



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

**The Director General**

Brussels,  
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Mr Marc-Philip Buckhout  
Vice-Chair of the AAC  
Rue de la Science, 10  
B – 1000 Brussels  
Belgium

**Subject: Labelling of caviar**

*Your ref.: email of 28 September 2018*

Dear Mr Buckhout,

Thank you for the AAC advice on labelling of caviar. I would like to draw your attention to the need to distinguish between consumer information for which obligations are laid down in Regulation (EU) No 1169/2011 on food information to consumers, and for certain fishery and aquaculture products in Regulation (EU) No 1379/2013 (Common Organisation of the Markets) and the technical labelling for the purpose of monitoring trade in endangered species as provided for under Regulation (EC) No 338/1997.

Codes present on caviar labels are unique registration codes, which ensure that traded caviar comes from licit sources. Their goal is to allow control by authorities and not to provide information to consumers on the origin of the product. Consequently, the fact that these codes are not clear for consumers does not raise concern as long as control objectives are fulfilled.

As regards the issue of consumer information, caviar and caviar substitutes are not covered by the consumer information requirements established in Regulation (EU) No 1379/2013. The requirement that consumers should be able to make informed choices on the basis of the products' origin, as stated in recital 21 of this Regulation, cannot be considered as relevant for caviar, since this product falls outside the scope of this Regulation.

In the case of caviar, and more generally of prepared and preserved fishery and aquaculture products, the level of consumer information may be lower than for other fishery and aquaculture products. In its original proposal, the Commission had provided for minimum specific information to be provided to consumers when buying prepared/preserved products, such as the commercial designation and scientific name of the product, its origin and its production method. Consumers confirmed these pieces of information as relevant across the EU in the context of the Eurobarometer survey carried out in 2016.

When adopting Regulation (EU) No 1379/2013, however, co-legislators decided that the application of specific consumer information rules to these products was not justified.

This being said, Regulation (EU) No 1169/2011 on the provision of food information to consumers requires the country of origin or place of provenance of the food to be indicated where the failure to indicate such information could mislead consumers as to its origin or place of provenance. In addition, Commission Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of that Regulation requires that where the country of origin or the place of provenance of a food is given, and where it is not the same as that of its primary ingredient, the country of origin or place of provenance of the primary ingredient in question shall also be given or indicated as being different to that of the food. This Commission Implementing Regulation will start to apply only from 1 April 2020.

The Commission is currently gathering input on the functioning of consumer information rules under Regulation (EU) No 1379/2013 on the CMO. Given the relatively recent implementation of the new consumer information rules and the significant effort by control authorities to facilitate their application, we consider that a modification of the current rules in the absence of an adequate evaluation would be premature.

Let me note, however, that the extension of consumer information provisions under the CMO cannot be subject to amendments for a single product. Since this would imply the application of fishery-specific consumer information rules to all prepared / preserved products under code 1604 and 1605, I invite you to continue discussions within the AAC and with the MAC on this topic, and to provide an advice to the Commission on this.

As the information to be provided on caviar cans has in any case to meet the requirements of Regulation (EU) No 1169/2011, you are invited to justify why stricter provisions on consumer information particulars to be presented on the product are being requested.

Let me thank you for your continued interest and constructive input. Should you have any question on this reply, you may contact Ms Pascale COLSON, coordinator of the Advisory Councils ([pascale.colson@ec.europa.eu](mailto:pascale.colson@ec.europa.eu); +32.2.295.62.73).

Yours sincerely,

  
João AGUIAR MACHADO