



Advice

Public Consultation on Revision of EU Regulation on the Provision of Food Information to Consumers

Brussels, 30 March 2022

1. Background

The Farm to Fork Strategy¹ aims to reduce the environmental and climate footprint of the EU food system and facilitate the shift to healthy and sustainable diets. Under the Strategy, the European 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 initiative will follow-up on these announcements via a revision of the FIC Regulation.

On 23 February 2021, the MAC adopted advice concerning the roadmap on the revision². On 13 December 2021, launched a public consultation, which was open to feedback until 7 March 2022³, to collect views on front-of-pack nutrition labelling, nutrient profiling, origin labelling, date marketing, and labelling of alcoholic beverages. Under the Work Programme of Year 6 (2021-

¹ [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system](#)

² Advice available online: <https://marketac.eu/revision-of-food-information-to-consumers-regulation/>

³ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12749-Food-labelling-revision-of-rules-on-information-provided-to-consumers_en

2022), the MAC committed to adopt advice to the European Commission on the mentioned initiatives, as these are launched.

2. Front-of-pack nutrition labelling and setting nutrition profiling criteria to restrict claims

Under the current EU rules, the indication of simplified nutrition information on the front of food packaging is possible on a voluntary basis. The Commission is considering harmonised front-of-pack nutrition labelling for pre-packed food present on the EU market. Products may bear nutrition claims and health claims. The Commission is considering restricting the right to make such claims to only the products that would meet defined nutritional criteria, as for example the content of sugar, salt, etc.

In relation to the role of nutrition information and labelling on the front of pack as well as health and nutrition claims on food products, it is important to highlight the key role of consumer education in better understanding every aspect of information provided on the label. In the case of less knowledgeable consumers, simplified nutritional information can act as a guide. For more knowledgeable consumers, the simplified information will be insufficient, and they will need to check the detailed nutritional information present in the nutritional tables on the back of the package. If simplified nutrition information is developed, the most appropriate placing would on the front of the package with a simplified pictogram for all food products, simple or transformed, integrating the main positive and negative claims in the calculation algorithms, if there were to be any. Regardless of the solution selected, it should be the same across Member States, ensuring harmonisation in the market.

In relation to the different examples of simplified nutrition information in the Commission's public consultation, it is necessary to recognise that these do not necessarily translate into healthier food choices by consumers, but that the provision of clear and precise information can indeed encourage consumers to change their food purchasing behaviour. Whatever the option

selected, the specific nutritional values of fishery and aquaculture products must be recognised in the value attributed, including their role as a source of energy and protein with high biological value and contribution to the intake of essential nutrients, like long chain unsaturated fatty acids (EPA, DHA), as well as the health benefits⁴. The pictorial information should be clear, but some of the examples are missing important elements, such as minerals, vitamins, and omega3, which should be integrated into the algorithm⁵.

In relation to the encouragement to businesses to improve the nutritional aspects of their products via simplified nutrition information, it is important to highlight that, for simple products, such as shellfish or fish, information on the amounts of specific nutrients and on energy value in a portion of the food will correspond to “raw” information that cannot be modified, since the composition of unprocessed fish, shellfish and crustaceans is determined by nature. In the case of transformed products, the provision of this information can encourage businesses to improve the nutritional aspects of their products, particularly through the reworking of recipes. However, for certain products with a simple recipe (e.g., smoked fish, canned fish in olive oil), it is not possible to change the recipes without a distortion of the products. Furthermore, in the case of smoked and salted fish, some ingredients have a microbiological stabilising value and are necessary for food safety (e.g., NaCl), so these cannot be reduced without increasing microbiological risks.

If EU rules meant that food product manufacturers could only make health and nutrition claims on foods that met defined nutritional criteria, it is likely that food businesses whose products were bearing claims before the new criteria were introduced, but whose products do not meet

⁴ On 8 October 2021, the MAC adopted advice on the health and environmental value of seafood, which includes more detailed information on the scientifically demonstrated benefits of fishery and aquaculture products: <https://marketac.eu/health-environmental-value-of-seafood/>

⁵ On 10 December 2020, the MAC adopted advice concerning Nutri-score labelling of fish products, which outlines the impact of this scheme’s algorithm on the EU market of fishery and aquaculture products: <https://marketac.eu/nutri-score-labelling-on-fish-products/>

the new criteria, will modify their recipes to maintain previous claims. For food businesses not making claims, a change in recipes due to the new rules is unlikely.

3. Date markings (“use by” and “best before” dates on food products)

Consumers have difficulty differentiating the two dates (“use by” and “best before”), significantly impacting their decisions to consume or discard food products, which translates into a profound impact on food waste. In some EU official languages, the safety-based descriptor (“use by”) and the quality based-descriptor (“best before”) might be close in meaning. It could be relevant to assess the wording used in each Member State, in order to determine if there are the best suited to guarantee consumer understanding of date marking.

Consumers understand that the “use by” date indicates the date until when a food is safe for consumption, which is essential to protect their health. At the same time, consumers, generally, do not seem to understand the “best before” date, throwing away products that are still fit for consumption, which means that an elimination of this date should be considered. Consumers can use their senses (e.g., look, taste, smell) to determine the quality and the fitness for consumption of food products, even though only some sections of the populations undertake this practice.

Even if the way of expressing the “best before” and “use by” date on products was improved in terms of terminology, format and/or visual representation, consumers may continue to be confused by the two concepts, unless there was significant awareness raising and education on these aspects. The introduction of an additional date of production would likely lead to increased difficulties in the interpretation of markings and misunderstandings.

Regardless of the legislative approach selected, across the whole EU, consumers should continue to receive uniform date marking information and food business should continue to be subject to uniform rules, contributing to a fairer market. Any form of modification to date marking forms

(terminology, pictograms, graphical representation, etc.) should be supported by robust scientific impact assessments on consumer response and should not be confusing to the consumer. Date marking forms should be consistent (e.g., single colours) among food products to achieve a practical implementation without unnecessary burden to processors, whilst contributing to a reduction in the environmental impact of processing.

4. Origin labelling

Consumers do, in an increasing trend, consider origin labelling and base their choices of food on various factors, such as organoleptic qualities of certain food and their origin as well as the promotion of regional or national economies, even though the motivations can be varied. As highlighted in previous advice on consumer information on fishery and aquaculture products⁶, several studies suggest interest from consumers in knowing the origin or provenance of products, but further analysis is needed between declarative intentions, labelling, and purchasing behaviour.

In the context of the market of fishery and aquaculture products, it is important to keep in mind the relationship between the FIC Regulation and the specific rules on consumer information foreseen in the CMO Regulation⁷. Implementing Regulation (EU) 2018/775 on the indication of the origin of the primary ingredient⁸ also provided a response to requests for better information on the origin or place of provenance of food products. In this context, and for fishery products

⁶ On 5 August 2020, the MAC adopted advice on consumer information on fishery and aquaculture products. The Annex (pp. 6-11) includes a review of studies and surveys on consumer behaviour and interest on labelling information: <https://marketac.eu/consumer-information-on-fishery-and-aquaculture-products/>.

⁷ [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](#)

⁸ [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](#)

(capture of wild fish), it might be useful to clarify that the origin of the primary ingredient must be linked to the fishing area in which the fish was caught, as determined by Article 35 and detailed in Article 38 of the CMO Regulation.

Consumers should be able to better identify the origin of prepacked goods, particularly as regards the place of manufacture of the processed product. Amongst the MAC's membership, aquaculture producers, NGOs, and the Spanish Retail sector for fish and products, highlight that, in the context of an important distribution channel of fishery and aquaculture products, the HORECA sector, not enough information on origin reaches the final consumers⁹. In the view of the EU processing sector, indications of origin or place of provenance should remain voluntary, in order to remain a differentiating factor for companies that implement these in the packaging. In their view, the existing legal framework establishes sufficient obligations relating to consumer information.

Concerning the geographical level on which information on origin should be provided (e.g., region, country, EU / non-EU, no origin indication), indications on a specific region should not contradict a protected designation origin (PDO) or a protected geographical indication (PGI). Inter-branch organisations (as defined in the CMO Regulation) could have a role in the definition and modalities of the geographical level and in the stage that information on origin should be provided (i.e., place of production, place of processing, place of packaging, no origin indication). The MAC draws attention to the continued relevance, in relation to origin information, of previous advice on consumer information¹⁰.

⁹ E., Viðarsson, J.R., Ólafsson, K., Ólafsdóttir, G., Daniëlsdóttir, A.K., and Pérez-Villareal, B. 2018. DNA barcoding revealing mislabelling of seafood in European mass caterings, Food Control, Volume 92, Pages 7-16. ISSN 0956-7135. <https://doi.org/10.1016/j.foodcont.2018.04.044>.

¹⁰ Advice on consumer information, adopted on 5 August 2020: <https://marketac.eu/consumer-information-on-fishery-and-aquaculture-products/>. Advice on the Roadmap on the Revision of the FIC Regulation, adopted on 23 February 2021: <https://marketac.eu/revision-of-food-information-to-consumers-regulation/>.

5. Recommendations

In the context of the issues of front-of-pack nutrition labelling, nutrient profiles, date markings, and origin labelling raised in the public consultation on the revision of the Regulation on Food Information to Consumers, the MAC believes that the European Commission should:

- a) Take into account the importance of 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) Take into account the relationship between the FIC Regulation and the specific rules on consumer information for fishery and aquaculture products foreseen in the CMO Regulation as well as the role of Implementing Regulation (EU) 2018/775;
- c) Take into account previous advice on consumer information on fishery and aquaculture products as well as on the revision of the FIC Regulation;
- d) Recognise the key role of consumer education in better understanding every aspect of information provided for food products;
- e) Regardless of the legislative options selected, ensure, across the whole EU, uniform information to consumers and uniform rules for food business operators;
- f) In the case simplified nutrition information is developed, proceed with the placing in the front of the package with a simplified pictogram for all food products, simple or transformed, integrated the main positive and negative claims in the calculation algorithms, if there are to be any;
- g) In relation to front-of-pack nutrition labelling and setting of nutrition profiling criteria, recognise the role of fishery and aquaculture products as a source of energy and protein with high biological value and contribution to the intake of essential nutrients, notably long chain fatty acids (EPA, DHA), as well as health benefits;

- h) In relation to the encouragement to businesses to improve the nutritional aspects of their products via simplified nutrition information, take into account potential limitations for simpler products, impossibility to rework certain recipes without distortion, and the relevance of certain ingredients as a microbiological stabilising value for food safety;
- i) In relation to date markings, proceed with the improvement of the “best before” expression, considering general misunderstandings amongst consumers, which translates into discarding of products fit for human consumption and food waste. The practical feasibility of any policy options considered should remain a main aspect of the Impact Assessment;
- j) Undertake robust scientific impact assessments on consumer response on any new wording proposed, including in the different national languages;
- k) In relation to origin labelling, recognise the increasing interest of consumers in knowing the origin or provenance of products, while also recognising the need for further analysis between declarative intentions, labelling, and purchasing behaviour. Clarify that the origin of the primary ingredient must be linked to the fishing area in which the fish was caught, as determined by Article 35 and detailed in Article 38 of the CMO Regulation.