



Comments on the draft implementing regulation on the application of regulation 26 (3) of regulation 1169/2011 regarding voluntary origin labelling and the indication of the primary ingredient of a food

Our members trade dairy products within and between EU Member States as well as globally. Any rules concerning the labelling of origin of dairy products have the potential to considerably affect those trade flows and the business choices of the companies concerned.

Eucolait has always been an advocate of voluntary origin labelling. We strongly believe that where there is consumer demand for origin information, such information will be provided by the actors in the dairy supply chain, because it is in their commercial interest to do so. We also agree that, in a single market, it makes sense to lay down the conditions for the use of voluntary origin claims at EU level.

Options for indicating the origin of the primary ingredient

The main purpose of the draft implementing regulation is to determine how the origin of the primary ingredient should be indicated, if different from the origin of the food which is given on a voluntary basis. In this respect, we welcome the broad range of possibilities provided for in article 2 on how to indicate the origin or provenance of the primary ingredient.

Trade marks and geographical indications

Both *geographical indications* and *trade marks* are subject to specific EU rules and should therefore be excluded from the scope of this implementing regulation. In our view, *trade marks* cannot constitute voluntary origin claims at all and therefore do not fall under the scope of article 26 (3). If the legislator had wished to include *trade marks*, this would have already been mentioned in the basic regulation 1169/2011. Hence, they should be explicitly excluded and not be subject to further examination or to the adoption of additional, specific rules.

Relation with national schemes

Over the past 18 months, we have seen a regrettable proliferation of national measures providing for the indication of the country of origin or place of provenance on a mandatory basis. These measures are disintegrating the EU single market for dairy and other food products. Once the present draft implementing regulation containing detailed and harmonised European rules on origin labelling is adopted, the Commission should ensure that any trials or initiatives at national level are immediately discontinued.

This is explicitly provided for in the preamble to the Italian decree on mandatory origin labelling for milk and dairy products (which entered into force in spring 2017 and will apply until 31 March 2019). It is stated that the decree should apply 'pending adoption of implementing acts by the European Commission pursuant to... Article 26, paragraph 8 (of Regulation (EU) No 1169/2011)'. Now that this implementing regulation has been published, it would appear that the need for an 'experimental science labelling of pre-packaged products containing milk' has come to an end. We suggest that the same logic as for the Italian decree should be applied to the mandatory origin labelling schemes which have been rolled out in other Member States.