

INCEPTION IMPACT ASSESSMENT

Inception Impact Assessments aim to inform citizens and stakeholders about the Commission's plans in order to allow them to provide feedback on the intended initiative and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have, including on possible impacts of the different options.

TITLE OF THE INITIATIVE	<i>Proposal for a revision of Regulation (EU) No 1169/2011 on the provision of food information to consumers</i>
LEAD DG (RESPONSIBLE UNIT)	DG SANTE/Food information and composition
LIKELY TYPE OF INITIATIVE	<i>Proposal for a Regulation of the European Parliament and the Council</i>
INDICATIVE PLANNING	Q4 2022
ADDITIONAL INFORMATION	<i>Farm to Fork Strategy (COM(2020) 381 final)</i>

The Inception Impact Assessment is provided for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the Inception impact assessment, including its timing, are subject to change.

A. Context, Problem definition and Subsidiarity Check

Context

The European Commission adopted the [“Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system”](#) on 20 May 2020, as part of the European Green Deal. This 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, amongst others, the need to stimulate sustainable food processing and reformulation, to further empower consumers through labelling information and to reduce food waste.

The Farm to Fork Strategy announces that the Commission will take a number of actions, including the following:

- A proposal for a harmonised mandatory front-of-pack nutrition labelling. The Commission adopted a [report on front-of-pack nutrition labelling](#), accompanying the Farm to Fork Strategy, which builds upon [literature review and data gathered and analysed by the Joint Research Centre](#);
- The setting of ‘nutrient profiles’ restricting the promotion (via nutrition and health claims) of foods that are high in fats, sugars and/or salt. [Regulation \(EC\) No 1924/2006 on nutrition and health claims made on foods](#) (‘Claims Regulation’) already required the setting of nutrient profiles, and the recent [evaluation](#) of that Regulation, published alongside the Farm to Fork Strategy, concludes that the setting of nutrient profiles remains relevant and necessary to ensure a high level of consumer protection;
- Consider proposing the extension of mandatory origin or provenance indications to certain products; and,
- A revision of the EU rules on date marking (‘use by’ and ‘best before’).

The objective of the present initiative is to follow-up on these announcements via a revision of [Regulation \(EU\) No 1169/2011 on the provision of food information to consumers](#) (FIC Regulation). As also announced in the Farm to Fork Strategy, the Commission will develop a sustainable food labelling framework in synergy with other relevant initiatives including this one and taking into account possible development in the area of digital information.

Problem the initiative aims to tackle

- European diets are not in line with national and international dietary recommendations. Over half of the adult population are now overweight. This contributes to the high prevalence of diet-related diseases and related healthcare costs¹. In this context, a variety of voluntary front-of-pack nutrition labelling schemes have been developed by public institutions, health NGOs or private sector organisations to help consumers with their food choices. Some food business operators have already reformulated their product, possibly in preparation

¹ It is [estimated](#) that in the EU over 950,000 deaths and 16 million years of life lost are attributable to dietary risks due to unhealthy diets.

for the establishment of nutrient profiles, while others have not. With respect to current labelling rules:

- ✓ Consumers do not always understand the nutritional information provided on food packaging and do not always find clear and simple nutritional information, which makes healthy food choices difficult. The variety of front-of-pack schemes present on the EU market results in inequity in consumers access to information and could also result in fragmentation of the internal market, costs for businesses having cross-border activities as well as consumer confusion and lack of trust.
- ✓ Nutrition and health claims² can mask the overall nutritional status of food products, which could mislead consumers attempting to make healthy choices. Currently, all foods are allowed to bear nutrition and/or health claims independently of their content of e.g. fat, saturated fat, sugars and/or salt to the extent that they comply with the legal requirements of the Claims Regulation. **Nutrient profiles** are threshold of nutrients (such as fats, sugars and/or salt) above which nutrition and health claims are restricted, thus preventing a positive health message on foods with a non-healthy profile. As nutrient profiles have not been adopted yet, consumers continue to be exposed to such foods bearing claims³. Additionally, the absence of nutrient profiles hinders a level playing field between operators.
- Although origin labelling is already compulsory for certain food products⁴, there is a growing demand from consumers to know the origin of their foods and to extend this mandatory origin indication to other categories of food. In the absence of EU rules, seven Member States⁵ enacted provisionally national legislation requiring mandatory origin labelling for specific categories of food.
- ✓ Current labelling rules do not always allow consumers who are interested in this information to identify the **origin of food**. The national rules on origin labelling cause inequity in consumer access to information across the EU and fragment the Single Market.
- Consumers often misunderstand and misuse **date marking**. According to a [2015 Eurobarometer](#), less than 1 in 2 consumers understand the meaning of date marking: “use by”, which indicates the ultimate food safety date, and “best before”, which refers to the date food retains its optimal quality.
 - ✓ This contributes to the [20% of food that Europeans waste annually](#). A [Commission study on date marking](#) published in 2018 concluded that up to 10% of all food waste generated in the EU could be linked to date marking.

Basis for EU intervention (legal basis and subsidiarity check)

Amendments to the FIC Regulation in the above food information areas would aim to:

- support, coordinate or supplement the actions of EU Member States for the protection and improvement of human health (Article 168 TFEU);
- ensure a high level of consumer protection (Article 169 TFEU);
- ensure further integration of the internal market for sustainable food products (Article 114 TFEU).

Action at EU-level (which is specifically mandated by the legislation in the area of nutrient profiles) will be more effective in achieving the main objectives than a series of individual actions by Member States because harmonisation will:

- reduce administrative burden on food companies operating transnationally or EU-wide;
- ensure a level playing field for food business operators;
- guarantee EU-wide rules for consumers, thereby reducing inequity in access to information for citizens across the EU.

² A claim is a voluntary message which states, suggests or implies that a food has particular characteristics. In particular, nutrition claims are statements like ‘low fat’, ‘high fibre’, while health claims make the link between a food constituent and health, like ‘Vitamin D contributes to the maintenance of normal bones’.

³ For important categories of foods such as breakfast cereals, juice drinks, breads and bakery products and cakes, pastries, sweet and savoury biscuits, there is evidence that more than one third of foods bearing claims continue, to date, to have a high FSS (fat, sugar, salt) content, which may be masked by the use of a nutrition or a health claim on the label.

⁴ Under the EU legal framework, mandatory origin labelling exists for several sectors, such as honey, fruit and vegetables, fish, beef and beef products, unprocessed meat from pigs, sheep, goats and poultry, olive oil, wine, eggs and spirits drinks.

⁵ France, Lithuania, Italy, Greece, Finland, Spain and Portugal have notified a national measure; today there are 6 Member States having national measures on origin labelling in force (Lithuania’s measure is not anymore in force)

B. Objectives and Policy options

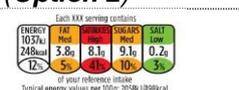
➤ Front-of-pack nutrition labelling and nutrient profiles

The objective of establishing harmonised mandatory front-of-pack nutrition labelling is to improve consumers' understanding of the nutritional value of foods when purchasing them. The setting of nutrient profiles aims to avoid a situation where nutrition and health claims would mask the overall nutritional status of a food, which could mislead consumers when trying to make healthy choices. Both actions are also aimed at stimulating food reformulation towards healthier foods and facilitating consumers' healthier food choices.

Considering the interplay between the two initiatives, it is appropriate to develop comprehensive options exploring in a coherent manner harmonised front-of-pack nutrition labelling and the setting of nutrient profiles.

In considering how these objectives can be addressed, the different options enumerated below will be further assessed. The options will cover pre-packed foods that are required to bear a nutrition declaration, which is generally provided on the back of the food packaging⁶. The possibility to apply specific conditions to certain categories of food will be explored.

On the basis of the existing analyses, there are **four types of front-of-pack labels** currently in use or development in the EU. These will form the basis for the different options to be considered for the provision of front-of-pack nutrition information to consumers.

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

The different options to be considered can be summarized as follows:

- Option 0: Baseline ('business as usual')

The voluntary use of front-of-pack nutrition labelling schemes remains possible. Different public and private front-of-pack labels, allowed under EU rules, continue to exist, with some Member States recommending a specific scheme and others not.

Nutrient profiles are not set; it is still possible to use nutrition and health claims on foods with a non-healthy profile.

As an alternative baseline option, front-of-pack nutrition labelling is not harmonised, but the Commission complies with its legal obligation to establish nutrient profiles as mandated by Article 4 of Regulation 1924/2006 on nutrition and health claims made on foods.

- Option 1: Nutrient-specific labels – numerical

Across the EU, a harmonised front-of-pack nutrition label is used: the label is a non-interpretative⁷ (non-evaluative) label, providing numerical information on the content of four nutrients (fat, saturates, sugars, salt) and on the energy value, as well as on how much this represents as a percentage of the daily reference intake.

- Option 2 : Nutrient-specific labels – colour-coded

Across the EU, a harmonised front-of-pack nutrition label is used: the label provides numerical information on the content of four nutrients (fat, saturates, sugars, salt) and on the energy value, as well as on how much this represents as a percentage of the daily reference intake. Colours are used to classify those nutrients as 'low' (green), 'medium' (amber) or 'high' (red).

- Option 3 : Summary labels – endorsement logos

Across the EU, a harmonised front-of-pack nutrition label is used: the label provides a synthetic appreciation of a product's overall nutritional value through a positive (endorsement) logo that is applied only to foods that comply with nutritional criteria.

⁶ As from December 2016, Regulation (EU) No 1169/2011 requires the vast majority of pre-packed foods to bear a nutrition declaration. It must provide the energy value and the amounts of fat, saturates, carbohydrate, sugars, protein and salt of the food. The declaration must be presented in a legible tabular format on the packaging. Annex V of the Regulation lists the foods that are exempted from the requirement of the mandatory nutrition declaration.

⁷ While such nutrient-specific schemes do provide some assessment of the contribution that a serving of food makes to nutrient intakes, such systems do not provide an evaluative judgement about how numerical values should be interpreted and, consequently, are referred to as a 'non-interpretive' (WHO Health Evidence Network Synthesis Report 61).

- Option 4 : Summary labels – graded indicators

Across the EU, a harmonised front-of-pack nutrition label is used: the label provides a synthetic appreciation of a product's overall nutritional value through a 'graded indicator' that provides graded information on the nutritional quality of foods that is applied on all food products.

For **options 1 to 4, nutrient profiles are set**. For option 1, the setting of a nutrient profile model separate from the non-interpretative front-of-pack nutrition label will be assessed. Options 2 to 4 concern evaluative (interpretative) front-of-pack labels, evaluating the nutrition information for the consumer. Colour-coded nutrient-specific labels and summary labels are based on nutrient profiling criteria. These criteria may be nutrient thresholds for individual nutrients, a combination of thresholds that define if a food can bear an endorsement logo, or more complex algorithms resulting in graded summary scores. For reasons of coherence and consistency, and to avoid conflicting labels on the food packaging which might be confusing for the consumer, the nutrient profiling model for restricting claims is based on the nutrient profiling model underpinning the harmonised front-of-pack scheme.

The impact assessment will explore all these options to identify a preferred option or a policy mix that best addresses the challenges and opportunities to achieve the overall objective of the initiative. The assessment of options 1 to 4 will cover the impact of their use on a voluntary or on a mandatory basis.

➤ **Origin labelling**

The objective of the action is to allow consumers to better identify the origin of food and to facilitate consumers' informed and sustainable food choices.

Consumers are increasingly affected by a range of considerations when making food decisions, including the origin of the food and the length of the food supply chain.

This initiative will ensure that consumers across the EU receive the same information on origin. Simultaneously, this will preserve the integrity of the single market and establishes a level playing field across the EU.

The Commission is aiming to propose the extension of the mandatory origin or provenance indication to more food products and ensure a full harmonisation in this area.

On the basis of the existing data⁸, the following foods were identified as those in which consumers have particular interest to know where they are coming from: milk and milk used as an ingredient, meat used as an ingredient, rabbit and game meat, rice, durum wheat used in pasta, potatoes and tomato used in certain tomato products.

The impact of the extension of mandatory origin labelling to the aforementioned foods will be assessed individually when justified based on the specificities of the sector.

In considering how information regarding origin can be provided, the different policy options enumerated below will be assessed including their impacts on the single market and taking into account the EU's international commitments. The different options below are based on the geographical levels as already applicable to certain foods/primary food ingredients in existing EU rules.

- Option 0: Baseline ('business as usual')

This scenario envisages the 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.

- Options 1-3: mandatory origin indication provided at:

- **EU/non-EU level;**
- **national level (Member State or third country); or,**
- **regional level.**

- Option 4: mixed option based on a mix of elements from all options.

In addition to the options above, for each of the geographical alternatives, 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.

➤ **Date marking**

The objective of the action is to prevent consumers from unnecessarily discarding foods past their 'best before' date by tackling the misunderstanding and misuse of date marking (the 'use by' and 'best before' dates).

⁸ Commission reports on origin labelling adopted following Article 26 of Regulation (EU) No 1169/2011 and studies commissioned for this purpose, national studies carried out in the context of the respective national notification.

- Option 0: Baseline ('business as usual')

The current EU date marking rules in FIC Regulation are not revised.

- Option 1: To revise the rules of application of the 'best before' date

The current rules are revised to extend the list of foods included in Annex X(1)(d) of the FIC Regulation, for which the "best before" date is not required.

The "best before" date could potentially be removed for non-perishable foods with long shelf life such as pasta, rice, coffee, tea.

- Option 2: To revise the rules and abolish the concept of 'best before' date

The current rules are revised in order to abolish the concept of "best before" date with the view 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

The current EU date marking rules are revised to 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. These amendments, tailored to the languages and consumer understanding in each Member State could include alternative or additional wordings (e.g. "best before, often good after", Codex Alimentarius terminology (expiration date end, best quality before end) as well as changes in format, lay-out, colour, such as for example imposing a mandatory graphical/visual presentation (e.g. a red colour for 'use by' dates and green colour for 'best before' dates or different symbols such as a STOP sign for 'use by' dates" etc.).

C. Preliminary Assessment of Expected Impacts

Likely economic impacts

- Facilitating a shift to healthier diets would reduce the increasing costs stemming from the epidemic in obesity and non-communicable diseases.
- Setting nutrient profiles would ensure a level playing field between food business operators, as currently some have invested to reformulate their products while others have not.
- Clear information on health aspects of food could increase both consumer demand for and food business operators supply of healthy food. It would help to create a virtuous cycle increasing the relative competitiveness of healthy food products.
- EU measures in the food information area would reduce market fragmentation and facilitate a harmonised single market with incentives for healthy and sustainable food across the whole EU. Being able to apply the same front-of-pack nutrition labelling and origin labelling provisions across the EU could also provide strong economic potential for food business operators that offer healthy and sustainable food. The increased harmonisation may be in particular beneficial for SMEs as they would not need to comply anymore with different national labelling schemes on origin labelling and could also apply the same front-of-pack nutrition labelling scheme across the EU.
- Extending mandatory origin labelling is expected to influence consumer purchasing. It might have an impact on intra-EU trade and lead to an increased sale of food products at regional level.
- Clear information on date marking could help consumers save money. It could also reduce individual and collective/public costs linked to food waste management.
- Harmonised food information rules could facilitate enforcement by the competent national authorities, and contribute to ensuring a level playing field for EU-manufactured and imported food products, which in turn increases the competitiveness of EU industry.

Likely social impacts

- Improving consumers' understanding of the nutritional content of food with harmonised information will facilitate healthy choices and incentivise food producers to produce healthier foods. The setting of nutrient profiles will ensure that unhealthy foods do not attract consumers through nutrition or health claims. Stimulating consumers to buy healthier foods and protecting them from misleading claims will benefit consumer's health and quality of life.
- Consumers will also benefit from mandatory origin indication, which addresses demand for information that enables purchases according to consumers' preferences.
- Having clearer expression of date marking would facilitate the understanding and use of date marking on the decisions to discard foods and will contribute to avoid unnecessary food waste. Food waste prevention contributes to a more sustainable consumption pattern and would impact positively our ability to tackle food security.

Likely environmental impacts

- This initiative could reduce the negative environmental impact of the food system, as the initiative is expected to encourage a shift to more sustainable consumption patterns and help to reduce the environmental impacts

from food and food waste.

- The extension of mandatory indication of origin labelling to certain foods could have positive environmental effects as long as regional/local shopping by consumers would be substituting less efficient longer supply chains.
- The extension of mandatory indication of origin labelling to certain foods could lead to purchases of locally produced foods obtained through more environmentally-friendly production methods. However, locally produced foods might also be produced in a less environmentally-friendly way.
- Revision of date marking rules should reduce food waste at consumer level.

Likely impacts on fundamental rights

Not applicable

Likely impacts on simplification and/or administrative burden

- Implementing Front of Pack labelling requirements and nutrient profiles is likely to create a one-time cost for economic operators, including third countries' exporters that place food on the EU market. However, taking these measures at EU level could simplify compliance for food business operators active in several national markets and preserve a level-playing field for all operators. Some of the costs in updating labels will be phased out in the normal life cycle of a label with transitional measures.
- Whereas mandatory origin indication will cause a similar one-off cost in updating labels, this initiative may simultaneously reduce the costs operators currently face in complying with a variety of national mandatory origin labelling schemes for certain food products.
- For date marking, any revision will lead to a one-off cost in updating labels for the food groups in question.
- Where SMEs may encounter burdens from implementing these proposals, these could be minimised by e.g. specifically designing any harmonised front-of-pack nutrition labelling scheme in a way that encourages SME uptake (free of charge, no certification, etc.).
- For Member State public administrations that currently do not manage front-of-pack or origin labelling schemes, there could be some additional costs linked to implementation and enforcement. For those that are managing schemes, the costs would be reduced by tasks performed at EU level. The setting of nutrient profiles might lead to additional costs linked to enforcing new rules.

D. Evidence Base, Data collection and Better Regulation Instruments

Impact assessment

The European Commission will prepare an impact assessment in 2021 and plans to adopt its proposal in the fourth quarter of 2022.

The impact assessment will underpin this proposal by assessing and comparing the potential impacts of the different policy options described above. It will identify a preferred option or policy mix that best addresses the challenges and opportunities to achieve the overall objective of the initiative. The impact assessment will draw on the evidence listed below, including lessons from previous evaluations, and consider the effect of potential solutions on consumers, SMEs and food business operators in particular.

Evidence base and data collection

While the impact assessment will benefit from extensive research undertaken to date on nutrient profiles, front-of-pack nutrition labelling, origin labelling and date marking, a dedicated study will collect further evidence on the administrative, social and environmental impacts policy options might have. The evidence base includes, but is not limited to, the following:

- Evaluation of the Nutrition and Health Claims Regulation (SWD(2020) 95);
- Report on front-of-pack nutrition labelling (COM(2020) 207);
- [Study on mandatory origin labelling for pig, poultry and seep and goat meat](#);
- Study on the application of rules on voluntary origin labelling of foods and on the mandatory indication of country of origin or place of provenance of meat used as an ingredient⁹;
- [Study on the mandatory indication of country of origin or place of provenance of unprocessed foods, single ingredient products and ingredients that represent more than 50% of a food](#);
- Study on mandatory origin labelling for milk, milk used as an ingredient in dairy products, and unprocessed meat other than beef, pig, poultry, and sheep and goat meat¹⁰;
- [Study on the evaluation of support study on mandatory indication of country of origin labelling for certain meats](#);
- [Study on mandatory origin indication of country of origin labelling for certain meats](#);
- [Market study on date marking and other information provided on food labels and food waste prevention](#);

⁹ https://ec.europa.eu/food/sites/food/files/safety/docs/labelling_legislation_fcce_labelling_part_a_en.pdf
https://ec.europa.eu/food/sites/food/files/safety/docs/labelling_legislation_fcce_labelling_part_b_en.pdf

¹⁰ <https://op.europa.eu/en/publication-detail/-/publication/e41fed1a-db7e-4544-a549-dccab63c71df>
https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/key_policies/documents/ext-study-milk-meat-origin-fulltext_meat_2014_en.pdf

- [Behavioural study on consumer choices linked to date marking, EXPO 2015.](#)

Besides the study to support the impact assessment, additional research will provide evidence regarding particular questions:

- JRC update to 'Front-of-pack nutrition labelling schemes: a comprehensive review';
- European Food Safety Authority (EFSA) scientific advice on nutrient profiling approaches for harmonised front-of-pack nutrition labelling and for restricting nutrition and health claims on foods;
- EFSA scientific opinion "Guidance on date marking and related food information";
- Consumer research that will explore, test, and validate possible new ways of expressing date marking (e.g. terminology/format/visual presentation) that meet consumers' information needs regarding food safety (health) and quality whilst minimising food waste behaviour;
- Literature review on the indication of origin on food labels.

Consultation of citizens and stakeholders

The Commission will consult all relevant stakeholders through public and targeted consultations to gather views and feedback in view of further developing and fine-tuning the different initiatives. Alongside citizens, stakeholders that will be consulted include, but are not restricted to, national competent authorities, non-governmental organisations, academia, scientific experts, food business operators, economic actors and their professional associations.

Consultations have already taken place through meetings with national competent authorities, meetings of the Advisory Group on the Food Chain and meetings of the sub-group on date marking and food waste prevention, established under the EU Platform on Food Losses and Food Waste.

The consultation process will include:

- A 12-week questionnaire-based, online consultation on the Commission's 'Have your say' portal, expected to run in the first semester of 2021. It will be available in all official EU languages and give any interested party the possibility to contribute. Respondents may reply in any of the EU official languages.
- A set of targeted consultation activities with stakeholders ranging from surveys to interviews and case studies.
- Targeted consultations with Member State experts in existing Committees and Working Groups.
- Targeted consultations with stakeholders in the Advisory Group on the Food Chain.
- Events with stakeholders (e.g. conference/ workshop/ seminar) may also be organised during the impact assessment to complement the consultation process.

When completed, the Commission will publish a synopsis report summarising the results of all these activities.

Will an Implementation plan be established?

Where applicable, an implementation plan will help Member States successfully transpose and implement the possible future legislative changes. This could include bilateral/multilateral expert meetings with Member States, interpretative/guidance documents, etc.