



## TERMS OF REFERENCE

### Focus Group on Consumer Information in the HORECA sector

Brussels, 2 February 2024

#### Background

Article 35 of the Common Market Organisation (CMO) regulation (1379/2013) on Fishery and Aquaculture products provides mandatory information to the final consumer on:

- 1) the commercial designation of the species and its scientific name;
- 2) the production method (caught or farmed);
- 3) the area where the product was caught or farmed and the category of fishing gear used for capture in fisheries;
- 4) whether the product has been previously frozen and defrosted; and
- 5) the date of minimum durability, where appropriate.

Article 3 of the General Food Law (178/2002) defines the final consumer as *the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity*.

Article 5 of the CMO regulation includes the HoReCa segment in the definition on retail.

The Food Information to Consumers (FIC) regulation (1169/2011) establishes the general principles, requirements, and responsibilities governing food information and food labelling.

The AAC finds that<sup>1</sup> inadequate and misleading consumer information on aquatic products frequently takes place in the HoReCa segment (hotels, restaurants, catering):

- 1) country of origin is false, not listed, or multiple;
- 2) defrosted products are not mentioned or even sold as fresh;
- 3) fish species is missing or false;
- 4) information on the mode of production (farmed or caught) is missing or even false;
- 5) information does not allow consumers to make animal welfare-based choices.

DG MARE's [reply](#) to the [AAC's recommendation on Consumer Information](#) confirmed that the HoReCa segment is not exempted from consumer information requirements as defined in the CMO and the FIC regulation.

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<sup>1</sup> AAC Recommendation on Consumer Information (March 2021): <https://aac-europe.org/en/publication/aac-recommendation-on-consumer-information/>



The AAC<sup>2</sup> has subsequently been informed that the HoReCa segment is concerned by the rules in two ways:

- As receivers of the complete information of CMO and FIC regulations when they buy their fish products through traceability requirements under the EU control Regulation.
- As sellers of prepared/processed fish products (CN chapter 16 = dishes served in a restaurant) article 35 on mandatory information to consumer of the CMO Regulation does not apply.

These products are instead subject to the provision of the FIC regulation regarding non-prepacked products. Article 44.1(a) specifies that information concerning allergens **must** be available for non-prepacked foods served in restaurants and canteens.

### ***Purpose***

Draft a joint AAC-MAC recommendation on the information that should be available to consumers for foods served in the HoReCa segment. The recommendation should consider the diversity in this segment ranging from 'street food to gastronomic restaurants' and the potential impact on Member States control efforts.

### ***Proposed outcomes***

- Clarify if the information requirements should be voluntary and/or mandatory.
- Identify legal amendments for possible mandatory requirements.
- Prioritise the information "options" listed in Article 35 of the CMO and the issues raised by the AAC.
- Have an exchange of views with HoReCa and consumer representatives.
- Propose consumer-friendly ways in which the information could be displayed in the HoReCa segment.
- Consider possible control mechanisms.

### ***Composition of the Focus Group***

On the MAC's side, as per the [Guidelines](#), aim for between 5 and 10 persons, on the basis of knowledge of the issue under discussion, while striving for a fair representation of the different stakeholders.

On the AAC's side, all interested AAC members can take part to this Focus Group.

### ***Working languages***

The working languages is English. If necessary, the AAC can provide interpretation in French, Italian or Spanish for the online meetings. The Working Documents will only be drafted in English.

### ***Timeline***

The AAC has included the production of a recommendation on this matter in its Work Programme for 2023-2024. Therefore, this recommendation should be adopted by the end of October 2024.

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<sup>2</sup> Email of 14 November 2023 by Francisgos Nikolian to Cécile Fouquet (AAC secretariat)



**Tentative timeline:**

- First FG meeting in February 2024
- Dates of additional meetings to be determined by FG members
- Presentation and final report on the abovementioned outcomes at the June 2024 meetings

***Location***

- Meetings via virtual conferencing
- Distribution of information and documents electronically

***Resources, inputs and external sources***

- [AAC Recommendation on Consumer Information \(March 2021\)](#)
- [MAC Advice on Consumer Information on Fishery and Aquaculture Products \(August 2020\)](#)
- [MAC Advice on Roadmap on the Revision of EU Regulation on the Provision of Food Information to Consumers \(February 2021\)](#)
- [MAC Advice on Public Consultation on Revision of EU Regulation on the Provision of Food Information to Consumers \(March 2022\)](#)
- [MAC Advice on 2022 Report on the Functioning of the Common Market Organisation \(CMO\) \(March 2022\)](#)
- [MAC Advice on Empowering the Consumer for the Green Transition \(October 2022\)](#)
- For external inputs, the Focus Group will reach out to representatives from HoReCa and consumer organisations, including through the possibility of observer roles

***Focus Group structure***

- Chairperson: Brian Thomsen (AAC Chair)
- Secretariat: Pedro Reis Santos (MAC), Cécile Fouquet (AAC)



**Focus Group membership**

SECTOR	ORGANISATION	REPRESENTATIVE	AC
<b>Primary Producers – Catching Sector</b>	- Europêche	- Anne-France Mettlet	- MAC
	- EAPO	- Paul Thomas	- MAC
<b>Primary Producers - Aquaculture</b>	- Danish Farmers Association	- Brian Thomsen	- AAC
	- EMPA	- Bruno Guillaumie	- AAC / MAC
	- Mexillon de Galicia	- Angeles Longa	- AAC
	- Associazione Piscicoltori Italiani	- Andrea Fabris	- AAC
	- Apromar	- Javier Ojeda	- AAC / MAC
	- FEAP	- Catherine Pons - Szilvia Mihalfy	- AAC / MAC
	- HAPO	- Yannis Pelekanakis	- AAC



	- CIPA	- Marine Levadoux	- AAC
<b>Processors, traders, suppliers and retailers</b>	- Fedepesca	- María Luisa Álvarez	- AAC / MAC
	- EFFOP	- James Hinchcliffe	- AAC / MAC
	- Conxemar	- Janne Posti	- MAC
	- AIPCE	- Paulien Prent - Poul Melgaard Jensen - Stefan Meyer	- AAC / MAC
	- SNCE	- Amine Asermouh	- MAC
<b>Other Interest Groups</b>	- CIWF	- Krzysztof Wojtas	- AAC
	- Stichting Vissenbescherming	- Paul Denekamp	- AAC
	- Eurogroup For Animals	- Doug Waley	- AAC
	- Good Fish	- Christine Absil	- MAC
	- Oceana	- Marine Cusa - Amelie Laurent	- MAC
	- ClientEarth	- Quentin Marchais	- MAC