



# WORKING GROUP 3 – EU CONTROL AND SANITARY ISSUES, CONSUMER RULES

Benoît Thomassen

Chair

Online (Zoom)

Wednesday, 27 January 2021

# AGENDA (CET TIME ZONE)

- 10:30 Welcome from the Chair, Benoît Thomassen
- 10:35 Adoption of the agenda and of the last meeting's minutes (24.11.20)
- 10:40 Special Eurobarometer Report - Making our food fit for the future – Citizens' expectations
- 11:00 Food Information to Consumers
- 11:45 Voluntary Sustainability Claims on Seafood Products
- 12:15 Food Contact Materials
- 12:30 Plant-based imitation seafood
- 12:50 AOB
- 12:55 Summary of actions points

13:00 End of the meeting

# ACTION POINTS (24 NOVEMBER 2020)

## EU promotion programme for agricultural and food products:

- Working Group 3 to wait for the publication of the impact assessment

## Plastics:

- Draft text to be put forward to the Executive Committee through written procedure
  - Advice adopted on 11 December 2020 / Commission's reply on 15 January 2021

## DG ENV's Legislative proposal on substantiating green claims:

- Draft text to be put forward to the Executive Committee through written procedure
  - Advice adopted on 10 December 2020

## Focus Group on Voluntary Sustainability Claims:

- Secretariat and Chair to prepare new version of the draft Terms of Reference
  - Secretariat's Questionnaire – 16 December 2020 to 14 January 2021

## Front-Of-Pack Nutrition Labelling:

- Working Group 3 to wait for the publication of the inception impact assessment
  - Commission's Roadmap – 23 December 2020 to 3 February 2021

## Nutri-Score Labelling on Fish Products:

- Draft text to be put forward to the Executive Committee through written procedure
  - Advice adopted on 10 December 2020

# SPECIAL EUROBAROMETER REPORT - MAKING OUR FOOD FIT FOR THE FUTURE – CITIZENS' EXPECTATIONS

## ➤ Presentation by Commission representative

- Thierry Chalus (SANTE.DDG2.D.1)

## ➤ Exchange of views

- Survey requested by DG SANTE – Published on December 2020
  - Key drivers influencing consumer food purchase
  - Main characteristics of “sustainable” food according to consumers
  - What make a diet “sustainable”?
  - Adopting a sustainable diet
  - Who plays a role?
  - Opinion about actions and policies to undertake and implement
  - Concern about food fraud



# FOOD INFORMATION TO CONSUMERS

- Presentation on the revision of the FIC Regulation by Commission representative
- Presentation of the results of the Secretariat's questionnaire
- Exchange of views
- Way forward: possible reaction to Commission's Roadmap

# FOOD INFORMATION TO CONSUMERS

## European Commission (DG SANTE)'s Roadmap

- Feedback Period: 23 December 2020 – 3 February 2021
- Front-of-pack nutrition labelling and nutrient profiles
- Origin labelling
- Date marking
- Likely impacts: economic, social, environmental, simplification
- DG SANTE will launch additional public and targeted consultations
- Stakeholder workshop (including seafood sector) to be organised

## MAC Secretariat's Questionnaire

- Period: 6 January 2021 – 21 January 2021
- Answers: AIPCE-CEP, EAPO, Européche, ANFACO-CECOPESCA, FEDEPESCA

# FOOD INFORMATION TO CONSUMERS

## - DG SANTE ROADMAP

### Problems to tackle

- European diets are not in line with national and international dietary recommendations (overweight, diet-related diseases, healthcare costs)
- Variety of voluntary front-of-pack nutrition labelling schemes have been developed by public institutions, health NGOs
- Consumers do not always understand the nutritional information and do not always find clear and simple nutritional information
- Nutrition & health claims can mask the overall nutritional status of food products
- Current labelling rules do not always allow consumers who are interested in this information to identify the origin of food
- Consumers often misunderstand and misuse date marking

# FOOD INFORMATION TO CONSUMERS - DG SANTE ROADMAP

## Front-of-pack nutrition labelling and nutrient profiles

- Establishing harmonised mandatory front-of-pack nutrition labelling
- Setting nutrient profiles
- **Option 0: Baseline ('business as usual'):** Voluntary use of FOP nutrition labelling. Different public and private labels. Nutrient profiles are not set.
- **Option 1: Nutrient-specific labels – numerical:** non-interpretative label. Numerical information of four nutrients (fat, saturates, sugars, salt) and energy value.
- **Option 2 : Nutrient-specific labels – colour-coded:** Colours are used to classify those nutrients as 'low' (green), 'medium' (amber) or 'high' (red).
- **Option 3 : Summary labels – endorsement logos:** positive (endorsement) logo that is applied only to foods that comply with nutritional criteria.
- **Option 4 : Summary labels – graded indicators:** synthetic appreciation of a product's overall nutritional value through a 'graded indicator'.



# FOOD INFORMATION TO CONSUMERS - DG SANTE ROADMAP

## Origin Labelling

- Extension of the mandatory origin or provenance indication to more food products and ensure a full harmonisation in this area
- **Option 0: Baseline ('business as usual')**: continuation of the existing legislative framework where the origin or provenance of the foods in question would not be mandatory information; it would be provided either on a voluntary basis or by means of national law.
- **Option 1: mandatory origin indication provided:** EU/non-EU level
- **Option 2: mandatory origin indication provided:** national level (Member State or third country)
- **Option 3: mandatory origin indication provided:** regional level
- **Option 4 : Mixed Option:** based on a mix of elements from all options
- Different sub-options on the modalities for determining the country of origin or place of provenance of foods/food ingredients in question (e.g. for milk: place of milking/packaging/processing) would need to be established.

# FOOD INFORMATION TO CONSUMERS - DG SANTE ROADMAP

## Date Marking

- Tackling the misunderstanding and misuse of date marking (the 'use by' and 'best before' dates)
- **Option 0: Baseline ('business as usual'):** Rules in FIC Regulation are not revised.
- **Option 1: To revise the rules of application of the 'best before' date:** Extend list of foods for which "best before" date is not required. Remove "best before date" for non-perishable foods with long shelf life.
- **Option 2: To revise the rules and abolish the concept of 'best before' date:** abolish the concept of "best before" date to keep only one durability date which would be the "food safety/health" related date (currently expressed as 'use by' date).
- **Option 3: To improve the expression and presentation of date marking:** improve the way of expressing the two different types of date marking (e.g. in terms of terminology, format, visual presentation) in order to better differentiate between the food safety/health and quality concepts.

# FOOD INFORMATION TO CONSUMERS - QUESTIONNAIRE

## 1. Healthy food choices are made difficult, since consumers do not always understand the nutritional information on packaging?

- AIPCE-CEP: To a certain extent. Willing consumers can understand.
- EAPO: Yes. Nutritional & health benefits should be made clear.
- Europêche: N/A
- ANFACO: No. Current nutritional labelling allows healthy food choices.
- FEDEPESCA: Yes. Incomprehensible labelling or lack of education.

# FOOD INFORMATION TO CONSUMERS - QUESTIONNAIRE

## 2. Nutrition and health claims can mask the overall nutritional status of food products, misleading consumers?

- AIPCE-CEP: Nutrient profiles can result in a restriction with regards to health claims on fishery products, particularly fatty fish.
- EAPQ: Yes. Nutrition & health labelling may mislead consumers into believing that fish is not a healthy product when in fact it is.
- Europêche: N/A
- ANFACO: Claims are based on objective data. Definition of nutrient profiles should be implemented, in order to complement and contextualize.
- FEDEPESCA: Claims might mask the nutritional status of the food product. Importance of consumer education, in order to know how to meet nutritional needs. Level playing field – fresh products do not have labels.

# FOOD INFORMATION TO CONSUMERS - QUESTIONNAIRE

## 3. There is a growing demand from consumers to know the origin of their foods and to extend mandatory origin labelling?

- AIPCE-CEP: Current FIC rules are appropriate, as long as the origin or provenance referred to is a geographical origin.
- EAPQ: Yes. Origin of transformed fish products can sometimes be omitted. More precise minimum requirements should be put in place at EU-level.
- Europêche: Yes. Consumers use country of origin as a substitute indicator of quality. Problems – Combination EU & non-EU products; exemptions for processed products; marketing standards only on 10% of imports.
- ANFACO: There are industrial & market operational barriers, so it should not be mandatory. FIC Regulation avoids consumer confusion and safeguards the will of free enterprise and commercial operations.
- FEDEPESCA: Yes. Consumers request more information on traceability and origin. It is difficult to know origin of canned products.

# FOOD INFORMATION TO CONSUMERS - QUESTIONNAIRE





## 4. Consumers often misunderstand and misuse date marking?

- AIPCE-CEP: The principle of a safety-based descriptor (“use by”) & a quality-based descriptor (“best before”) are appropriate and should not be changed as such. Educational campaigns to improve consumer understanding. Necessary to ensure correct wording in Member States. Voluntary use of innovative technologies on shelf life of perishable products.
- EAPO: N/A
- Europêche: N/A
- ANFACO: EFSA has developed a tool for operators. More work is needed to ensure consumer understanding of the concepts.
- FEDEPESCA: Yes. The “best before” marking can mislead consumers into thinking that the product is not suitable for consumption. Increase in food waste.

# FOOD INFORMATION TO CONSUMERS- QUESTIONNAIRE

## 5. Most appropriate policy option for Front-of-pack nutrition labelling and nutrient profiles?

- AIPCE-CEP: Importance of concordance of nutritional recommendations and FOP labelling. Reformulation efforts can be valued. Value of specific nutritional specificities of certain product categories, regardless of nutritional profile.
- EAPO: Option must recognise the nutritional and health benefits of fish.
- Europêche: N/A
- ANFACO: The current country model does not work. Improvement of the existing – Option 1 (“Nutrient-specific labels – numerical”) or Option 2 (“Nutrient-specific labels – colour-coded”).
- FEDEPESCA: Voluntary use of Option 2 (“Nutrient-specific labels – colour-coded”).

Nutrient-specific labels - examples		Summary labels - examples	
Numerical (Option 1)	Colour-coded (Option 2)	Endorsement logos (Option 3)	Graded indicators (Option 4)
			

# FOOD INFORMATION TO CONSUMERS- QUESTIONNAIRE

## 6. What is the most appropriate policy option for Origin Labelling?

- AIPCE-CEP: Fishery products do not seem to be affected by this Roadmap.
- EAPO: Option 1 (Mandatory origin indication provided at EU/non-EU level). Efficient & simple for consumer. Fisheries are managed at EU-level.
- Europêche: Option 4 (Mixed option). Revision of FIC regulation. Preserved fish, crustaceans, molluscs and caviar (codes 1604, 1605) under consumer information mandatory requirements. Strengthening of marketing standards & traceability.
- ANFACO: Option 0 (Baseline/'business as usual'). Current legal framework is sufficiently flexible to balance consumer and operator protection.
- FEDEPESCA: Option 4 (Mixed option). Legislated by EU. Indications at regional, national and European level. (e.g. caught in Norway, processed in France, packed in Galicia).



# FOOD INFORMATION TO CONSUMERS- QUESTIONNAIRE

## 7. What is the most appropriate policy option for Date Marking?

- AIPCE-CEP: Option 1 (Revision of “best before” date application) & Option 3 (Improving the expression and presentation of date marking) could be considered at the same time.
- EAPO: N/A
- Europêche: N/A
- ANFACO: Option 1 (Revision of “best before” date application) or Option 2 (Revise and abolish “best before”)
- FEDEPESCA: Option 4 (Mixed option). Fresh products should not have date markings. Package products should have expiration dates. Processed products should have expiration date and date of preferential consumption.

# FOOD INFORMATION TO CONSUMERS- QUESTIONNAIRE

## 8. View on expected impacts?

- AIPCE-CEP: N/A
- EAPQ: Important to distinguish between the EU and non-EU fish products because of the huge different that might exist between EU and non-EU fisheries sustainability standards.
- Europêche: Beneficial impact on all mentioned aspects, hence on all three pillars of sustainability. Front-of-package information provided to the consumer should differentiate between social certification and environmental certification
- ANFACO: Beneficial. Helping to reduce food waste. Important to facilitate the destruction of expired products. There should be protocols to remove products and for possible safe reuse.
- FEDEPESCA: No economic impacts. There are social and environmental impacts. Importance of promoting fresh products and better marking of products, in order to avoid waste.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS

- **Presentation of the results of the Secretariat's questionnaire**
- **Exchange of views**
- **Way forward**

## **MAC Secretariat's Questionnaire**

- **Period: 16 December 2020 – 14 January 2021**
- **Answers: MSC, EAPO & Européche, FEDEPESCA**

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 1. There is a proliferation of sustainability claims and certification schemes for seafood products in the EU market?

- MSC: Proliferation of unsubstantiated (unverifiable, unreliable) claims is what should be tackled. The focus should be on ensuring sustainability claims are credible and robust.
- EAPO & Européche: There is indeed a large number of sustainability claims and certification schemes for seafood products on the EU market. MSC is the most used. Its control of the certification field and the limited competition risks leading to a monopolistic situation.
- FEDEPESCA: Yes, there are too many sustainability claims and certification schemes. Consumers do not understand claims and ecolabels and the small actor like small fish shops cannot afford to pay those ecolabels cost.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 2. Sustainability claims and certification schemes have a negative or a positive economic impact in the EU market?

- MSC: MSC fishery clients report numerous benefits that can easily offset the price of certification, including price premiums, reputational benefits, market benefits (access or market share maintenance); communication opportunities media visibility, increased trust with public and NGOs. Positive market incentives can deliver fisheries sustainability.
- EAPo & Européche: Very hard to assess the economic impact on the EU market. Voluntary standards do not provide clear cost-benefit analysis for fish producers. Very high associated costs. Not necessarily rewarded with higher prices. Used as market barrier by big retail companies. Positive reputational effect, but that communicates pre-existing situation.
- FEDEPESCA: High economic cost and management time. Not always rewarded with higher prices. Market barrier. Very high costs for small firms and producers. Consumers might think it is a better option, under sustainable reasons, to choose a certificated product in a big supermarket instead of buying a local product bought in a local small shop.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 3. Sustainability claims and certification schemes have a negative or a positive environmental impact?

- MSC: Ecolabel ensures consumer confidence that products with this sustainability claim are performing a high level. Incentive for continued improvement. Public policy schemes can work in compliment to independent third-party verification schemes. Year on year increase in sales of labelled MSC product, with demand for independent, verified seafood increasing by consumers and retailers.
- EAPO & Européche: Positive environmental impact as they promote good environmental practices. Products can achieve similar environmental sustainability without certification. Certification schemes criteria are usually stricter than the EU legislation. EU fisheries management is sustainable and allowed huge improvements in stock status in past 20 years. Push for certification comes from big retail companies. Unclear how it matched demand from majority of consumers.
- FEDEPESCA: Products with claims are not more environmentally sustainable than others. Certification is not stricter than EU legislation. If companies follow EU legislation, there is no reason to pay for private certification and prove a commitment to sustainability. Consumers and retailers do not know what they are purchasing exactly. Need to determine what an ecological fish should be.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 4. Opinion on consumer understanding and attitudes in relation to sustainability claims and certification schemes?

- MSC: MSC undertakes largest global sustainable seafood research amongst consumer to test awareness, recognition, understanding and trust. Increasingly high awareness and recognition. High trust. Trust levels of different institutions, including national governments, perform lower.
- EAPC & Europêche: Consumers trust some claims more than others. Consumers do change their behaviour if they recognise and trust a label. Recognition is needed to observe a significant behavioural change.
- FEDEPESCA: Consumers do not trust claims and certification schemes. Consumers sometimes change behaviour. There are barriers impacting behavioural change. It is necessary to help consumers understand environmental issues linked with seafood, a simplification of the information, for example through one European label on sustainability, and incentives to change consumer behaviour.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 5. Sustainability claims and certification schemes in the EU market are credible, accessible, and continuously improving?

- MSC: Somewhat. The best way to ensure the robustness of sustainability logos moving forward is through the introduction of minimum horizontal requirements for such labels, as DG JUST is exploring. Tackling unsubstantiated claims would increase market uptake of credible certifications. Credible sustainability schemes already put focus on monitoring and evaluating their impacts.
- EAPO & Européche: Claims and certification schemes are credible. Not all accessible to all fisheries because of costs associated and sometimes non-achievable criteria. Credibility can be verified (FAO guidelines, third parties, scientific partnerships). Coverage can be increased by reducing costs for primary producers. Issues of equal access to the market due to “continuous improvement”.
- FEDEPESCA: No. For verifiable and controlled credibility, European schemes. EU can place sustainability requirements to move global seafood towards sustainability. There is evidence that developing world FIPs stagnate when market access is granted. Failure of improvement is not only on the hands of the fishers, but also of the market. Key challenge is to avoid “coordination failures” between the different standards and codes.



# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 6. Role of global multi-stakeholder initiatives?

- MSC: ISEAL Alliance fulfils such a role for credible, collaborative, and transparent sustainability systems. Global Seafood Sustainability Initiative promotes sector-wide collaboration to drive forward more sustainable seafood for everyone. Compliance with FAO's Code for Responsible Fishing.
- EAPO & Européche: Initiatives can help coordinate the multiple claims from multiple labels. Important to avoid monopolistic situation. Should provide guidelines and best practice codes and standards. Should not only take into account the role of the buyers, but also of the primary producers.
- FEDEPESCA: Public initiatives should harmonise and/or coordinate. These should provide oversight and conditionality for codes and standards. Disagrees with moving towards tailor-made sustainability claims for buyers based on their sustainability risk-profiles.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 7. Role for private and public initiatives?

- MSC: National authorities should not develop certification schemes or labels. Doubts on developing and monitoring the same level of rigor as independently verified claims. Need for credible labels that are ISEAL/FAO compliant. There can be minimum requirements to control proliferation, which could be introduced at national authority level. Exemption for Type-1 like labels, such as MSC.
- EAPo & Européche: National authorities and/or the EU can develop (voluntary) certification schemes and labels. Avoiding greenwashing and misleading claims is essential. Through direct state monitoring and control or through credible accreditation processes. Should not the use of schemes to a few bigger initiatives.
- FEDEPESCA: EU should develop a guide that every legal company could follow. Consumer information and knowledge cannot be delegated only in marketing. Public Administration should guarantee that the consumer receives appropriate information.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 8. How to address the three pillars of sustainability?

- MSC: Obligation for COC certified entities to get additional social auditing (when over and above a certain risk level) to make sure social scope criteria for MSC are met. MSC standards recognise labour conditions in seafood supply chains. Chain of custody standard has a risk-based filter.
- EAPo & Européche: Socio-economic sustainability is forgotten and not taken into account. New labels and schemes need to address it. These 2 pillars need to be incorporated in the existing schemes. Socio-economic sustainability can be substantiated by looking at the employment standards in place (wages, rest hours,...), respect of the international conventions of the ILO (C188), and other criteria.
- FEDEPESCA: New labels and certification schemes are needed for socio-economic sustainability. Existing labels and schemes should be extended to cover socio-economic sustainability. FAO and EU guides are needed to address socio-economic sustainability.

# VOLUNTARY SUSTAINABILITY CLAIMS ON SEAFOOD PRODUCTS - QUESTIONNAIRE

## 9. What other issues should be covered by a potential MAC advice on voluntary sustainability claims?

- MSC: N/A
- EAPo & Européche: Voluntary certification schemes should not be made mandatory. From the industry's perspective, voluntary certifications are an opportunity, but they should not set the standard on what a sustainable fishery is, the EU ensures this through the existing EU legislation. Voluntary certifications and ecolabels must be fit for purpose, providing cost benefit analysis to primary producers, and considering the three pillars of sustainability.
- FEDEPESCA: N/A

# FOOD CONTACT MATERIALS

- Presentation on the revision of EU rules by Commission representative
- Exchange of views
- Way forward: possible reaction to Commission's Roadmap

## European Commission (DG SANTE)'s Roadmap

- Feedback Period: 18 December 2020 – 29 January 2021

## MAC Secretariat's Call for Interest

- Period: 21 December 2020 – 8 January 2021
- Answers: FEDEPESCA

# FOOD CONTACT MATERIALS – DG SANTE ROADMAP

## Context

- FCM - food packaging, everyday household items such as kitchen- and tableware as well as machinery and surfaces used in food manufacturing, preparation, storage, transport and distribution.
- Chemical substances can migrate from FCMs into food and thus contribute to consumers' exposure to those substances.
- Problems that are linked to the absence of specific EU rules, which leads to uncertainty about safety of some FCMs and internal market problem.

# FOOD CONTACT MATERIALS – DG SANTE ROADMAP

## Problems to tackle

- Lack of functioning of the internal market and possible safety issues for non-plastics FCMs
- The positive authorised list approach and lack of focus on the final article
- Lack of prioritisation of the most hazardous substances and up-to-date assessments
- Exchange of safety and compliance information in the supply chain is poor and the ability to ensure compliance is compromised
- Enforcement of rules on FCMs is generally poor
- Rules do not sufficiently take into account the specificity of SMEs
- Rules do not encourage development of safer and more sustainable alternatives
- The subject matter is not always clear and definitions need to be reviewed

# FOOD CONTACT MATERIALS – DG SANTE ROADMAP

## Policy Options

- **A. Shifting the focus onto final materials:** New EU specific rules would refocus on the safety of the final material and/ or combinations of materials
- **B. Prioritising the assessment and management of substances:** Tiered approach would be used to prioritise regulation of substances
- **C. Supporting safer and more sustainable alternatives:** Specific rules for FCMs from less traditional and potentially more sustainable production
- **D. Improving quality and accessibility of supply chain information for compliance and enforcement:** Rules on data requirements and information transfer throughout the supply chain, including a Declaration of Compliance for all FCMs.
- **E. System for ensuring compliance of the final FCM:** Delegated bodies for conformity assessments, complementary to Member States
  
- **Option 1:** Use the current regulatory framework
- **Option 2:** Develop a new regulatory framework, replacing the current Regulation



# FOOD CONTACT MATERIALS

## FEDEPESCA's Position:

- Satisfaction with the initiatives, particularly focus on SMEs
- Supports measures to better manage FCMs
- Packaging manufacturers should be obliged to indicate to consumers how the packaging should be recycled or managed, either in pictorial or written form
- Need to cover the existing problem about Persistent Organic Pollutants (POPs) resulting from the continuous recycling of some types of materials

## AIPCE-CEP's Position:

- Opportunity to fill some regulatory gaps and a lack of harmonization between Member States, which creates tensions along the value chain
- Clear guidance on the application of risk assessment for all substances
- Shared responsibility and transparency among the partners of the value chain
- For SMEs more specifically, guidance and tools are needed
- Take into account recycled plastics, new type and innovative packaging materials
- Preference for Option 1

# PLANT-BASED IMITATION SEAFOOD

- **Presentation on the development and impacts**
  - **Malcolm Beveridge and Nisha Marwaha (WorldFish)**
- **Exchange of views**
- **Way forward**



# AOB, ACTION POINTS, END OF MEETING

➤ **AOB**

➤ **Summary of action points**

➤ **End of meeting**