



Criteria Art. 35 FIC Regulation for development FOP schemes: broad outline of views

SANTE.E1 – Food information and
composition, food waste

**Joint meeting with Member States and
Stakeholders on FOP nutrition labelling
22 October 2018**

DEVELOPMENT OF FOP SCHEMES : POTENTIAL ELEMENTS FOR CONSIDERATION AND FURTHER DISCUSSION

(a) they are **based** on **scientifically valid consumer research** and do **not mislead** the consumer (Art 7 Fair information practices)

'Based on scientifically valid consumer research'

- ✓ *Based on research work with scientific methodology (e.g. validated method, defined baseline, targeted audience, statistical analysis); independent science (involvement scientists); going beyond consumer survey*
- ✓ *Consumer research: Focus on understanding (see criterion d). Also check of non-misleading character? (how?)*

'Not mislead the consumer':

- ✓ *Art. 7: accurate, clear and easy to understand; not attribute effects or properties which it does not possess*
- ✓ *Coherence with conditions of use of corresponding nutrition claim (low in). Other cut-off points of schemes should also be non-misleading. Different views in case of TL scheme (per 100 g or per portion)*
- ✓ *Different views informative vs. interpretative/evaluative schemes*

*(b) their development is the result of **consultation** with a wide range of stakeholder groups*

- ✓ *Consultation at MS and/or EU level :*
 - ✓ *Public scheme: MS to consult relevant stakeholders in case of development/adoption of public scheme*
 - ✓ *Private schemes: involvement of authorities (Art 35(3)) and consumer organisations in each MS*
- ✓ *General agreement with list of interested parties: authorities, consumer and public health groups, other NGOs, FBO (producers, retailers), academia,...*
- ✓ *Consultation in open and transparent manner*
- ✓ *Different suggestions as regards type of consultation process (e.g. public consultation, impact analysis on companies)*
- ✓ *Suggestion of best practice methodology for consultation process*

(c) they aim to **facilitate** consumer **understanding of the contribution or importance of the food** to the energy and nutrient content of a diet

- ✓ *Provide a clear picture of nutritional importance of food in diet:*
 - ✓ *Facilitating understanding of nutritional characteristics of the food (incl.evaluation: different views)*
 - ✓ *Agreement that portion size information can be useful (excl. for defining colours)*
- ✓ *Aligned with dietary recommendations*
- ✓ *Should help consumers to make comparisons (facilitate identification of healthier food choices) within categories and/or between food categories:*
 - ✓ *Most consider that comparison within and across categories should be possible*
 - Different views regarding basis for comparison (100 gr vs. portions)*
 - ✓ *Nutrient-specific and summary schemes could co-exist*
- ✓ *Multiple schemes confuse consumers instead of facilitating consumer understanding*

(d) they are supported by **scientifically valid evidence of understanding** of such forms by the **average consumer**

- ✓ *Based on independent scientific evidence (scientific methodology)*
- ✓ *Demonstrating 'understanding', i.e. helping consumers make healthier choices, going beyond testing preference & liking*
- ✓ *Comparative studies: not explicitly mentioned in Regulation; recommended by some*
- ✓ *Testing impact on purchasing behaviour (impact on healthiness food selections): not explicitly mentioned in Regulation; recommended by some (e.g. experimental and/or real-life studies with scientific methodology)*
- ✓ *Research carried out with population samples that are representative of the population for which the new form is developed*
 - ✓ *Geographical scope: in MS / other MS / EU level ?*
 - ✓ *In MS in case of scheme developed by MS*
 - ✓ *Up to MS to decide in case of using a scheme developed by another MS*
 - ✓ *FBO scheme: case by case discussion*
- ✓ *Ideally across socio-economic groups and education levels*

*(e) other forms of expression are based on harmonised RI or in their absence on generally accepted **scientific advice on intakes** for energy or nutrients*

- ✓ *'Scientific advice' : what type of criteria to detail what can be understood as scientific advice to be discussed further*
- ✓ *Some stress usefulness of RI*

(f) they are **objective and non-discriminatory**

- ✓ *Designed in an objective way ; based on sound scientific evidence (incl. for the cut-off criteria); input from (non-conflicted) scientific experts*
- ✓ *Providing objective information allowing to assess and/or compare products*
- ✓ *Alignment with (international / national) nutritional recommendations*
- ✓ *Transparency of development process / scheme / cut-off criteria*
- ✓ *Specific nutritional criteria for different food categories to be justified objectively, on scientific/nutritional grounds*
- ✓ *Not discriminate against imported products*

(g) their application does **not create obstacles to the free movement** of goods

- ✓ *Art 34 – 36 TFEU*
- ✓ *Voluntary character of national recommendations should ensure the free movement of goods*
- ✓ *In case of harmonisation at EU-level, some argue for a mandatory scheme at EU level, others for a voluntary scheme*