



MAC ADVICE

Roadmap on the Revision of EU Regulation on the Provision of Food Information to Consumers

Brussels, 23 February 2021

1. Background

On 23 December 2020, the European Commission published a Roadmap on the Proposal for a Revision of Regulation (EU) No 1169/2011 on the Provision of Food Information to Consumers (FIC Regulation), which was open to feedback until 3 February 2021¹.

Under the Farm to Fork Strategy, the Commission announced a number of actions, including: a proposal for a harmonised mandatory front-of-pack nutrition labelling; the setting of “nutrient profiles” restricting the promotion (via nutrition and health claims) of foods that are high in fats, sugars and/or salt; consider proposing the extension of mandatory origin or provenance indications to certain products; and a revision of EU rules on date marking (“use by” and “best before”). The objective of the initiative is to follow-up on these announcements via a revision of the FIC Regulation.

The Farm to Fork Strategy aims to reduce the environmental and climate footprint of the EU food system and facilitate the shift to healthy and sustainable diets. The strategy targets the entire food chain and describes the need to stimulate sustainable food processing and reformulation, to further empower consumers through labelling information to reduce food waste.

¹ Accessible on the European Commission’s Better Regulation website: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12749-Food-labelling-revision-of-rules-on-information-provided-to-consumers>

2. Consumer understanding of nutritional information on packaging

According to the Commission's Inception Impact Assessment, consumers do not always understand the nutritional information provided on food packaging and not always find clear and simple nutritional information, which makes healthy food choices difficult.

Amongst the MAC, members generally agree that, at least to a certain extent, healthy food choices are made difficult due to lack of consumer understanding of the nutritional information on packaging. In the view of the European catch sector and the Spanish retail sector for fish and frozen products, healthy food choices are indeed made difficult, so it is important that the nutritional and health benefits of fish is made clear for consumers in a clear and simple way. The European processing sector believes that the current nutritional information is clear for consumers looking for this type of information and allows for healthy food choices, as it focuses on a moderately informed consumer, who must know that a healthy diet is composed of the adequate proportion between different types of nutrients. The MAC believes that, regardless of potential legislative changes, nutritional education for consumers is essential and should be increased.

Regarding the variety of front-of pack schemes present on the EU market, the European processing sector agrees that it can result in a fragmentation of the internal market, creating barriers, taking into account the importance of intra-community trade and the cost of adapting packaging materials to each destination market. The Spanish retail sector for fish and frozen products adds that the diversity and variety of labels on the front of the packages can lead to the generation of extra costs and confusion or mistrust in some marketing activities such as direct sales. On the other hand, European retailers and wholesalers understand that this variety responds to the fact that such schemes have developed over time responding to specific consumer needs and public interest and such schemes are well known and accepted in their

specific markets². There is no “average consumer”³ – dietary habits and lifestyles are integral to the culture and traditions of each Member State and region, which is why some Member States currently have in place endorsement FOP logos, while others have evaluative FOP.

3. Potential masking of the overall status of food products by nutrition and health claims

According to the Commission’s Inception Impact Assessment, nutrition and health claims can mask the overall nutrition status of food products, which could mislead consumers attempting to make healthy choices. It contends that the lack of adoption of nutrient profiles means that consumers are exposed to positive health messages on food with a non-healthy profile.

In the view of the MAC, nutrition and health claims should be based on objective data, while also taking into account the level of nutrition education of the average consumer. Nutrition education for consumers is quite important to contextualise the claims and to ensure that consumers know how to meet their nutritional needs, including by complementing the excess or shortage of a declared nutrient of a specific product with another.

It is important to ensure that scientifically proven public health recommendations on the consumption of fish are respected, in order to avoid misleading consumers into believing that fish is not a healthy product⁴. Consumers might be misled into avoiding fatty fish and therefore consume even less eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA), which is mainly

² European Commission Joint Research Centre, Front-of-pack nutrition labelling schemes: a comprehensive review, 2020. As highlighted by the report, preference, acceptance and understanding of FOP schemes by consumers are all necessary conditions for a FOP scheme to be effective.

³ European Commission Joint Research Centre, Front-of-pack nutrition labelling schemes: a comprehensive review, 2020. The first conclusion reached by the report is that there is no average consumer, as they differ in age, education, cognitive skills, culture, and other attributes.

⁴ On 10 December 2020, the MAC adopted advice on Nutri-score labelling fish products, which exemplifies how front-of-pack nutrition declarations can cause difficulties in the adequate alignment with public health recommendations. The advice and the Commission’s reply are available on the MAC’s website: <https://marketac.eu/en/commissions-reply-nutri-score-labelling-on-fish-products/>

consumed by eating fatty fish, such as salmon, smoked mackerel, herring, among others. A balanced diet with complementary nutrient sources should be promoted. Setting nutrient profiles does not necessarily mean that products can be reformulated. In the case of certain fish products with a high level of salt, it should be taken into account the relevance of salt to make them durable, which does not allow reformulation.

4. Consumer demand for origin information and to extend mandatory origin indication

In the development of a previous advice on consumer information on fishery and aquaculture products, the MAC included a review of studies and surveys which aimed at evaluating the interests and behaviour of consumers towards products from fisheries and aquaculture, with a particular focus on the origin of these⁵. Several studies suggest interest from consumers in knowing the origin or provenance of seafood products, but further analysis is needed on the link between origin/provenance labelling and purchasing behaviour, especially in light of the new Implementing Regulation (EU) 2018/775⁶, which entered into force on 1 April 2020, and also operational and technical restrictions in the whole value chain.

5. Consumer misunderstanding and misuse of date marking

The MAC believes that a harmonised, reliable and coherent consumer-facing date marking system is one of the tools that can help to prevent food waste. This must be coupled with educational campaigns as well as coordinated and enduring EU-wide communication initiatives (e.g. through social media, partnerships with schools and national media) that are needed to

⁵ The MAC advice on consumer information on fishery and aquaculture products was adopted on 5 August 2020. The review of review of studies and surveys on consumer behaviour and interests on labelling information received is included in the Annex (pp. 6-11). The advice and the Commission's reply are available on the MAC's website: <https://marketac.eu/en/commissions-reply-consumer-information/>

⁶ Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.

improve consumer understanding of date labels and to raise awareness of other ways to prevent and reduce food waste. The Commission should convene all relevant stakeholders for a joint EU initiative to educate EU citizens about date marking.

In some EU official languages, the safety-based descriptor (“use by”) and the quality-based descriptor (“best before”) might be close in meaning, for example in French. It could be relevant to assess the wording used in each Member State, in order to determine if these are the best suited to guarantee consumer understanding of date marking.

There are innovative technologies in relation to date marking, such as time-temperature indicators, which can be applied on the packaging to indicate the remaining shelf life of perishable products throughout storage, distribution and consumption. Used on a voluntary basis within the regulatory framework for date marking, these devices could provide easily accessible visual data information and a better monitoring of the cold chain, development of stock rotation, reduction of food waste and ultimately competitive shelf-life management.

6. Appropriate policy option for front-of-pack nutrition labelling and nutrient profiles

The MAC believes that, independently of the way forward, the scientifically-proven nutritional and health benefits of seafood products must be recognised, including high content and quality of proteins, vitamins and minerals. Any FOP scheme must consider: the interplay between nutritional recommendations and the type of front-of-pack labelling scheme, in order to avoid contrary messages for the consumer; that the reformulation efforts made by companies can always be valued, regardless of the nutritional of the nutritional profile; and the ability to value the nutritional specificities of certain categories of products and fish in particular, regardless of the nutritional profile, as is the case for nutritional claims relating to natural omega 3, EPA and DHA.

7. Appropriate policy option for origin labelling

The MAC maintains the positions and recommendations expressed in the Advice on Consumer Information on Fishery and Aquaculture Products.

8. Appropriate policy option for date marking

The MAC agrees that the Commission should consider a risk-science based review of the rules on date marking, even though there are different views amongst the membership on the most appropriate policy option.

In relation to Option 3, the Inception Impact Assessment mentions the possibility of alternative or additional wordings as well as the possibility of changes in format, lay-out, and colour. The MAC believes that any modification of the wording or proposal for new terms should be subject to an in-depth study on how consumers would understand them in the Member States covered. As for changes in presentation, it is necessary to bear in mind that not all labels are in colour and that some labels have reduced sizes.

9. Recommendations

In summary, in the context of the Roadmap on the Proposal for a Revision of the FIC Regulation, the MAC believes that the European Commission should:

- a) Take into account the importance of the legislation on food information to consumers for the EU market of fishery and aquaculture products, including through close cooperation between DG SANTE and DG MARE on this matter;
- b) In the consultations to be carried out, ensure the engagement of seafood stakeholders, including through the involvement of the MAC;
- c) Take action to value and increase nutritional education of consumers, including on how to achieve a balanced diet with different nutrient sources;

- d) When assessing the relevance of adopting nutrient profiles, especially take into account the impact on certain fish products, particularly the potential incoherence of public communication on scientifically-proven health benefits and the potential negative nutritional impact due to changes in induced consumer behaviour;
- e) When assessing the relevance of changing labelling rules on origin, take into account the connection with labelling requirements of the CMO Regulation for fishery and aquaculture products, the FIC Regulation and its subsequent reports related to origin indication, the operational procedures and steps during the whole value chain of products until the retails stage, plus the positions and recommendations expressed in the MAC Advice on Consumer Information on Fishery and Aquaculture Products;
- f) Guarantee a harmonised, reliable and coherent consumer-facing date marking system, while also coupling it with educational campaigns and EU-wide communication initiatives, in cooperation with stakeholders, to improve consumer understanding of date labels and raise awareness of other ways to prevent and reduce food waste;
- g) When assessing the relevance of changing date marking rules, assess the wording used in each Member States for the safety-based and quality-based descriptors, in order to determine if these are the best suited to guarantee consumer understanding;
- h) Take into account the potential voluntary use of innovative technologies to complement date marking;
- i) When determining the most appropriate way forward for front-of-pack nutrition labelling and nutrient profiles, take into account the interplay between nutritional recommendations and front-of-pack labelling schemes, the need to value reformulation efforts, and the ability to value the nutritional specificities of certain products;
- j) When determining the most appropriate policy option for date marking, conduct a risk-science based review of rules on “best before” date;



- k) In the case of analysis of alternative or additional wording for date marking, undertake an in-depth study on how consumers would understand them in the Member States covered;
- l) In the case of analysis of changes in presentation for date marking, take into account that not all labels are in colour and that some labels have reduced sizes.