



# Recommendation on consumer information on fishery and aquaculture products, particularly in the context of the HORECA Sector

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## 1. Background

In 2021, the AAC expressed the view, based on individual member observations, that inadequate and misleading consumer information on FAP frequently takes place in the HORECA segment (hotels, restaurants, catering)<sup>1</sup>:

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 production method (farmed or caught) is missing or even false.
5. information does not allow consumers to make animal welfare-based choices<sup>2</sup>.

In 2022, the MAC expressed the view that, in context of the implementation of the CMO Regulation, there had been an improvement of consumer information and awareness, plus that information on species, origin and production method can be quite relevant when it concerns sustainability<sup>3</sup>. It was recognised that the food sector can suffer from misinformation, non-compliance, and fraud, so it is essential to ensure adequate implementation and control by Member States (MS).

In 2024, the AAC and the MAC agreed to establish a Joint Focus Group on Consumer Information in the HORECA Sector with the purpose of preparing a joint recommendation on the information that should be available to consumers for FAP served in the HORECA segment.

HOTREC<sup>4</sup> and FoodServiceEurope<sup>5</sup> (FSE) agreed to participate, as active observers, in the Joint Focus Group, providing input for the development of the present recommendation. As these two associations are not members of the AAC or the MAC, they did not participate in the subsequent consideration and approval by the relevant Working Groups and Executive Committees. It should also be noted that these two associations did not contribute to previous advice / recommendations from the AAC and the MAC and expressed general concern about the validity of claims of inadequate and/or misleading information on FAP in the HORECA segment.

## 2. Definitions of particular relevance

### a) Final consumer

According to Article 3 (18) of the General Food Law<sup>6</sup>, "final consumer" means "*the ultimate consumer of a foodstuff who will not use the food as part of any business operation or activity*".

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<sup>1</sup> [AAC Recommendation on Consumer Information, March 2021](#)

<sup>2</sup> As further detailed in section 7 of the present advice, under the CMO Regulation, in the case of fresh, chilled and frozen FAP, the provision of information to consumers on the area where the product was caught / farmed, whether the product has been defrosted, the commercial designation of the species and its scientific name, and the production method is mandatory. Information on animal welfare is not foreseen as a mandatory piece of information.

<sup>3</sup> [MAC Advice on 2022 Report on the Functioning of the Common Market Organisation \(CMO\), March 2022](#)

<sup>4</sup> Umbrella association of hotels, restaurants, cafés and similar establishments in Europe

<sup>5</sup> Represents the interests of the European contract catering sector

<sup>6</sup> [Regulation \(EC\) No 178/2002](#)

## **b) Retail**

According to Article 3 (7) of the General Food Law, “retail” means *“the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, and includes distribution terminals, catering operations, factory canteens, institutional catering, restaurants and other similar food service operations, shops, supermarket distribution centres and wholesale outlets”*.

Article 5 (g) of the CMO Regulation provides the same definition of “retail”.

## **c) Mass caterer**

According to Article 2 (d) of the FIC Regulation, “mass caterer” means *“any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer”*.

## **d) Ingredient**

According to Article 2 (f) of the FIC Regulation, “ingredient” means *“any substance of product, including flavourings, food additives and food enzymes, an any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if an altered form; residues shall not be considered as “ingredients”*.

According to (q) of the same Article, “primary ingredient” means *“an ingredient or ingredients of a food that represent more than 50% of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required”*.

## **e) Prepacked food**

According to Article 2 (e) of the FIC Regulation, “prepacked food” means *“any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food’ does not cover foods packed on the sales premises at the consumer’s request or prepacked for direct sale”*.

## **f) HORECA**

In the present recommendation, the references to “HORECA” essentially correspond to the legal definition of “mass caterer”. For the general public, “HORECA”, generally refers to “hotels, restaurants, and catering”, while “retail” tends to refer to supermarkets and similar outlets, in a less comprehensive interpretation than the legal definition.

### **3. Introduction**

In 2018, more than one in five Europeans ate FAP at restaurants and other food outlets at least once a month<sup>7</sup>.

#### **a) Risk of mislabelling of FAPs in the HORECA segment**

In 2018, a DNA barcoding study (2018) of 283 samples collected in 180 mass caterer outlets in 23 European countries revealed that 26% of the samples were mislabelled and that 31% of the outlets sold mislabelled fisheries and aquaculture products (FAP). The study showed that most of the mislabelling were with cheaper fish, such as the presence of Pangasius commonly substituting other species, being labelled as more expensive ones, suggesting economic motivation for mislabelling<sup>8</sup>. It must be considered that the samples size only represents 0,01 pct. of the total number of EU food outlets.

#### **b) Relevance for consumers of mandatory information on FAP**

The most recent special Eurobarometer report on EU consumer habits regarding FAP<sup>9</sup> explored the importance of mandatory labelling information. Consumers rated the top five mandatory information as follows:

1. The “use by” or “best before date” (69%)
2. The name of the product and the species (57%)
3. Whether it is wild or farmed (53%)
4. The area of catch or production (49%)
5. Whether the product was previously frozen (49%)

#### **c) Relevance for consumers of information on “origin / provenance” of FAP**

According to a behavioural study commissioned by DG MARE, the origin of FAP is important for most consumers when making purchasing choices<sup>10</sup>. The above-mentioned special Eurobarometer report indicated that two thirds of EU consumers value knowing the species in their FAP, and half of the respondents considered information on the production method, origin and catch/production area to be important. At the same time, consumer declarations of interest in information do not always translate into their purchasing behaviour<sup>11</sup>.

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<sup>7</sup> [EU consumer habits regarding fishery and aquaculture products, Eurobarometer, 2021](#)

<sup>8</sup> [DNA barcoding revealing mislabeling of seafood in European mass caterings](#)

<sup>9</sup> [EU consumer habits regarding fishery and aquaculture products, Special Eurobarometer report 515, 2021](#)

<sup>10</sup> [Behavioural study on origin claims on fishery and aquaculture products, European Commission, 2021](#)

<sup>11</sup> See [‘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’, Food Chain Evaluation Consortium, 2014](#). In the same direction, the results of a [French experiment on mandatory origin labelling of meat and milk](#).

#### **4. Initiatives from the European Commission**

There are several ongoing or planned policy initiatives by the European Commission with relevance for the rules on consumer information, especially in the context of the Farm to Fork Strategy (F2F)<sup>12</sup>. The F2F Strategy aims to reduce the environmental and climate footprint of the EU food system and facilitate the shift to healthy, affordable, and sustainable diets.

##### **a) Sustainable Food System Framework<sup>13</sup>**

Under the F2F Strategy, the Commission committed to putting forward a legislative proposal for a framework for a sustainable food system to empower consumers to make sustainable food choices and to ensure that all foods placed on the EU market become increasingly sustainable.

The framework will include certification and labelling on the sustainability performance of food products.

##### **b) Revision of Food Information to Consumers (FIC) Regulation<sup>14</sup>**

Under the F2F Strategy, the Commission announced several actions to be followed-up via a revision of the FIC Regulation, namely a proposal for a harmonised mandatory front-of-pack nutrition labelling, the setting of “nutrient profiles”, consider proposing the extension of mandatory origin or provenance indications to certain products, and a revision of EU rules on date marking.

##### **c) Revision of EU Legislation on Animal Welfare<sup>15</sup>**

Under the F2F Strategy, the Commission committed to consider options for animal welfare labelling and to explore new ways to provide information to consumers.

##### **d) Review of the Marketing Standards Framework of FAP<sup>16</sup>**

In 2018, the Commission launched an evaluation of the marketing standards framework. Instead of proceeding with a revision of the marketing standards framework, the Commission merged the initiative with the planned legislative proposal for a Sustainable Food System Framework. Following up on that, DG MARE tasked the Scientific, Technical and Economic Committee for Fisheries (STECF) with developing sustainability indicators for FAP<sup>17</sup>.

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<sup>12</sup> [A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM\(2020\) 381 final](#)

<sup>13</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13174-Sustainable-EU-food-system-new-initiative\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13174-Sustainable-EU-food-system-new-initiative_en)

<sup>14</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12749-Food-labelling-revision-of-rules-on-information-provided-to-consumers\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12749-Food-labelling-revision-of-rules-on-information-provided-to-consumers_en)

<sup>15</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12950-Animal-welfare-revision-of-EU-legislation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12950-Animal-welfare-revision-of-EU-legislation_en)

<sup>16</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12262-Fish-seafood-products-review-of-marketing-standards\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12262-Fish-seafood-products-review-of-marketing-standards_en)

<sup>17</sup> The latest report of the STECF was made available on April 2024:

[https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf\\_23-18\\_sustainable-fisheries-indicators](https://stecf.jrc.ec.europa.eu/documents/d/stecf/stecf_23-18_sustainable-fisheries-indicators).

### **e) Report on the implementation of the CMO Regulation**

In line with Article 48 of the CMO, on 21 February 2023 the Commission published a report on the implementation of the common organisation of the markets in FAP. According to the conclusions of the report, “provisions on information to consumers are generally considered fit for purpose, even if certain shortcomings will continue to require some attention, such as differences in coverage and compliance for some outlets. Labelling will remain a point of contention in the supply chain as views and priorities are diverging. Nevertheless, more specific information would be needed to empower the consumer to form a fair idea of products’ sustainability”.

### **f) Evaluation of the Common Fisheries Policy (CFP) Regulation**

In March 2024, Commissioner Sinkevičius announced a full evaluation of the CFP Regulation with the aim of providing a solid basis to make the best-informed decisions for the future of fisheries and aquaculture<sup>18</sup>.

The evaluation, which will also cover CMO provisions, will assess the CFP’s performance in achieving its objectives, its economic and environmental implications, and its relevance in the context of emerging needs. In the upcoming months, DG MARE will launch a study to support the evaluation, including on the consumer information aspects.

## **5. Previous advice/recommendations of the AAC and the MAC**

### **a) AAC recommendation on a level playing field, August 2018<sup>19</sup>**

The AAC listed *inter alia* the following challenges in terms of consumer information:

- Correct and complete product information is essential for the consumer, allowing informed and responsible purchases and raising awareness of the quality of EU aquaculture products.
- Adequate and reliable information needs to be reinforced for all aquaculture products.

### **b) MAC advice on consumer information on FAP, August 2020<sup>20</sup>**

The MAC recommended to the European Commission the undertaking of an impact assessment on Article 35 of the CMO Regulation to determine if alignment among labelling requirements for all FAP was necessary, possible, and cost-effective.

The advice called on the European Commission to:

- Assess potential inconsistencies between CMO and FIC Regulation rules on the definition of origin and provenance.

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<sup>18</sup> [https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT\\_24\\_1711](https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_24_1711)

<sup>19</sup> <https://aac-europe.org/en/publication/level-playing-field/>

<sup>20</sup> <https://marketac.eu/consumer-information-on-fishery-and-aquaculture-products/>



- Assess the most appropriate approach for the provision of information on origin when the fish primary ingredient represents more than 50% of the product.
- Analyse the opportunities and challenges of including the scientific name in the label for all fishery and aquaculture products.
- Reassess how the CMO Regulation and the consumer information requirements are implemented in the different MS through different retail channels to determine if harmonisation is guaranteed.

In an Annex, the advice also provides a review of studies and surveys on consumer behaviour and interests on labelling information received.

#### **c) MAC advice on Roadmap on the revision of the FIC regulation, February 2021<sup>21</sup>**

The advice *inter alia* called on the European Commission to consider the above advice when assessing the relevance of changing labelling rules on origin.

#### **d) AAC recommendation on consumer information, March 2021<sup>22</sup>**

The recommendation concludes that inadequate and misleading consumer information on FAP frequently takes place in HORECA segment. It proposes to align labelling on aquaculture products with that of other animal products for consumers to make informed choices and urges the Commission to reinforce adequate and reliable consumer information, including key animal welfare issues on aquaculture products in the HORECA segment.

A survey from The European Consumer Organisation (BEUC) on Europeans' understanding and expectations on animal welfare notes that consumers want more information on animal welfare<sup>23</sup>.

#### **e) MAC advice on public consultation on revision of the FIC regulation, March 2022<sup>24</sup>**

The MAC called for uniform information to consumers and uniform rules for EU food business operators.

In relation to date markings, the Commission should proceed with the improvement of the "best before" expression. In relation to origin labelling, the Commission should 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.

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<sup>21</sup> <https://marketac.eu/revision-of-food-information-to-consumers-regulation/>

<sup>22</sup> <https://aac-europe.org/en/publication/aac-recommendation-on-consumer-information/>

<sup>23</sup> Farm animal welfare: What consumers want, The European Consumer Organisation (BEUC), 2024

<sup>24</sup> <https://marketac.eu/public-consultation-on-revision-of-eu-regulation-on-the-provision-of-food-information-to-consumers/>

**f) MAC advice on 2022 report on the functioning of the CMO, March 2022<sup>25</sup>**

In the view of the MAC, there has been an improvement of consumer information and awareness.

Information on species, origin and production method can be relevant when it concerns sustainability, but it can be difficult for consumers to understand this information. Sustainable seafood guides and advisory lists can assist consumers in better understanding information, but information on sustainability is not always detailed enough and the categories used can be too general. The use of apps to check additional information can also be quite cumbersome for some consumers. Well known ecolabels can also assist consumers in their decisions. It is essential to ensure adequate implementation of consumer information requirements across all MS and retail outlets.

Concerning implementation, the food sector can suffer from misinformation, non-compliance, and fraud. Therefore, it is essential to ensure adequate implementation and control by MS. In the view of the aquaculture producers, the NGOs, and the Spanish retail sector for fish and frozen products, not enough information on the products reaches the final consumers in the HORECA sector.

**g) MAC advice on Revision of EU Legislation on Animal Welfare, March 2022<sup>26</sup>**

In the view of the MAC, coherence and consistency with other legal instruments and policy instruments affecting labelling requirements and information to consumers must be ensured. EU fish farmers should be supported in the move towards high animal welfare standards. Further scientific studies are needed to understand fish welfare for ensuring best practice at farm level.

In terms of the potential policy options, the MAC expressed preference for the establishment of common minimum requirements for all animal claims made on food on the EU market.

## **6. Products and segments covered by the FIC**

According to the preamble of the regulation:

- The FIC refers to a general principle of food law to provide a basis for consumers to make informed choices in relation to food they consume and to prevent any practices that may mislead the consumer.
- New mandatory food information requirements should only be established if and where necessary, in accordance with the principles of subsidiarity, proportionality and sustainability.
- MS should retain the right, depending on local practical conditions and circumstances, to lay down rules in respect of the provision of information concerning non-prepacked foods (e.g., some Member States, such as France and Finland, require the country of origin to be indicated for certain processed and non-processed meats in the food service sector), but information on potential allergens should always be provided to the consumer.
- MS should not be able to adopt national provisions on matters harmonised by the FIC unless authorised by Union law, but the FIC should not prevent MS from adopting national measures concerning matters not specifically harmonised by the FIC.

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<sup>25</sup> <https://marketac.eu/2022-report-on-the-functioning-of-the-common-market-organisation-cmo/>

<sup>26</sup> <https://marketac.eu/revision-of-eu-legislation-on-animal-welfare/>

Article 1 stipulates that the FIC applies to all foods intended for the final consumer, including foods delivered by mass caterers.

Article 9 (and 10) lists mandatory (and additional) particulars.

Article 44 stipulates that, concerning non-prepacked food, only information on allergens is mandatory and that other mandatory particulars do not have to be mentioned unless a MS adopt national measures on all or some of them. Article 44 also includes food packed on the sales premises at the consumer's request or prepacked for direct sale ("take-away").

## **7. Products and segments covered by the CMO of FAP<sup>27</sup>**

Article 35 (1) of the CMO includes a list of products that may be offered for sale to the final consumer or to a mass caterer only if appropriate marketing or labelling indicates specific pieces of information.

### **a) Mandatory information**

The relevant pieces of information are<sup>28</sup>:

- The commercial designation of the species and its scientific name.
- The production method (caught or farmed).
- The area where the product was caught or farmed.
- The category of fishing gear used in capture of fisheries (Annex III to the CMO regulation).
- Whether the product has been defrosted.

The HORECA segment receives this mandatory information for FAP included in CN codes 03 through the traceability requirements under the Fisheries Control Regulation<sup>29</sup>, specifically Article 58, for control purposes. From January 2026 onwards, following the recent of the Fisheries Control Regulation, the mentioned mandatory information will have to be recorded and made available in a digital way.

Prepared and preserved FAP (CN codes 1604/05) are currently excluded from the requirements of Article 58. Nevertheless, following the revision of the Fisheries Control Regulation, paragraph 9 of Article 58 now reads "The Commission shall conduct a study on feasible traceability systems and procedures, including minimum traceability information, for fishery and aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature, with a view to defining detailed rules for such products. The study shall include an analysis of available digital solutions or methods which meet the requirements on traceability in this Regulation, while taking into account the impact on small operator", while paragraph 10 adds that "The Commission shall adopt delegated acts in accordance with Article 119a supplementing this Regulation concerning the traceability requirements for lots of fishery or aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature, including the use of digital systems, on the basis of the

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<sup>27</sup> Common organisation of the markets in fishery and aquatic products, EU regulation 1379/2013

<sup>28</sup> The date of minimum durability is not included as it not relevant to the HORECA segment.

<sup>29</sup> [EU regulation 2023/2842](#)

results of the study conducted in accordance with paragraph 9 of this Article. Those requirements shall apply from 10 January 2029<sup>30</sup>.

Article 37 of the CMO requests MS to draw up and publish a list of the commercial designations accepted in their territory, together with their scientific names.

Article 38 of the CMO specifies indication of the catch or production area. Catch areas at sea refers to the sub-area or division listed in FAO fishing areas and the name of the zone expressed in terms understandable to the consumer, or a map/pictogram showing that zone. Catch areas in freshwater refers to the body of water of origin in the MS or third country of provenance of the product. Production area refers to the MS or third country in which the product reached more than half of its final weight or stayed for more than half of the rearing period or, in the case of shellfish, underwent a final rearing or cultivation stage of at least six months.

## **b) Products**

The FAP under the following CN codes are covered by the CMO:

0301/-02/-03/-04	Fish and fish fillet: Live, fresh, chilled or frozen
0305	Fish: Dried, salted or in brine or smoked
0306/-07	Crustaceans/molluscs/other invertebrates: Live, fresh, chilled, frozen, dried, salted or in brine
1212	Seaweeds and algae

Article 35 (1) of the CMO exempts FAPs under CN code 1604 (prepared/preserved fish caviar and caviar substitutes prepared from fish) and CN code 1605 (prepared/preserved crustaceans, molluscs and other invertebrates) from the specific mandatory information provisions of the CMO.

In 2018, the Commission informed the AAC<sup>31</sup>, that the Commission, in the original CMO legislative proposal, had foreseen for minimum specific information to be provided to consumers when buying prepared/preserved FAP, such as the commercial designation and the scientific name of the product, its origin and its production method. The Commission noted that consumers confirmed these pieces of information as relevant across the EU (with reference to a Eurobarometer survey), but that co-legislators, when adopting the CMO Regulation, decided that the application of specific consumer information rules to these products was not justified.

## **c) Applicability to the HORECA segment**

It is assumed that the MS authorities use NACE codes for the identification of the relevant establishments. This would lead to the following categorisation<sup>32</sup>:

<sup>30</sup> [MAC Advice on Terms of Reference of the Study on Feasible Traceability Systems and Procedures for Prepared and Preserved Fishery and Aquaculture Products, May 2024](#)

<sup>31</sup> [Commission answer to AAC advice on labelling of caviar, October 2018](#)

<sup>32</sup> [Eurostat link](#)

NACE code	Article 35	Number of Operators in EU Market <sup>33</sup>
Restaurant and mobile food service activities (56.1)	Mass caterer	900.000
Event catering and other food service activities (56.2)		110.000
Retail sale food/beverages/tobacco, e.g. supermarkets, department stores (47.2)	Final consumer	420.000

When selling to a final consumer, most of the FAP sold in restaurants are out of the scope of the specific mandatory information provisions of Article 35 of the CMO, as these are prepared and preserved products, falling under the definition of CN code 16. Nevertheless, there may be exceptions, and that it is the responsibility of the national authorities to interpret if a given product is classified under the appropriate CN code. As an example, according to the interpretation followed by the French authorities, products such as sashimi, salted and smoked fish fall under CN code 03, so the provisions of Article 35 of the CMO apply. Another exception is the sale of live FAP, such as oysters.

Several members of the AAC/MAC expressed concern on the lack of a level playing field due to different practices among MS on product interpretation in the HORECA segment as it is the responsibility of the national control authorities to distinguish between CN codes 03 and 16 products.

#### **d) Conclusion on mandatory information on FAP that must be provided by the HORECA segment to the final consumer**

The FIC has provisions on mandatory consumer information for food products. FAP is a primary ingredient/product in some of the food offered by the HORECA segment. The HORECA segment receives the complete information on mandatory particulars foreseen in Articles 9 and 10 of the FIC. As sellers of prepared products that are usually non-prepacked, the HORECA segment is legally obliged to provide information on allergens to the final consumers, in line with Articles 44.1(b) and 9.1.(c) of the FIC. The remaining particulars do not have to be provided by the HORECA segment to the final consumers.

Under Article 44.2 of the FIC, MS may adopt national measures concerning matters not specifically harmonised by the FIC. Therefore, as HORECA operators offer non-prepacked food, food packed at the consumer's request or prepacked for direct sales, the mandatory information requirements to be followed depend also on MS legislation.

As a *lex specialis*, the CMO has specific provisions on mandatory information requirements for FAP sold to the "final consumer" or to a "mass caterer" (a.k.a. "HORECA segment"). Therefore, when sourcing fresh and frozen FAP, HORECA operators have access to the specific mandatory information for the FAP covered by the provisions of Article 35 of the CMO. According to Article 59.10 of the revised Fisheries Control Regulation, "the Commission shall adopt delegated acts in accordance with Article 119a supplementing this Regulation concerning the traceability requirements for lots of fishery or aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature, including the use of digital systems, on the basis of the results of the study conducted

<sup>33</sup> It is important to keep in mind that the HORECA segment is majorly composed of microenterprises.

in accordance with paragraph 9 of this Article. Those requirements shall apply from 10 January 2029". So, from the application of those requirements, the HORECA sector would have access to more information.

Under Articles 9 and 10 of the FIC and Article 35 of the CMO, there are somewhat "overlapping" requirements on mandatory food information concerning "origin / provenance" and, in the case of frozen unprocessed FAP, "the date of freezing or the date of first freezing". Article 26 of the FIC on "country of origin or place of provenance" includes *inter alia* "where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food". As a *lex specialis*, the requirements under the CMO supersede those in the FIC.

In comparison, in practice, as sellers of primarily fresh and frozen FAP to final consumers, fishmongers, which are usually microenterprises with less than 10 employees, must meet more comprehensive consumer information requirements than the HORECA segment. In comparison with the rest of the retail sector, in the case of Member States where the retail sector mainly provides prepared and preserved FAP, fishmongers must also meet more comprehensive consumer information requirements than the other sellers.

## 8) Recommendations

The recommendations below should be read in conjunction with the different views described in the Annex (p. 12).

Among the stakeholders of the supply chain of fishery and aquaculture chain, there are varying views on the potential need to amend the existing legal framework on mandatory information to consumers for FAP. Nevertheless, the AAC and the MAC agreed on the recommendations listed below:

1. The European Commission is asked to inform the AAC and the MAC on the adoption of national measures by the MS, in line with Article 44 of the FIC, on the information of the particulars listed in Articles 9 and 10 of the FIC for FAP.
2. The MS and the European Commission are asked to inform the AAC and the MAC on the control measures on mass caterers to detect misleading consumer information for FAP, such as information on origin/provenance (e.g., number of inspections, number of sanctions).
3. The European Commission is asked to remind MS of the legally foreseen possibility to adopt national rules to require mass caterers to provide consumers with all or some of the pieces of information listed in CMO Article 35 on non-prepacked food where a FAP is a primary ingredient/product.
4. The MS and the European Commission are encouraged to ensure a harmonised enforcement across the EU market on the current applicability of Article 35 of the CMO to the HORECA sector, namely when selling sashimi, salted fish, smoked fish, live oysters, and other FAP under CN code 03 to the final consumers, including through the provision of guidance by the Commission services. National authorities should ensure respect for Article 35 of the CMO, including when undertaking control activities in the context of the HORECA segment.
5. In the context of the current legislative framework, the MS and the European Commission should provide incentives to the HORECA segment to increase the provision of information to consumers (e.g., production method) in a voluntary manner beyond the minimum legal requirements, especially from the entrance into force of the new provisions on traceability of



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the Fisheries Control Regulation, which will facilitate the digital transmission of information across the supply chain. This communication would be facilitated by digital systems that are interoperable and based on common standards.

## Annex

### Views on the Union's legal framework

#### **a) Relevance of an amendment to Article 35 of the CMO**

In the view of the members indicated below, the European Commission should amend the Union's legal framework to extend the scope of Article 35 of the CMO to prepared and preserved products (CN 1604 and 1605), which would ensure that mass caterers are required to provide the information listed in that Article to consumers. In their view, the access of consumers to information on FAP should not be dependent on the place of purchase / consumption. Accounting for the new provisions on traceability under the revised Fisheries Control Regulation, the extension of the scope would have to be phased in accordingly.

- Asociación empresarial de acuicultura española (APROMAR)
- Associazione Mediterranea Acquacoltori (AMA)
- Aquaculture Stewardship Council (ASC)
- ClientEarth
- European Mollusc Producers Association (EMPA)
- Federación de Asociaciones Provinciales de Empresarios Detallistas de Pescados y Productos Congelados (FEDEPESCA)
- Federation of European Aquaculture Producers (FEAP)
- Hellenic Aquaculture Producers Organisation (HAPO)
- Good Fish Foundation
- Oceana
- WWF

#### **b) Maintenance of the current legal framework and beyond on a voluntary basis**

In the view of the members indicated below, the current legal framework of the Union continues to be fit for purpose and, instead of legislative amendments, the provision of information to consumers by the HORECA sector beyond the minimum requirements via voluntary methods should be incentivised.

- ANFACO-CECOPECA
- Bundesverband der deutschen Fischindustrie und des Fischgrosshandels e.V.
- Danish Seafood Association
- EU Fish Processors and Traders Association (AIPCE)
- EuroCommerce
- European Federation of National Organizations of Importers and Exporters of Fish (CEP)





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- Syndicat National du Commerce Extérieur des produits congelés et surgelés (SNCE)
- PACT'ALIM
- Visfederatie

**c) Maintenance of the current legal framework**

In the view of HOTREC and FoodServiceEurope, who participated, as active observers, in the Joint Focus Group on Consumer Information in the HORECA Sector, the current legal framework of the Union continues to be fit for purpose and does not require to be amended.



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