

CODEX COMMITTEE ON FOOD LABELLING

**48th Session
Québec City, Canada,
27 October – 1 November 2024**

European Union Comments on

Agenda item 6:

**Guidelines on the provision of food information for prepackaged foods
to be offered via e-commerce (step 7)**

(CX/FL 24/48/6 and CL 2024/54-FL)

***Mixed Competence
European Union Vote***

In response to Circular Letter 2024/54-FL, the European Union and its Member States (EUMS) would like to make the following comments.

On section 1:

The EUMS are not in favour of the suggested wording “*as well as other considerations for prepackaged foods offered for sale via e-commerce*” as it is unclear (the structure of the sentence is unclear), too vague and seems not strictly related to the purpose.

On section 5.1

The EUMS are in favour of option C (entire removal of the ‘indication of durability’ clause).

Indeed, as explained in previous contributions, the EUMS do not agree on option A as:

- the sentence refers to an “indication of durability”, which may be confused, in particular by the consumer, with the ‘use-by date’/‘expiration date’ or the ‘best before date’/ ‘best quality before date’;
- the specification “in which the food retains its specific properties when properly stored” adds to the confusion as it:
 - o seems to imperfectly and partly reflect elements already present in the definitions of the ‘best before date’/‘best quality before date’ and ‘use-by date’/‘expiration date’;
 - o suggests that a food may not retain its “specific properties” during the entire period between the point of delivery and the ‘best-before date’/‘best quality before date’ or ‘use-by date’/‘expiration date’, which seems to be in contradiction with the definition *per se* of the ‘best-before date’/‘best quality before date’ or even of the ‘use-by date’/‘expiration date’.
- it would be complex and difficult for food business operators to indicate such a ‘durability’;

- this provision seems misplaced as the ‘durability’ would more be an optional information that could be given to the consumer (section 6).

Furthermore, as regards option B, the EUMS would like to highlight that:

- it would be complex and difficult for food business operators to specify and to commit on such a minimum number of days;
- the provision would be misplaced as it is concerning an optional information that could be given to the consumer (section 6).

On section 5.3:

As explained during previous consultations and discussions, the EUMS entirely agree on the non-application in the case of product information e-pages of the labelling exemption of small units provided for in in the GSLPF. The EUMS considers indeed that the exemption for small units only applies to the information at the point of delivery given the limited space on the label/package in the case of small units. The point of e-commerce sale allows for full information as it is not affected by the size of the label/package.

In a spirit of compromise, the EUMS can however accept that some flexibility be given in other Codex member countries and suggests following modification to the text:

“5.3 The labelling exemption of small units as outlined in Section 6 of the General Standard for Labelling of Pre-packaged Foods (CXS 1-1985) does not apply unless ~~justified~~ allowed in specific situations or circumstances by the competent authority of the member country.”

It should indeed be avoided that the application of the labelling exemption of small units is only based on an individual justification by the concerned food business operator.