



25 January 2021

Eucolait response to inception impact assessment: *Proposal for a revision of Regulation (EU) No 1169/2011 on the provision of food information to consumers*

Eucolait welcomes the opportunity to provide feedback on this initiative, which covers several areas of food information. Recognising the goals of the Commission's ambitious Farm to Fork policy, Eucolait calls on the legislators to take a sensible 'whole diet' approach to nutritional guidelines, in which all foods can be enjoyed as part of a healthy, sensible and sustainable diet. As the organization representing the trade in dairy products and ingredients, Eucolait is fully committed to the concept of an open and functional single market, in which products can move freely without barriers or disruptions. Products from different Member States should be treated the same on all EU national markets and preferential treatment should not directly or indirectly be applied to domestically produced products or ingredients. The free movement of goods is one of the corner stones of the European Union.

Taking this into account, we have the following comments and observations as regards the different elements of this proposal:

Extension of mandatory origin or provenance indications of certain products

Recalling the conclusions of the Commission report *regarding the mandatory indication of the country of origin or place of provenance for milk, milk used as an ingredient in dairy products and types of meat other than beef, swine, sheep, goat and poultry meat* of 20 May 2015, Eucolait opposes the introduction of an EU-wide mandatory origin labelling requirement for milk and dairy products. The core principle of the single market means that milk should be able to flow seamlessly between Member States.

Eucolait favours origin labelling on a voluntary basis, as it can be a powerful marketing tool but also a considerable burden if applied to all products without distinction. Information on the country or region of production is already provided for a large share of all dairy products sold in retail. However, mandatory origin labelling fails to consider the complexity of dairy supply chains where ingredients are sourced from across the EU. In border regions of Member States, milk of multiple origins is often collected by a single dairy company and is processed in the same plant, making differentiation of the product along national lines extremely difficult. Given the foreseeable regulatory burden and the immense logistical adaptations that would be required if mandatory origin labelling were to be introduced for all dairy products, we ask the Commission to remember the value of the single market above all else and to abandon this idea. We support Option 0 ('*business as usual*') for mandatory origin labelling as set out in the Inception Impact Assessment.

Measures taken by individual Member States on this subject have given a preview of the potential impacts of an EU-wide scheme. National mandatory origin labelling experiments introduced by



countries such as France and Italy are unlawful and have created restrictions on trade of dairy products and ingredients. Many companies all over Europe have had to change suppliers or have lost customers due to these measures. It is important to stress that the distortions caused by the national decrees are not necessarily visible in trade statistics given that the degree of self-sufficiency of the countries concerned has not fundamentally changed. The origin labelling decrees may for instance push a retailer or a food service operator to source primarily domestic butter, but more butter will in turn have to be imported to satisfy the needs of the food processing industry (where origin tends to be a less predominant feature). The judgement of the European Court of Justice in case C-485/18 implies that the French decree does not meet the criteria set out in the food information regulation that mandatory origin labelling at national level must be limited to exceptional cases where there is a proven link between the qualities of a food and its origin. The French as well as other similar decrees on mandatory origin labelling are based solely on subjective considerations, appealing to nationalistic instincts on the part of consumers. The Commission should live up to its role as guardian of the treaties and push for the abolition of these measures, rather than replacing them with a harmonised European rule. If EU legislation is nevertheless introduced, it should only distinguish between EU and non-EU products. A more detailed mandatory indication would not be justified as same production standards and legislation apply across the EU.

Front of pack nutrition labelling

While we acknowledge the report of the Commission on *the use of forms of expression and presentation of the nutritional declaration* of 20 May 2020, the introduction of harmonized, mandatory front of pack ('FOP') nutrition labelling should not be rushed. In particular, the EU should not copy paste an inappropriate FOP labelling system for the sole reason that it is already being used in parts of the EU. For example, the Nutriscore system created in France and since introduced nationally in other Member States focuses on the fat, sugar and salt content of food to the detriment of the overall nutritional contribution the food makes to a person's diet. A 'whole diet' approach is not taken, leading to nutritionally empty products such as a diet soft drink getting a better score (i.e. 'A') than a nutrient-rich product such as whole milk. Under the Nutriscore or similar schemes, products such as hard cheese would always face a negative score purely by virtue of their fat and salt content, even though cheese is also a significant source of protein, calcium, and vitamins. Any future EU wide scheme should therefore follow dietary guidelines, properly acknowledge the complexity of food products and preferably be category specific.

Nutrient profiles

For similar reasons to those we have outlined in relation to FOP nutritional labelling, we oppose the introduction of nutrient profiles which tend to favour highly processed foods which can be easily reformulated. Because of their fat and/or salt content, nutritionally valuable foods such as cheese and butter would almost always fall foul of the proposed nutrient profile rules. In a similar vein, nutritionally inferior foods that happen to be low in fat, sugar and salt would be permitted to bear nutrition or health claims, further confusing the consumer. It should also be noted that for many dairy products, re-formulation of the product with a view to conformance with nutrient profile restrictions will be profoundly difficult to achieve, if not impossible.



Revision of EU rules on date marking

Good understanding of date marking by consumers is crucial to reduce and prevent food waste. The difference between 'best before' and 'use by' should be better communicated to the consumer. Moreover, the use of 'use by' where 'best before' is more appropriate (e.g. for yogurts and fermented dairy products) should be addressed.

Eucolait supports Option 3 (improving *the expression and presentation of date marking*) as set out in the Inception Impact Assessment.

Eucolait thanks the Commission for their attention to our input and we are happy to provide any further feedback if needed.