



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE/A4/LJ (2021)

Dear Mr Pastoor,

I would like to thank the Market Advisory Council (MAC) for the advice received on 22 July 2021 on the labelling of Vegetarian and Vegan Fish Imitations.

We will consider this MAC advice in the context of the preparatory work for the report from the Commission to the European Parliament and the Council on the implementation of the Common Market Organisation Regulation for fishery and aquaculture products<sup>1</sup> (the 'CMO Regulation') to be issued by 31 December 2022. Without prejudice to the content of such report, we would like to share with you some preliminary general considerations in relation to your present recommendations.

Firstly, as correctly described in your letter, the CMO Regulation applies only to fishery and aquaculture products, as defined under Article 5 therein. Unless such products are based on seaweed and algae, plant-based seafood imitations are not covered by the scope of the Regulation and its provisions on consumer information. If based on seaweed and algae, products should abide by the marketing and labelling rules laid down under Article 35 of the CMO Regulation.

Plant-based seafood imitation must be labelled in compliance with the Food Information to Consumers (FIC) Regulation,<sup>2</sup> as any other foodstuffs on the EU market. It must be underlined that Article 7 of the FIC Regulation on fair information practices provides that food information shall not be misleading, in particular:

- a. as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production;
- b. by attributing to the food effects or properties which it does not possess;

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<sup>1</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, *OJ L 354*, 28.12.2013, p. 1–21.

<sup>2</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, *OJ L 304*, 22.11.2011, p. 18–63.

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- c. by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients;
- d. by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.

These rules apply also to advertising and presentation of foods, in particular as regards their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed.

Considering the existing regulatory framework, we conclude that the legislation in place regulates sufficiently the labelling and presentation of plant-based seafood imitation and thus, do not consider, at this time, launching further work or a study on this matter.

Please furthermore note that in the specific case of “tuna” and “sardine”, Council Regulation 1536/92 and Council Regulation 2136/89 regulate the marketing and use of trade descriptions of such products. Therefore, the marketing as and trade description of “preserved tuna”, “preserved bonito” and “preserved sardines” cannot be used for plant-based products.

Let me thank you for your valid input and commitment. Should you have any further question on this reply, I invite you to contact Ms. Pascale Colson ([pascale.colson@ec.europa.eu](mailto:pascale.colson@ec.europa.eu); +32 2 29 56273).

Yours sincerely,

Charlina VITCHEVA

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