



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/A4/GH

Dear Ms Bermúdez,

I would like to thank the Market Advisory Council for its advice on the labelling of plant-based imitations of fisheries and aquaculture products sent on 8 May 2023. At the same time, I would like to apologise for the delay in replying to this advice.

First, I would like to clarify that the current EU rules already provide a solid framework to ensure that EU consumers receive accurate, clear and easy-to-understand food information. According to Article 7 of the Food Information to Consumers (FIC) Regulation¹, food information *shall not be misleading as to the characteristics of the food and, in particular, as to its nature, identity, properties and composition*. The same article sets out that information must not be misleading *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 requirements apply to the labelling of all food products, including the plant-based products referred to in your advice. Article 7 applies as well to advertising and presentation of foods, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed to consumers.

It is for Member States to enforce the applicable EU rules, notably to ensure that EU consumers are not exposed to misleading food information. The assessment of whether or not a given term can mislead consumers has a linguistic and cultural dimension and national authorities are best placed to carry out such an assessment in light of the existing provisions of the FIC Regulation.

¹ 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

Ms Yobana Bermudez
Chair
Market Advisory Council
yobana.bermudez@conxemar.com
rue de la Science, 10
B-1000 Brussels

While the examples provided in the advice of the Market Advisory Council relate to seafood substitutes, similar examples can presumably be found for substitutes of other food categories. Given that the FIC Regulation applies to all food products, it is up to Member States in their enforcement responsibility to decide whether specific cases are not in line with the provisions of the FIC Regulation. The Regulation provides a clear and sufficient framework for this assessment and there is, therefore, no need for further specific measures in the case of seafood substitutes at this point.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours sincerely,

Charlina VITCHEVA

c.c.: Pedro Reis Santos secretary@marketac.eu