

7 May 2019

**CODEX COMMITTEE ON FOOD LABELLING  
(Forty-fifth Session)  
Ottawa, Ontario, Canada 13 – 17 May 2019**

**European Union Comments on**

**Agenda item 9**

**Discussion paper on Innovation – Use of Technology in Food Labelling  
(CX/FL 19/45/9)**

*Mixed competence  
European Union Vote*

The European Union and its Member States (EUMS) would like to thank Canada for developing the discussion paper on innovation – use of technology in labelling.

The EUMS acknowledge that there is a continued development and evolution on the way food information is in general provided to citizens and consumers, moving from traditional to digital means. The EUMS consider that this evolution should also be taken into account at Codex level.

The EUMS in general support new work on the subject.

In the European Union the legal framework of Regulation (EU) No 1169/2011 on the provision of food information to consumers covers food information to consumers and not only food labelling. The definition of food information, as laid down in Article 2(2)(a) of the Regulation, is broad and “*means information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication*”. The Regulation lays down general principles for providing food information and introduces the distinction between mandatory and voluntary food information.

Regarding mandatory food information, Article 9 of Regulation (EU) No 1169/2011 lists the particulars, which have to be provided on mandatory basis. Article 12 of the Regulation further specifies that mandatory food information shall be available and easily accessible for all foods. In case of prepacked food, mandatory food information shall appear directly on the package or on a label attached thereto.

In order to ensure that consumers benefit from other means of provision of mandatory food information better adapted for certain mandatory particulars, Article 12(3) of the Regulation provides the possibility that certain mandatory information may be expressed by means other than on the package or on the label (i.e. off label). In this case, the same level of information has to be ensured as by means of the package or the label, while evidence of uniform consumer understanding and the wide use of the other means by the consumers has to be taken into account. For the application of this provision, specific criteria and modalities of

application of the criteria have to be laid down subject to which certain mandatory particulars may be expressed by means other than on the package or on the label. Up to now, this has not taken place.

## **A. Development of criteria for flexible labelling**

Taking into account the abovementioned, the EUMS support the development of:

- a. **criteria** subject to which certain mandatory food information may be expressed by means other than on the package or on the label. In this context the following aspects need to be taken into account:
  - information that is necessary at the point of purchase;
  - information that is necessary at the consumption;
  - considerations regarding sector specificities;
- b. **modalities** of application of the criteria in order to express certain mandatory food information by means other than on the package or on the label. It shall be ensured that the modalities also apply to food information provided on voluntary basis.

The discussion shall also take account of elements such as:

- how misleading presentation can be avoided,
- how standard presentation of the information provided by the means other than on the package or on the label can be ensured in order to avoid confusion of the consumers.

However, the EUMS consider that the elements linked to e-commerce and non-retail container shall be kept separately under the relevant work on CX/FL/45/7 Internet Sales/e-commerce and CX/FL/19/45/5 for the labelling of Non-retail containers.

## **B. Revision of the definition for 'label' and 'labelling' in the GSLPF**

The EUMS are of the opinion that the notion of "food information to consumers", similar to the approach of Regulation (EU) No 1169/2011, should be introduced in the CODEX STAN 1 – 1985 in order to allow that some information can be provided by the use of innovative technologies under certain conditions (see section A). Against this background, it should be considered, as a second stage, whether the definition of labelling has to be reviewed or not.

## **C. Review of other Codes texts**

The EUMS can support a review, if relevant and depending on the outcome of the work on section A, of other Codex text developed by the CCFL, such as the Guidelines on Claims (CAC/GL 1 – 1979), the Guidelines on Nutrition Labelling (CXG 2 – 1985), and the Guidelines for the Use of Nutrition and Health Claims (CXG 23 – 1997) to identify other possible amendments that would facilitate use of technology for labelling.