

# CODEX COMMITTEE ON FOOD LABELLING

European Union reply to CL 2022/07-FL  
Request for information on labelling options to support  
the reduction of trans-fatty acids (TFAs)

*European Union Competence*  
*European Union Vote*

The European Union (EU) would like to thank Canada for having prepared the questions in the Appendix to CL-2022/07-FL.

## **CURRENT SITUATION IN YOUR COUNTRY OR REGION**

***a) Is nutrition labelling mandatory on prepackaged foods in your country or region?***

**EU comment:**

Yes, nutrition labelling is, in general, mandatory on pre-packaged foods in the EU with some exceptions, as detailed in Annex.V of Regulation (EU) No 1169/2011 on the provision of food information to consumers<sup>1</sup>.

*If yes, is declaring the amount of TFAs voluntary or mandatory?*

**EU comment:**

It is neither voluntary nor mandatory as in the EU it is prohibited to declare the amount of TFAs in the nutrition declaration. There is limited information on European consumer knowledge of TFAs and even less on whether such knowledge affects consumers' food choice<sup>2</sup>. The little information available suggests that the majority of Europeans do not know about TFAs. Also, only a small fraction of people seems to be concerned about TFAs

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<sup>1</sup> REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004, OJ L 304, 22.11.2011 <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32011R1169>

<sup>2</sup> Commission Staff Working Document " Results of the Commission's consultations on 'TFA in foodstuffs in Europe"

intake<sup>2</sup>. A study reports that only about one in three consumers stated to have heard about TFAs and considered them unhealthy<sup>3</sup>."

*Voluntary TFA declaration: Please describe the rationale for why declaring the amount of TFAs is voluntary in your country or region and indicate how frequently the declaration appears on labels, if this information is available.*

*Mandatory TFA declaration: Please describe the rationale for why declaring the amount of TFAs is mandatory in your country or region.*

*Is the declaration of TFAs always required or is the declaration mandatory only when triggered, for example by nutrition or health claims? Please describe the conditions that trigger mandatory TFA declaration.*

*Has the effectiveness of mandatory TFA declaration been evaluated in your country or region? If yes, please describe if/how mandatory TFA declaration has affected the formulation of products with TFAs and/or provide reports relating to the evaluation, if available.*

***b) Is the declaration of ingredients mandatory on pre-packaged foods in your country or region?***

**EU comment:**

Yes, the declaration of ingredients is, in general, mandatory on pre-packaged foods in the EU with some exceptions, as detailed in Article 19 of Regulation (EU) No 1169/2011 on the provision of food information to consumers.

*If yes, is declaring the degree of hydrogenation of oils (full or fully, and partial or partially) mandatory or voluntary? Please describe the rationale.*

**EU comment:**

Declaring the degree of hydrogenation of oils (fully hydrogenated or partly hydrogenated) is mandatory in the EU. Corresponding provisions can be found in:

- Regulation (EU) No 1169/2011, Annex VII, 8.: "Refined oils of vegetable origin [...] The expression 'fully hydrogenated' or 'partly hydrogenated', as appropriate, must accompany the indication of a hydrogenated oil"
- Regulation (EU) No 1169/2011, Annex VII, 9.: "Refined fats of vegetable origin [...] The expression 'fully hydrogenated' or 'partly hydrogenated', as appropriate, must accompany the indication of a hydrogenated fat"

*If the declaration is voluntary, please indicate how frequently it appears on labels, if this information is available.*

*What terms are defined in regulation for this declaration, for example "fully hydrogenated" (or "full hydrogenation") and "partially hydrogenated" (or "partial hydrogenation")?*

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<sup>3</sup> Study on the impact of food information to consumers decision making', unpublished, TNS commissioned by DG SANTE

**EU comment:**

The terms 'fully hydrogenated' and 'partly hydrogenated' are not defined in Regulation (EU) No 1169/2011 on the provision of food information to consumers.

**OPTIONS FOR NEW WORK**

*c) Would you support CCFL work to amend the Guidelines on Nutrition Labelling (CXG 2-1985) to require the declaration of the amount of TFA where nutrient declaration is required? Please provide an explanation.*

**EU comment:**

The EU does not support CCFL work to amend the Guidelines on Nutrition Labelling (CXG 2-1985) to require the declaration of the amount of TFAs where the nutrient declaration is required.

In the EU, Commission Regulation (EU) 2019/649 provides that the content of TFAs, other than TFAs naturally occurring in fat of animal origin, in food intended for the final consumer and food intended for supply to retail, shall not exceed 2 grams per 100 grams of fat<sup>4</sup>.

The EU decided to take this risk management measure instead of a consumer information measure related to TFAs, on the basis of several opinions of the European Food Safety Authority (EFSA) and the Commission report on trans fats in foods and in the overall diet of the Union population adopted in December 2015<sup>5</sup>, which concluded that establishing a legal limit for industrial trans fats in food appeared to be the most effective measure in terms of public health and consumer protection.

As regards measures related to consumer information, the above report noted in particular that "there is limited information on European consumer knowledge of trans fatty acids and even less on whether such knowledge affects consumers' food choice<sup>6</sup>. The little information available suggests that the majority of Europeans do not know about trans fatty acids, industrial trans fatty acids or ruminant trans fatty acids and partially hydrogenated or fully hydrogenated oils. Also, only a small fraction of people seems to be concerned about trans fatty acids intake<sup>2</sup>. A recent study reports that only about one in three consumers stated to have heard about trans fatty acids and considered them unhealthy<sup>7</sup>."

Furthermore, the policy option to address the problem of high TFAs intake via mandatory declaration of the TFAs content was found to be among the worst policy options in terms of

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<sup>4</sup> COMMISSION REGULATION (EU) 2019/649 of 24 April 2019 amending Annex III to Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards trans fat, other than trans fat naturally occurring in fat of animal origin, OJ L 110, 25.4.2019, p. 17

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0649&from=EN>

<sup>5</sup> COM(2015) 619 final

[https://ec.europa.eu/food/sites/food/files/safety/docs/fs\\_labelling-nutrition\\_trans-fats-report\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/fs_labelling-nutrition_trans-fats-report_en.pdf)

<sup>6</sup> Commission Staff Working Document " Results of the Commission's consultations on 'TFA in foodstuffs in Europe"

<sup>7</sup> Study on the impact of food information to consumers decision making', unpublished, TNS commissioned by DG SANTE

impact. The EU analysed in a comprehensive impact assessment<sup>8</sup> different options to address the problem of high TFAs intake. Among the options considered was option 2 – Introduction of the obligation to indicate the trans fats content of foods in the nutrition declaration. However, the impact assessment concluded that other options (option 1b: Legally-binding measure to set a limit for industrial trans fats content in foods and option 3b – Legal measure to prohibit the use of partly hydrogenated oils), the legal policy options, perform better than the alternatives in relation to health benefits (measured in disability-adjusted life years), reduction in health inequalities, improvements in the functioning of the Internal Market, efficiency and proportionality. The savings in health-related costs to society are very much greater than the incremental costs for all options except the labelling option 2. The benefit: cost ratio is largest for options 1b and 3b. A combination of either of the two options 1b and 3b with mandatory labelling of trans fats levels on pre-packed products (option 2) would raise overall costs significantly. Such a combination is unlikely to deliver added social benefits. Therefore, the legal policy options (1b and 3b) were the preferred options.

***d) Would you support CCFL work to amend the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) to add a requirement that partially hydrogenated and fully hydrogenated oils be declared by their specific names and to define terms for this purpose? Please provide an explanation.***

**EU comment:**

The EU would support CCFL work to amend the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985) to add a requirement that partly hydrogenated and fully hydrogenated oils be declared by the latter specific names. In the EU, Regulation (EU) No 1169/2011 on the provision of food information to consumers provides already that, for refined fats of vegetable origin, the expression ‘fully hydrogenated’ or ‘partly hydrogenated’, as appropriate, must accompany the indication of a hydrogenated fat. However, there is no definition of the terms ‘fully hydrogenated’ or ‘partly hydrogenated’ so far in the EU.

***e) Should CCFL consider new work on any other labelling option, including those identified in the Discussion paper on risk management possibilities for the reduction of trans fatty acids (CX/NFSDU 19/41/7-Rev)? If yes, please describe the option and provide an explanation of why it should be considered.***

**EU comment:**

The EU does not consider that other new work on labelling of TFAs needs to be considered.

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<sup>8</sup> [https://ec.europa.eu/food/system/files/2019-04/fs\\_labelling-nutrition\\_transfats\\_swd\\_ia-pt01.pdf](https://ec.europa.eu/food/system/files/2019-04/fs_labelling-nutrition_transfats_swd_ia-pt01.pdf);

More information: [https://ec.europa.eu/food/safety/labelling-and-nutrition/trans-fat-food\\_en](https://ec.europa.eu/food/safety/labelling-and-nutrition/trans-fat-food_en)