

Annex 1 - Internet Sales / e-Commerce Labelling

PLEASE SEND YOUR RESPONSE TO THE UK CODEX CONTACT POINT at Codex@defra.gsi.gov.uk BY 29 JUNE 2018

To help inform the development of the CCFL Discussion Paper on this topic, we request Codex members to provide responses to the following questions about current practices, issues, and any potential role for CCFL on this topic. Please enter your name / contact details as requested below also when responding.

Name of Codex Member Country, Member Organisation, or Observer (and e-mail contact details):		European Union			
<u>General Questions:</u>					
1. Within your country / region, what is the current practice for internet sales/e-commerce food labelling? Is the labelling or practice used or proposed (e.g. under development); mandatory/regulatory or voluntary?					
Name of current labelling and/or practice	Country or Region if applicable	Implemented (using) or proposed	Mandatory / Regulatory or Voluntary	Who developed the labelling? (Government, Industry, other organisation?)	Relevant references and/or weblinks. If relevant, what does the label look like on pack? (provide a picture if possible)
Regulation (EU) No 1169/2011 on Food Information to Consumers Article 14 of the Regulation provides that: - in the case of prepacked foods offered for sale by means of distance communication a) <u>all mandatory food information, except the date marking, shall be available before the purchase is concluded</u> and shall appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business	EU	Currently in force	Mandatory	EU	Article 14 and 44 of Regulation (EU) No 1169/2011: To be found at: https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1529681991589&uri=CELEX:02011R1169-20180101

<p>operator. When other appropriate means are used, the mandatory food information shall be provided without the food business operator charging consumers supplementary costs.</p> <p>b) <u>all mandatory particulars shall be available at the moment of delivery.</u></p> <p>- <u>in the case of non-prepacked foods offered for sale by means of distance communication, it is only mandatory to provide information on allergens.</u> The provision of other information is not mandatory unless EU Member States adopt national rules requiring the provision of other mandatory information (Article 44(1))</p> <p>A number of Member States have adopted such national rules.</p>					
<p>2. Are you aware of existing international guidelines or other relevant work undertaken in other international fora on this topic? If so, please provide relevant reference(s) or website links to access this?</p>					
<p>Yes / No</p>	<p>Details of existing international guidelines or other relevant work in other international fora:</p>				
<p>No</p>					
<p>3. What are the issues that you think need to be addressed by CCFL for this topic? Please give a reason(s) for your answer of why it is important (e.g. there is a gap on [x] in Codex text(s), clarity is needed on [x] information needed for consumer information/choice, etc.).</p>					

Issue(s)	Reason(s) for answer
<p>Specific requirements for the provision of food-related information in the context of distance selling/internet sales</p>	<p>Consumers should be given the necessary information to be allowed to make informed choices. To ensure the provision of consumer information in relation to food, it is necessary to consider all ways of supplying food to consumers, and especially sales of foods by distance selling/internet, which has become increasingly prominent in the last decade.</p> <p>Any food supplied by means of distance selling should meet the same information requirements as food sold in shops. Therefore, relevant mandatory information must also be available to consumers buying food by means of distance selling before the purchase is concluded.</p>
<p><u>Specific Questions:</u></p>	
<p>4. If you agree there is a role for CCFL on internet sales/e-commerce food labelling, how should it be taken forward? That is, should any new text on this topic be included as:</p> <p>(i) supplementary text to the General Standard for Labelling of Prepackaged Food (GSLPF, CXS 1-1985); or (ii) as a stand-alone new Codex Standard; or (iii) as stand-alone Guidance; or (iv) other (please specify)?</p> <p>Please give reasons for your response.</p>	
<p>A supplementary text to the General Standard for Labelling of Prepackaged Food (GSLPF, CXS 1-1985), as it has to ensure the provision of the same information as food sold in shops.</p>	
<p>5. In your country's /region's regulations for pre-packaged food sold online, what information is required to be provided before the sale is</p>	

concluded online?

In your response, please make reference to the relevant labelling provisions from Sections 4 and 5 of the General Standard for the Labelling of Prepackaged Food (GSLPF) (CXS 1-1985), and/or any others that are not covered by GSLPF. http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCODEX%2BSTAN%2B1-1985%252FCXS_001e.pdf

Alternatively, if there is no regulation on this (or it is currently in development) for your country/ region, please state this in your response instead.

In accordance with Article 14 Regulation (EU) No 1169/2011, in the case of prepacked foods offered for sale by means of distance communication, all mandatory food information, except date marking ("use by" or "best before" dates), shall be available before the purchase is concluded and shall appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator.

With the exemption of Date marking, all the information, including the relevant labelling provisions from Sections 4 and 5 of the GSLPF which is mandatory on pre-packed food sold in stores must be provided on pre-packed food offered for sale by means of internet sale or distance communication, before the sale is concluded. This also covers for example the indication of the alcohol content for drinks containing more than 1.2% by volume of alcohol and the nutrition declaration.

6. In your country's/ region's regulations for pre-packaged food sold online, what information is required to be provided at the moment of delivery only? That is, this information may not be available to consumers/purchasers before the sale is concluded online. For example, this could be when certain particulars could vary from product to product and/or are not known at moment of sale online (e.g. the weight of variable weight products, country of origin, date of minimum durability, etc.).

In your response, please make reference to the relevant labelling provisions from Sections 4 and 5 of the General Standard for the Labelling of Prepackaged Food (GSLPF) (CXS 1-1985, and/or any others that are not covered by GSLPF. http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCODEX%2BSTAN%2B1-1985%252FCXS_001e.pdf

Alternatively, if there is no regulation on this (or it is currently in development) for your country/ region, please state this in your response instead.

In accordance with Article 14 Regulation (EU) No 1169/2011, in the case of prepacked foods offered for sale by means of distance communication all mandatory particulars shall be available at the moment of delivery.

At the moment of delivery all the mandatory information, including the relevant labelling provisions from Sections 4 and 5 of the GSLPF, must be provided.

7. In your opinion, for pre-packaged food sold online, what information do you think should be provided before the sale is concluded online for pre-packaged food?

In your response, please make reference to the relevant labelling provisions from Sections 4 and 5 of the General Standard for the Labelling of Prepackaged Food (GSLPF) (CXS 1-1985, and/or any others that are not covered by GSLPF. http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCODEX%2BSTAN%2B1-1985%252FCXS_001e.pdf

Please give reasons for your response.

With the exemption of Date marking and lot number, all the information, including the relevant labelling provisions from Sections 4 and 5 of the GSLPF which is mandatory on pre-packed food sold in stores must be provided on pre-packed food offered for sale by means of internet sale or distance communication, before the sale is concluded. This also covers for example the indication of the alcohol content for drinks containing more than 1.2% by volume of alcohol and the nutrition declaration.

8. In your opinion, for pre-packaged food sold online, what information do you think should be provided at the moment of delivery only? That is, this information may not be available to consumers/purchasers before the sale is concluded online. For example, this could be when certain particulars could vary from product to product and/or are not known at moment of sale online (e.g. the weight of variable weight products, country of origin, date of minimum durability, etc.).

In your response, please make reference to the relevant labelling provisions from Sections 4 and 5 of the General Standard for the Labelling of Prepackaged Food (GSLPF) (CXS 1-1985), and/or any others that are not covered by GSLPF. http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCODEX%2BSTAN%2B1-1985%252FCXS_001e.pdf

Please give reasons for your response.

At the moment of delivery all the mandatory information, including the relevant labelling provisions from Sections 4 and 5 of the GSLPF, must be provided.

9. In your opinion, do you think that internet sales of non-prepackaged food (i.e. loose foods) should be within scope of any new Codex text on internet sales labelling? Please select one of the following options giving a reason(s) for your response:

- (i) Yes - if yes, what mandatory information from sections 4 and 5 of the GSLPF do you consider must be available, as a minimum, to consumers/purchasers before a sale is concluded online for non-prepackaged food (e.g. when food is purchased from a takeaway or other catering businesses)?
- (ii) No
- (iii) Other (please specify)

Please give reasons for your response.

YES.
Allergens information should be mandatory.

10. Please provide information on internet sales of food within your country/region, including the volume and value of such sales as a proportion/percentage of all food sales? If possible, please categorise the types of internet food sales that are prevalent (including any references from which the data is sourced).

In Greece, Convert Group (a company collecting raw data in real time from multiple online retailers) is monitoring regularly on line sales for several commodities (not limited to food). Based on the data provided for 2017, sales from online supermarkets/groceries amounts to 19.5 million € (without VAT), which account to 9.75 million € (50%) for food and 3.32 million € (17%) for liquids (coffee/tea/drinks/sodas). The sales are forecasted to reach 30 million € in 2018. Concerning foods (excluding food supplements), the results of this survey indicate that the first twenty food categories in the grocery basket are pre-packaged cheese (8.1%), food for babies/kids (5.7%), milk (5.6%), coffee (5.6%), fresh vegetables (5.3%), carbonated drinks (4.1%), fresh fruits (4.0%), yogurts (3.7%), water (3.2%), canned food (2,9%), meat preparation/products (2,.6%), alcoholic beverages (2.3%), chicken meat (2.2%), cereals (2.1%), beer (1.9%), olive oil (1.8%), pasta (1.8%), juice (1.8%), eggs (1,6%) and rice/legumes (1.6%).

In Greece, food supplements are mainly sold through another market channel ie pharmacies. Thus the results described above, do not provide information on the internet sales of food supplements.

A press release with the results of this survey can be found in the link <http://www.ielka.gr/?p=2339>, available in Greek.

In the UK, on the basis of data measured from 52 weeks ending 26/2/2017, 4.2%, of grocery spend was from online shopping. This is a 2% increase compared to 2016. Source: Kantar Worldpanel

Other information from an industry source in the UK indicates the following: online food sales increased from 4% in 2012 to 7% in 2017.

11. Please provide information on internet sales of food from your country/region across international borders including the volume and value of such sales as a proportion/percentage of all food sales. If possible, please categorise types of internet food sales that are prevalent (including

any references from which the data is sourced).

12. Please provide information on types of business models in internet/e-commerce food sales that are prevalent in your country/region. Please list all models that are currently practiced, and any data on their percentage of market share on internet food sales, e.g. (i) sales from a hosting web platform for multiple businesses, (ii) direct sales from food producer/manufacturer to consumers, (iii) direct sales to consumers via online supermarkets, (iv) sales between businesses, etc.

The 4 different types of business models are practiced in the EU: sales from a hosting web platform for multiple businesses; direct sales from food producer/manufacturer to consumers; direct sales to consumers via online supermarkets; sales between businesses.