

Position

2021

1st February

EDA comments on the European Commission's Roadmap on a proposal to revise EU rules on the information provided to consumers, including establishment of nutrient profiles

The European Dairy Association (EDA) welcomes the opportunity to provide comments on the European Commission's Roadmap Inception Impact Assessment (IIA) on the Proposal for a revision of Regulation (EU) No 1169/2011 on the provision of food information to consumers.

The European dairy sector has always been committed to ensure accurate, useful and credible information to the EU consumers.

A full re-opening of the FIC Regulation is neither required nor desirable as the FIC Regulation is generally fit-for-purpose, while a partial revision and/or implementation of specific technical provisions may be considered.



1. Front-of-pack nutrition labelling

Summary

- EDA is committed to ensure accurate, useful and credible information to the EU consumers – [see our EDA guiding principles on FOPNL](#).
- So far, none of the existing FOPNL schemes, that only focus on a very few single nutrients, mirrors the nutritional value of milk and dairy.

- The basic concept of nutrient profiles does not correctly reflect the dietary importance of core food groups, such as dairy products, which are recognised as highly nutritious foods by the official food based dietary guidelines, as acknowledged by the EFSA Opinion on nutrient profiles of 2008. We question making a link between nutrient profiles and FOPNL systems, both from a legal and scientific point of view, as the two concepts originate from two different sets of legislations and also serve different purposes which one single system cannot combine. Dairy foods are a particular food group, with a unique nutrient composition naturally determined by its major component, milk. Contrary to many other food products, it is not easy (or even desirable) to significantly modify / manipulate the natural nutritional composition of dairy products to adjust the nutrient levels to the thresholds of FOPNL or nutrient profiles. There are also numerous EU or national legal rules to follow for dairy products, e.g., cheese or butter, that largely limit or prevent any modification of the recipe.
- In conclusion, EDA does not support Options 1 to 4, as none of the proposed FOP options recognises the nutritional value of milk and dairy products and allows consumers to understand the essential contribution of milk and dairy to a healthy and balanced diet
- In addition, we do not support options 1 to 4, as we oppose the concept of nutrient profiles for dairy categories.
- Option 0 is not perfect, as the coexistence of different schemes contributes to the fragmentation of the single market, but is the closest option that we can accept (i.e. maintaining voluntary use of FOPNL schemes and leaving out the concept of nutrient profiles, or at least exclude milk and dairy category from application of nutrient profiles).

EDA has always been committed to ensure accurate, useful and credible information to the EU consumers. This is why we put forward **EDA guiding principles** to evaluate any potential EU front-of-pack scheme with the objective of better informing the consumer and encouraging a healthy balanced diet. We believe that such a scheme should be in line with **official dietary recommendations**, ensure improved information to consumers about the overall nutritional quality of foods, consider their long-recognised nutritional contribution and health benefits, and be always based on sound scientific evidence. The scheme should be voluntary and harmonised across the EU. A detailed **EDA position** [is available here](#).

So far, none of the existing front-of-pack nutrition labelling schemes, that only focus on a very few single nutrients, mirrors the nutritional value of milk and dairy. For most of milk and dairy products common EU marketing standards and/or common EU product definitions, designations and sales descriptions¹ and national product laws guarantee the quality of EU milk and dairy excellence. For these product categories a 'reformulation' is not always legally possible and – from a quality and nutrition perspective – not always desirable.

¹ See Annex VII of the sCMO Regulation (EU) N° 1308/2013

Link between nutrient profiles and FOP systems

The Inception Impact Assessment mentions on page 4 that “for reasons of coherence and consistency, and to avoid conflicting labels on the food packaging which might be confusing for the consumer, the nutrient profiling model for restricting claims is based on the nutrient profiling model underpinning the harmonized front-of-pack scheme”. We question the legality of this approach, as the FIC Regulation and the Claims Regulation are two different sets of rules that follow different objectives. The IIA should therefore assess the legality of using the nutrient profiling model of a FOP system also for the purpose of the Claims regulation.

The scientific relevance of such common approach should also be thoroughly assessed, since both FOP and nutrient profiles pursue different objectives, respectively:

- Informing consumers on the nutritional quality of foods
- Determining thresholds to limit nutrition and health claims on some food products.

One single system may not be able to reach both of them.

Nutrient profiles

The basic concept of nutrient profiles limited to fats, saturated fats, salt and sugar does not correctly reflect the dietary importance of core food groups, such as dairy products, which are recognised as highly nutritious foods by the official food based dietary guidelines².

EFSA Opinion on nutrient profiles

The EFSA Opinion on “The setting of nutrient profiles for foods bearing nutrition and health claims pursuant to Article 4 of the Regulation (EC) No 1924/2006”³ reminds that dairy products play an important dietary role which is recognised by the food based dietary guidelines in Member States:

“The Regulation requires that the setting of nutrient profiles should take into account the dietary role and importance of food groups and their contribution of nutrients to the overall diet of the population (or specific population groups). **Food groups with important dietary roles include** vegetable oils, spreadable fats, **dairy products**, cereals and cereal products, fruits and vegetables and their products, meat and meat products, fish and fish products, and non-alcoholic beverages. The different dietary roles of such food groups are related to differences in their nutrient composition, as well as their (habitual) intake, and **are recognised in food based dietary guidelines in Member States.**”

² See e.g. JRC compilation of the EU Member States (plus Iceland, Norway, Switzerland and the UK) Food Based Dietary Guidelines – Table 7 ‘Milk and dairy products’ <https://bit.ly/3ajuhnw>

³ The EFSA Opinion on “The setting of nutrient profiles for foods bearing nutrition and health claims pursuant to Article 4 of the Regulation (EC) No 1924/2006”, The EFSA Journal (2008) 644, 1-44 <https://bit.ly/3a8dio4>

Such guidelines also make distinctions between different products within these food groups based on their potential to influence, beneficially or adversely, the overall dietary balance for certain nutrients. The dietary roles of these food groups might differ across Member States owing to the variability of dietary habits and traditions and the Regulation requires that this variability be taken into account in establishing nutrient profiles.”

The EFSA Opinion also considers that foods with important dietary roles – such as dairy products – should be considered among food groups exempted from the application of a general nutrient profile, considering positive nutrient contribution of dairy, e.g., calcium (which is not included in the general nutrient profile concept).

(...) **Positive nutrients (one or more) could be considered for overall profiles or limited for some food categories. For example, the level of fibre in cereal products could be taken into account or the calcium level for some dairy products.** (...)

Nutrient profiles for food in general and/or categories of food

For a category-based scheme, food groups, such as dairy products (including e.g. milk, yoghurt, cheese) or cereal products (including e.g. bread, breakfast cereals, bakery products, rice, pasta) could have specific nutrient profiles related to the potential of food products in those groups to adversely affect overall dietary balance. Such a scheme could have a simple nutrient profile for each food group and could be easily adapted. The main disadvantage would be the complexity of defining and managing a large number of food groups. A scheme for food in general could have a single nutrient profile for all foods. While this approach would avoid the need to define and manage food groups, the need to account for large differences in the nutritional composition of different food groups could lead to a more complex nutrient profile scheme that might be less easy to adapt than a category-based scheme.

The Panel considers that **a nutrient profile for food in general with exemptions from the general profile, if necessary, for a limited number of food groups that have important dietary roles** (one option outlined in the Terms of Reference) might overcome the main disadvantages of these two types of schemes. **Such exemptions would ensure that some food products in these food groups might be eligible to bear claims. Exemptions for some food groups from the requirement to comply with the nutrient profile for food in general might be based on the use of different nutrients, thresholds or scores.**

The health effects of the entire food

One of the main shortcomings of nutrient profiles and FOP concepts is that they look at nutrients, without considering the health effects of the entire food. No nutrient profile will therefore do justice to the health effects of dairy products⁴. Most of the national nutritional guidelines (e.g. the Dutch, [French](#), [Belgian](#),

⁴ See EDA Nutrition Factsheets on [“Health benefits and nutritional value of dairy”](#) and [“Prevention of lifestyle diseases”](#)



[Spanish, Danish, German recommendations](#)) do take the whole product into account and **include dairy products based on their beneficial health effects**.

This makes the concept of nutrient profiles unsuitable for dairy, which have numerous health benefits because of the whole food effects. In this context, EDA advocates an exception for dairy, no nutrient profiles at all or profiles that consider that health effects apply to the entire product.

Nutrient profiles and reformulation

Currently, dairy companies can communicate on health and nutrition benefits of dairy products (e.g. related to their natural content of protein, vitamins and minerals, including calcium). If nutrient profiles are introduced, our recommendation would be to exempt some food categories such as milk and dairy products. Reformulation options for dairy foods are very limited or sometimes even impossible, due to their natural composition, traditional recipes, specific legal requirements at national and EU level, including the EU quality schemes. With these constraints in mind, dairy products would be unfairly stigmatised, despite their high nutritional value.

The possible impact of nutrient profiles on dairy consumption

Milk and dairy products are important dietary sources of many essential nutrients such as high-quality protein⁵, calcium, vitamins B2 and B12, iodine and phosphorus, and are therefore recommended by the national health authorities to be consumed everyday (2-3 servings for adults and 3-4 servings for children).

If nutrient profiles are applied, it will not be possible anymore to communicate about the evident and scientifically proven nutrition and health benefits of dairy to the consumers. This may affect consumption of dairy and lead to a situation where people do not meet their dietary requirements for nutrients. This may lead to serious public health consequences (osteoporosis, nutrient deficiencies) and costs for the national health care systems.

To illustrate the negative impact of possible nutrient profiles on dairy products, let's refer to the criteria for nutrient profiles proposed by the last COM Impact Assessment conducted by the consultancy in June 2016 (EDA has participated in that consultation, including a detailed interview). Based on the proposed criteria, a significant part of dairy products - e.g., due to the natural composition of milk and milk fat - would not

⁵ The nutritional importance of high-quality protein – including dairy protein - has been acknowledged in the EU law most recently by the [Commission Delegated Regulation \(EU\) 2017/1798](#) on compositional and information requirements for total diet replacement for weight control. This EU Regulation stipulates that in the case of total diet replacements for weight control products (TDR), weight loss can be supported best by high quality proteins, hence high-quality protein (where Protein Digestibility-Corrected Amino Acid Score PDCAAS = 1.0 such as in dairy protein) is one of the essential compositional requirements for TDR products. A high-quality protein contains all essential amino acids which cannot be synthesised by the body and have to be supplied by food. Both milk and whey proteins are high quality protein sources.

be able to make nutrition claims (or would require an inclusion of a statement “*High [...(*)] content*” in close proximity of the claim). This could directly affect products such as:

- **whole milk** - due to natural variation of fat content of milk the content of saturated fat varies between 2,5 and 3 g/100 ml (g). Whole milk will therefore exceed the proposed threshold of 2,5 g/100 g of saturated fats as well as many dairy products.
- **fresh milk products: yoghurts/fermented milks, milk drinks** etc. Some fresh milk products could exceed the proposed threshold of 2,5 g/100 g of saturated fats.
- **cheese:** fresh cheese, cream cheese, spread cheese, semi-hard cheese (e.g. Comté, Emmental, Raclette, Gouda, Edam, Maasdam) and hard cheese (Cheddar, Parmigiano Reggiano, Grana Padano, Pecorino), soft cheese (Camembert, Brie), pasta filata cheese (e.g. Mozzarella). Almost all semi-hard and hard cheeses will exceed the proposed threshold of 10 g/100 g for saturated fats and 600 mg/100g of sodium.



Conclusions

- So far, none of the existing front-of-pack nutrition labelling schemes, that only focus on a very few single nutrients, mirrors the nutritional value of milk and dairy.
- Considering the above, we do not support Options 1 to 4, as none of these FOP options recognises the nutritional value of milk and dairy products and allows consumers to understand the essential contribution of milk and dairy to a healthy and balanced diet⁶.
- In addition, we do not support options 1 to 4, as we oppose the concept of nutrient profiles for dairy categories.
- Option 0 is not perfect, as the coexistence of different schemes contributes to the fragmentation of the single market, but is the closest option that we can accept (i.e. maintaining voluntary use of FOPNL schemes and leaving out the concept of nutrient profiles, or at least exclude milk and dairy category from application of nutrient profiles).

⁶ See EDA Analysis of different FOP schemes [here](#)

2. Country of origin labelling

Summary

- The [EDA guidelines on voluntary origin labelling for milk dairy products](#) are part of the EDA commitment to ensure an accurate and credible labelling information to the EU consumers, and highlight specific origin links of a product, where the food business operator wishes to do so.
- While supporting an EU harmonised voluntary origin labelling scheme, EDA opposes any form of national or European additional mandatory measures on origin labelling for milk and/or dairy products.
- Further mandatory origin labelling national schemes lead to the fragmentation of the EU Single Market and not only create obvious obstacles to trade inside the EU, but also turbulences in international trade. A well-functioning internal market for food supplies is key especially in the current times of external shocks of the magnitude of the covid19 crisis.
- Following the recent ECJ C-485/18 ruling on the French mandatory origin labelling for milk and dairy, it is clear that national measures should have never been allowed in the first place and their existence should therefore not be used as a reason for assessing the introduction of mandatory measures at EU level.
- The impact that the different policy options on country-of-origin labelling have on the Single Market, including the costs and benefits for consumers and producers, has already been assessed by the EU Commission in 2015. The final conclusion was that mandatory EU origin labelling for milk and dairy products should not be pursued for a number of major reasons, including segmentation and renationalisation of the internal market. There is no reason to believe that these effects have changed since the last EU Commission assessment.
- We also question why products directly competing with milk and dairy are not included in the IIA. Obliging milk and dairy products to bear mandatory origin indication, but not the competitive products would clearly add extra costs and hence be a competitive disadvantage to our sector.
- Considering the options laid down in the EU Commission IIA, we would be most in favour of maintaining the status quo of the existing EU legislative framework (i.e., Option 0), that allows the dairy companies indication of origin information for milk and dairy products on a voluntary basis. We cannot accept however the continuation of the existence of the national decrees requiring mandatory country of origin information as they are infringing EU law.

The [EDA guidelines on voluntary origin labelling for milk dairy products](#) are part of the EDA commitment to ensure an accurate and credible labelling information to the EU consumers, and highlight specific origin links of a product, where the food business operator wishes to do so.

While supporting an EU harmonised voluntary origin labelling scheme, EDA opposes any form of national or European additional mandatory measures on origin labelling for milk and/or dairy products.



Mandatory national origin labelling rules can only be envisaged where there is a proven specific link between certain qualities of the food and its origin or provenance and evidence that the majority of consumers attach significant value to such a provision (FIC Regulation sets a specific framework for this in Art. 39(2)).

Further mandatory origin labelling national schemes lead to the fragmentation of the EU Single Market and not only create obvious obstacles to trade inside the EU, but also turbulences in international trade. The Farm-to-Fork Strategy published by the EU Commission on 20 May 2020 states that the EU Commission *“will consider to propose [...] the extension of mandatory origin or provenance indications to certain products, while fully taking into account impacts on the single market (page 16)”*.

In order to decide whether and, if so, how an extension of mandatory origin labelling could be considered, the EU Commission must first objectively assess which factual and legal preconditions have to be taken into account and why, if applicable, certain products could be considered for such a review.

The IIA refers to the EU Commission reports on Art. 26 of Regulation No 1169/2011 for justifying that the consumers have a special interest in the origin of, among others, milk and milk products (page 4 and footnote 8). On the other hand, different aspects that were analysed in the report are not at all mentioned and the final conclusion of the report, that mandatory origin labelling at EU-level for milk and dairy products should not be pursued for several reasons, is completely omitted.

In our view, only if there are new, valid and objective reasons, substantiated in advance, milk and milk as an ingredient could be subject to a new impact assessment.

ECJ C-485/18 ruling on the French mandatory origin labelling for milk and dairy

The IIA mentions on page 2 that seven Member States adopted such national rules. However, the IIA omits that the European Court of Justice found the French measure on the mandatory indication of the origin of milk and of milk as ingredient in dairy products as being contrary to Art. 39(2) FIC regulation (ECJ C-485/18 of 20 October 2020). Therefore, national measures should have never been allowed in the first place and their existence should therefore not be used as a reason for assessing the introduction of mandatory measures at EU level. For the sake of legal completeness, we therefore ask that the IIA mentions in this context the ECJ C-485/18 ruling on page 2.

On the basis of the very clear legal opinion of Advocate General Gerard Hogan of 16 July 2020, the ECJ judgement C-485/18 highlighted the aspects in which the French mandatory origin labelling scheme is not aligned with the EU law. In his Opinion, Advocate General Hogan warned in par. 44 that: *“Any other conclusion would ultimately pave the way for the indirect reintroduction of national rules regarding food products which were designed to appeal to purely nationalistic – even chauvinistic – instincts on the part of the consumers. Since one of the objects of the internal market project has been to eliminate (where possible) such rules, it is difficult to believe that the Union legislature intended to allow their oblique re-introduction through the mechanism of Article 39(2) of Regulation No 1169/2011”*.

Moreover, footnote 27 of par. 49 states: *“More precisely, these two conditions (in art. 39 par. 2 FIC regulation) aim at preventing that national measures requiring the indication of the country of origin are based on consumers’ prejudices relating to the alleged qualities of certain food products coming from certain countries, and at implicitly ruling out the possibility for a Member State to use any feature of the foodstuffs as a pretext for requiring the indication of the country of origin”.*

The importance of a well-functioning internal market for food supplies

While the EU Commission is setting up a ‘contingency plan for ensuring food supply and food security’ in the Union, and while the Agricultural Council of 9 April 2020 *“stressed the need to ensure a well-functioning European internal market”* for guaranteeing a steady food supply especially in times of external shocks of the magnitude of the covid19 crisis, such tendencies have been translated in various national protectionist initiatives even in the context of the covid19 related crisis as highlighted by MEP Andreas Schwab⁷.

The potential effect of mandatory origin labelling for milk and dairy on the EU Single Market, interruption of supply chains as well as lost business contracts due to local sourcing requirements from customers has been highlighted in our [EDA detailed presentation on national mCOOL](#) measures to the EU Commission, Member States and various stakeholders in a dedicated SANTE Advisory Group meeting in July 2019.

EU Commission Report on mandatory origin for milk and dairy⁸

Regarding compulsory origin rules at EU level, the European Commission commissioned various reports that clearly identified a major negative impact for food business operators if origin indication, particularly at country-level, were to be required on a mandatory basis at EU level. In the report it was found that mandatory labelling would be disproportionate when it comes to the costs involved and the consumer’s willingness to pay.

Moreover, the integrity of the common market should be the first objective of any EU policy decision. This is however not the case with mandatory origin, where nationalism and protectionism are the main objectives. Mandatory origin labelling will incite consumers to purchase products produced in their own countries. According to the Commission’s report – COM (2015) 204 final, p.12/13 - this will cause renationalisation of the food chain, since nearly half of consumers indicated that they would prefer products from their own countries. This would result in market segmentation and renationalisation of the internal market.

There is no reason to believe that these effects have changed; in fact, negative business impacts have aggravated due to fragmented national initiatives. The impact of different policy options on country of

⁷ <https://andreas-schwab.de/presse/pressemitteilungen/03-2020>

⁸ https://ec.europa.eu/food/sites/food/files/safety/docs/labelling_legislation_final_report_ew_02_15_284_en.pdf

origin labelling on the Single Market, including the costs and benefits for consumers and producers, has already been assessed⁹.

Any further approach here would need, of course, again a thorough assessment, including a full use of instruments for better regulation, as also emphasised by the Council in their Conclusions on the Farm to Fork Strategy of 19 October 2020.

Further jurisprudence on mandatory origin labelling

The IIA should take into consideration the case law of the European Court of Justice (ECJ). Indeed, the ECJ has repeatedly confirmed that mandatory origin labelling has the effect of restricting the free movement of goods (see „Irish Souvenirs“, ECJ, case 113/80, par. 17; „Apple and Pear Development Council, ECJ, case 222/82, par. 18; „CMA Quality Mark“, ECJ, case C-325/00).

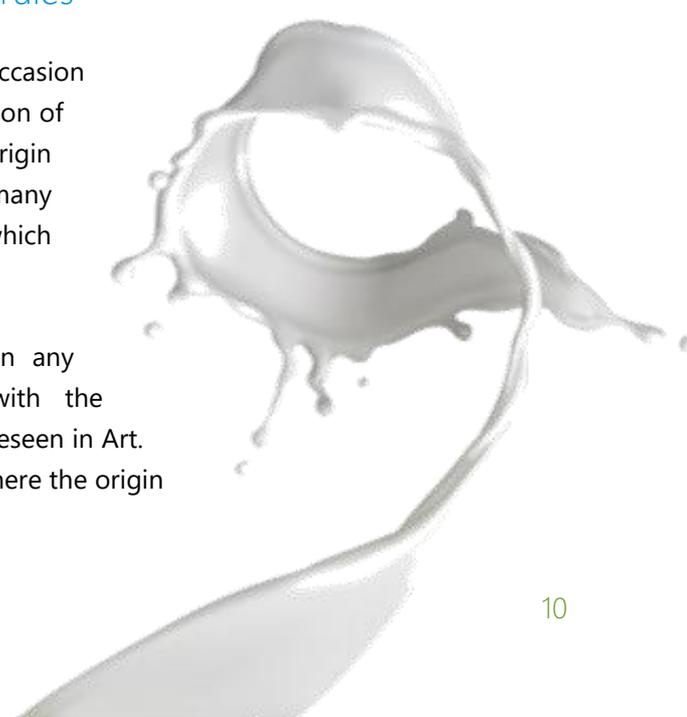
Recently, the ECJ in the “UNIC” case (case C-95/14) confirmed a 30-year-old ECJ judgement on mandatory origin labelling and free movement of goods. Par. 44 of the “UNIC” case states: *„In that respect, it must be recalled that the Court has already held, as regards the interpretation of Article 34 TFEU, that the purpose of indications of origin or origin marking, such as those at issue in the main proceedings, is to enable consumers to distinguish between domestic and imported goods and that this enables them to assert any prejudices which they may have against foreign goods. Within the internal market, the origin-marking requirement not only makes the marketing in a Member State of goods produced in other Member States in the sectors in question more difficult, it also has the effect of slowing down economic interpenetration in the European Union by handicapping the sale of goods produced as the result of a division of labour between Member States (Commission v United Kingdom, 207/83, EU:C:1985:161, par. 17).“*

Coherence with the existing origin labelling rules

We also believe that the EU Commission IIA is a perfect occasion to clarify the wording of Article 26(1) of FIC on the exclusion of trademarks and geographical indications from the origin marking. The current ambiguous wording leads to many discussions on the scope of Art. 26(3) of FIC Regulation which creates legal uncertainties to food business operators.

The IIA should also consider the relationship between any potential mandatory EU-origin labelling provision with the provision on origin labelling of the primary ingredient foreseen in Art. 26 par. 3 FIC. The latter was mainly conceived for cases where the origin

⁹ See footnote (4)



of the final food was given on a voluntary basis. If the origin of the primary ingredient was different than the one of the final food, the operator still had the choice of either not claiming any origin of the final food, of claiming the origin of the primary ingredient or of indicating that the latter has a different origin. In the case of EU mandatory origin labelling, art. 26 par. 3 FIC could potentially also be applicable. Therefore, any new provisions should be assessed against the existing rules to avoid a double labelling burden for the food business operators (e.g., final food AND primary ingredient).

Conclusions

- Considering the options laid down in the EU Commission IIA, we would be most in favour of maintaining the status quo of the existing EU legislative framework (i.e., Option 0), that allows the dairy companies indication of origin information for milk and dairy products on a voluntary basis. We cannot accept however the continuation of the existence of the national decrees requiring mandatory country of origin information as they are infringing EU law.
- We question why the focus of the EU Commission Impact Assessment is limited to milk and milk used as an ingredient and especially why products directly competing with milk and dairy are not included. Obliging milk and dairy products to bear mandatory origin indication, but not the competitive products would clearly add extra costs and hence be a competitive disadvantage to our sector.

3. Date marking

The efficient use of resources is an integral part of the sustainability strategies of many dairy companies and overall dairy strategic approach. In this framework, the dairy sector is seriously motivated to contribute in preventing and reducing food wastage along the value chain, and date marking is considered one of the approaches to act on this issue. EDA has been bringing its knowledge and will continue to further strive towards dairy waste reduction at all levels – in line with SDG target 12.3 – into the EU Stakeholder’s Platform on Food Losses and Food Waste, led by DG SANTE.

EDA is of the opinion that the principle of a safety-based descriptor (“use by”) and a quality-based descriptor (“best before”) are appropriate and should not be changed as such (i.e. Option 0 – maintaining business as usual).

Date marking and shelf life are provided on the labelling in order to ensure food safety and quality. They are determined by a range of factors which are product- and company-dependent and, as such, are the responsibility of the FBO.

However, EDA may support a change of the expression in certain languages to make sure that the wording used in each Member State for “best before” and “use by” is the best suited to guarantee consumer

understanding of date marking – as in some languages “best before” and “use by” may be very close in meaning.

On an exclusively voluntary basis, we may also support a possibility to improve expression and presentation, if space on the label permits it (e.g., by adding voluntary information to clarify the difference between “use by” and “best before” or encourage customers to smell and taste the products before throwing them out once the best-before-date has passed).

4. Other aspects suggested to be considered in the IIA

The scope of the IIA may be extended to include selected individual provisions/items, such as:

- **Article 45 (Notification procedure)** should be reviewed in order to provide more transparency on the notification from Member States to the EU Commission.
- **Portion packs** - In the ECJ ruling C-113/15 of 22.9.2016, the Court decided that individual portion cups (in this case honey) which are presented as part of a meal to the guests of mass caterers should be considered a « pre-packaged foodstuff » with the consequence that each portion cup must bear the mandatory particulars (in this case the origin of the honey). As a consequence, the indication of the mandatory particulars on the multi-pack carton is not sufficient. This poses a problem especially for multi-lingual portion packs (coffee creamer, condensed milk, fresh cheese, butter etc.) which are offered as part of a meal in hotels, airplanes, catering establishments etc, as the place on the packaging is very limited. The IIA should consider a legal solution to this problem by e.g., exempting small portion packs from the labelling of all mandatory particulars (with the exception of allergen labelling).
- **Precautionary allergen labelling - Art. 36 (3)(a)**: the absence of generally agreed quantitative benchmarks for the application of precautionary allergen labelling and the consequent lack of consistent harmonised standards among Member States and across industry led to lack of transparency, and confusion among allergic consumers. We strongly support the development of a harmonised framework for the application of precautionary allergen labelling which meets the requirements of Article 36(2) of the FIC Regulation.
- **Information related to suitability of a food for vegetarians or vegans – Art. 36(3)(b)**: According to Art. 36(3) FIC the EU Commission shall adopt *inter alia* an implementing act on information related to suitability of a food for vegetarians or vegans. We consider this as an important item and that harmonised EU rules should be elaborated. The absence of EU harmonised criteria defining foods suitable for vegetarians or vegans can lead to obstructions of the free movement of goods and to contradictions in food labelling. In order to achieve certainty to the benefit of the industry and to avoid confusion on the part of the consumers, appropriate legal measures should be taken. Developing these criteria is also relevant in the context of precautionary allergen labelling, in cases where traces of allergens and/or ingredients derived from non-vegan or vegetarian sources may be present in foods which have been produced without the use of all or certain substances of animal origin. We suggest



EU rules on the information provided to consumers

that the future EU rules should take into account latest developments at national and international level, e.g., the recently adopted ISO standard 23662.

- **Salt replacers - Annex VII, Part B:** more consumer-friendly labelling of salt replacers (e.g. 'potassium salt' and 'magnesium salt' instead of 'potassium chloride' and 'magnesium chloride', respectively) may facilitate the gradual reduction of sodium content of food products ('reformulation') while maintaining consumer acceptance. This would require a technical change in Annex VII, Part B.
- **Iodised salt – Annex VII, Part E:** similarly, consumer-friendly, informative labelling of "iodized salt" can contribute to improving the diet of European consumers in consonance with the objectives of the Farm to Fork Strategy. Under the FIC Regulation, compound ingredients – when used in processed foods – need to identify all their ingredients. Iodized salt is a compound ingredient consisting of salt and an iodine source. The latter has a chemical name, and these are always alienating consumers. Many food producers therefore chose plain, non-iodized salt. This situation can be addressed by allowing for a simplified labelling term "iodized salt" in Annex VII part E of the FIC Regulation.

Finally, it is of utmost importance that all regulatory changes need to be considered within a sufficient time frame to allow food business operators to apply the label changes and sufficient time for disposal of stocks of both foods and labels/packaging to prevent food / packaging waste.

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