

THE EUROPEAN COMMISSION'S PROPOSAL FOR A REGULATION ON THE PROVISION OF FOOD INFORMATION TO CONSUMERS

Executive Summary

1. This paper is for information and provides an update on developments on the European Commission's proposal for a Regulation on the Provision of Food Information to Consumers.
2. Discussions are continuing in the Council under the Swedish presidency in parallel with those taking place in the European Parliament.
3. There has been a lot of discussion on some technical aspects of the proposal and on the nutritional aspects but other key issues such as origin labelling are yet to be discussed in depth.

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Issue

1. To update the Board on progress on the European Commission's proposal for a Regulation on the Provision of Food Information to Consumers.

Strategic Aims

2. This regulatory work stream supports the Food Standards Agency (FSA) strategic objective of helping consumers to make informed choices.

Background

3. This paper is in response to a request made at the September Board meeting for a further update on progress in EU negotiations.
4. The Regulation is being carried forward through the co-decision process. It is therefore currently under discussion in both the Working Group of the European Council and the European Parliament. Food Standards Agency officials represent the UK in these negotiations.
5. Board members will be aware from the paper submitted to them in June 2008 (FSA 08/06/04) that the key issues in the proposal are:
 - Introduction of mandatory nutrition labelling on front of packs,
 - Introduction of a minimum font size of 3mm and contrast provisions,
 - Introduction of new criteria for voluntary declarations of origin,
 - Extension of allergen labelling requirements to foods sold loose,
 - Introduction of mandatory ingredient and nutrition labelling for alcoholic drinks other than wine, spirits and beers, for example, cider,
 - Extension of labelling requirements to distance selling, for example via the internet or mail catalogues.

Discussions in the EU

European Council

6. Since January, the discussions in Council Working Groups on the Food Information Proposal are continuing with a series of meetings during the Czech Presidency (January 2009-June 2009). Under the Swedish Presidency there have been five further meetings, primarily focused on general labelling issues. These have included discussions on country of origin, defining who within the food chain has responsibility for the accurate labelling of a product and the type

of information available for distance selling. Some progress has also been made on nutrition labelling. Member States are now more comfortable with a number of the concepts included in the proposal and are focusing on how to progress these issues in a way which will help reach consensus.

7. There have yet to be substantive discussions on some of the other key issues (paragraph 4) such as Country of Origin labelling. Board Members will be aware that Country of Origin Labelling is a topical issue of interest to Ministers and consumers. The Agency is carrying out further research on origin labelling and consumer behaviour to update its evidence base. It is expected that the results from this study will be published early next year.
8. The continued ability to use innovative approaches to providing information to consumers, such as front of pack nutrition labelling, remain a priority for the UK. The proposal does include a provision for Member States to introduce national schemes and in the discussions in Council, Member States are considering how best to balance flexibility and innovation with effective regulation and single market considerations. The proposal also contains a provision for a procedure that will allow the Commission to consider other ways of presenting mandatory information (other than on the label). Both these provisions will create flexibility to modify the information available to consumers as their food information requirements change in time.
9. In line with the priorities previously identified by the Board, the UK chaired a small working group on the issue of label clarity. There is some support for a minimum font size (defined as an 'x height' i.e. the height of a lower case 'x') with an exemption to this requirement for small packages. Research commissioned by the FSA currently underway, which will be made available to the Commission and the Presidency, will be helpful in informing discussions on the technical details of this issue.
10. Two further Council Working Group meetings are scheduled during the Swedish Presidency. Consideration of the proposal is expected to continue under the Spanish Presidency in the first half of the new year and then under the Belgian Presidency.

European Parliament

11. The new European Parliament has begun to consider the proposal again following the elections in the summer. The three principal committees which are involved have indicated that they will be debating the proposal in the next few months, with votes taking place on the rapporteurs' reports in the first part of next year. A full plenary debate is expected in the summer. Agency officials have been taking part in a series of meetings with opinion formers including MEPs to ensure informed input into the debate in the European Parliament.

Conclusion

12. Discussions are progressing, and will develop further in 2010. The Agency will continue to consult stakeholders and update the impact assessment as negotiations progress.
13. Agency officials will keep the Board informed of any significant progress.