee as referred to in paragraph 1 shall also be due for the period during which a certified participant has been suspended pursuant to Article 7(1) or (2).

7. In the event of late and/or incomplete payment of the annual participation fee as referred to in paragraph 1, the BLLF reserves the right to take all judicial and extrajudicial proceedings to obtain payment.

Amendment and scope of regulations

Article 13

1. The board of the DSPA may, if it considers there are grounds for doing so, amend these Regulations. The certified participants will be informed of amendments in writing as soon as possible.
2. If a certified participant does not agree with an amendment as referred to in paragraph 1, the certified participant is entitled to exercise the right as described in Article 3 (1) (b) to cancel or end the right to use the certification mark, subject to the conditions laid down therein.
3. The BLLF and the Dutch Society for the Protection of Animals may make mutual agreements that differ and/or complement the division of tasks and responsibilities established in this Regulation; in so far as these agreements are relevant for the certified participant and any other interested parties, they will be informed accordingly.
4. The board of the DSPA may, on the basis of a written request stating the reasons, grant derogations from what has been determined and agreed on the basis of these Regulations if, in its opinion, their full implementation would lead to extreme unfairness in unforeseeable cases or groups of cases. These may include, in particular, personal circumstances, which are evidently not part of normal business risks, such as those resulting from a person's physical or mental health situation, natural disasters, extremely exceptional weather conditions, fire or the outbreak of an animal disease.
5. The board of the DSPA may, on the basis of a written request stating the reasons, grant temporary derogations from what has been determined and agreed on the basis of these Regulations with regard to the application of innovative concepts. The Dutch Society for the Protection of Animals may formulate further policies and/or attach more conditions to this.
6. In all cases not provided for by the Regulations, the board of the DSPA is authorised to take a decision.

Article 14

1. Should a dispute arise between a certified participant and the BFFL and/or the Dutch Society for the Protection of Animals concerning the application of these Regulations, this dispute should be resolved as far as possible by means of proper consultation, taking into account the specific provisions on the imposition of sanctions (Article 7).
2. If it is not possible to reach the solution as referred to in paragraph 1 within a reasonable period of time, the dispute shall be brought before the competent court in the district of The Hague.
3. These Regulations are governed exclusively by Dutch law, and not by international law and international treaties such as the Vienna Convention.
4. The Dutch text of these Regulations is the only original version, in the event of a lack of clarity, the Dutch version prevails over the terms used in a translation.

Official title and entry into force

Article 15

1. These regulations shall enter into force from the second day after the date on which they are published on the business section of the Better Life label website.
2. Amendments as referred to in Article 13(1) shall enter into force on the following day after the date on which the thus amended regulations have been published on the producer's section of the Better Life label website, unless a later date of entry into force is explicitly stated.
3. These Regulations are cited as: "Regulations for the 'Better Life' certification mark".

These Regulations will be published on the business section of the Better Life label website.

The Dutch Society for the Protection of Animals

J.F. Admiraal

General Manager/Director

Annexes as published on the business section of the Better Life label website.

1. Application form to register for the right to use the Better Life label.
2. Criteria for participants in the Better Life label scheme.
3. Exclusion criteria.
4. Certification Regulations (Regulations for Certification Bodies explaining the procedure for awarding certificates and the corresponding sanctions framework).
5. Procedure for Objection and Appeal
6. Privacy Policy
7. Public Register.
8. User protocol and style manual.
9. Participation fee (cost overview of the annual participation fees).
10. Accreditation Requirements in the case of certification bodies

NB: In addition to the above-mentioned annexes, current topics and instructions, which are also important for participants, are published on the business section of the Better Life label website.