

19 April 2023

**CODEX COMMITTEE ON FOOD LABELLING**

**(Forty-seventh Session)  
Gatineau, Quebec, Canada  
15 – 19 May 2023**

**European Union Comments on**

**Agenda item 6:**

**Proposed draft Guidelines on the provision of Food Information for  
prepackaged foods offered via e-commerce**

**(CX/FL 23/47/6 and CL 2023/07-FL)**

***Mixed Competence  
European Union Vote***

In response to the request for comments, the European Union and its Member States (EUMS) would like to make the following comments.

**I. Comments on specific points:**

**i) Review the proposed draft guidelines on the provision of food information for prepackaged foods to be offered via e-commerce (Appendix II) and consider whether it can be advanced to Step 5.**

Depending on the outcomes of the discussion at CCFL47, the EUMS will consider the possibility to advance to Step 5.

**ii) Review the status of the draft text as a supplementary text to the GSLPF and consider whether the text extends beyond the scope of the GSLPF.**

The EUMS do not consider that the proposed draft extends beyond the scope of the GSLPF and support the status of the draft text as a supplementary text to facilitate its implementation as agreed at CCFL46.

**iii) Review the proposed definition of e-commerce, as amended from the WTO definition, and consider whether:**

**(1) The definition should be adopted as proposed in the draft text.**

**(2) The unamended WTO definition should be used instead.**

**(3) A new specific definition is developed such as the one included in the text in square brackets.**

The EUMS support the WTO definition of e-commerce without the proposed amendments, which reads as follows:

“**e-commerce**” means production, distribution, marketing, sale or delivery of goods and services by electronic means.

**iv) Review the removal of the minimum durability period and small unit exemptions to consider whether:**

**(1) The minimum durability should remain removed or included as suggested in the first sentence of 5.3 in square brackets (Appendix II, Section 5. Food Information Principles).**

**(2) The small unit exemption should remain removed or included as suggested in the second sentence of 5.3 in square brackets (Appendix II, Section 5. Food Information Principles).**

**(3) The inclusion of 5.3 to sufficiently cover the removal of the above points.**

The EUMS support the removal of the minimum durability period, as this new concept may be confusing for consumers and would be very difficult to implement by food business operators. Consequently, the EUMS support the deletion of the definition of minimum durability in section 3, as it will not be used in the text.

The EUMS support the deletion of the small unit exemption. The EUMS consider that the exemption for small units only applies to information at the point of delivery given the limited space on the label/package. The information at the point of e-commerce sale allows for full information as it is not affected by the size of the unit. On the contrary, the EUMS consider that section 5 should clearly state that this exemption does not apply at the point of e-commerce sale and that complete information must be provided regardless of the size of the food product.

The EUMS do not support the addition of section 5.3. The EUMS consider that the reference to national rules is not appropriate in this context, as national rules could undermine the harmonisation process undertaken by this document.

## **II. Comments on other parts of the draft Guidelines on the provision of Food Information for prepackaged foods offered via e-commerce:**

The EUMS would like to reiterate the following comments sent in the context of the electronic working group in January 2023:

### **On section 1 ‘purpose’:**

A purpose section might be useful and add clarity but its content will also depend on whether this document is included as a supplementary text to the GSLPF or is a standalone guidance. In case the document will be kept as a supplementary text, the EUMS consider that the inclusion of a purpose section is not necessary.

### **On section 2 ‘scope’:**

The EUMS consider that it is sufficient to mention that the scope covers “*food information*” and that it is not necessary to add that it concerns “*certain aspects relating to the presentation thereof*”; this aspect being covered by the term food information.

For these reasons, the EUMS would like to propose the following changes to section 2:

~~“This supplementary text applies to the food information required, or provided voluntarily, on a product information e-page prior to the point of e-commerce sale for pre-packaged foods offered for sale via e-commerce, and to certain aspects relating to the presentation thereof, prior to the moment when a consumer commits to make a purchasing order.~~

~~It does not apply to information that is required on the label of prepackaged foods at the point of delivery for which the general standards are outlined within~~ The information required on pre-packaged food at the point of delivery is laid down in *the General Standard For Labelling of Prepackaged Foods* (GSLPF) (CXS 1-1985).”

### **On section 3 ‘definitions’:**

The EUMS are of the view that the definition of “food information” should align with the one used in the CCFL eWG on the Use of Technology to provide Food Information.

In line with the comments provided in the eWG on the Use of Technology to provide Food Information, the EUMS propose to amend the definition of food information as follows:

**“Food information”** means the information about a prepackaged food that is ~~the subject of a Codex text~~ 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.”

### **On section 4 ‘general principles’:**

No comments.

### **On section 5 ‘food information principles’:**

The EUMS consider that national rules should not be mentioned as referring to them could undermine the harmonisation process undertaken in this document. Therefore, the EUMS would like to propose the following changes to section 5.1:

“5.1 The food information required to be provided on the label of a pre-packaged food or in associated labelling, should be provided on the product information e-page of the pre-packaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in this, or any other Codex text.

This includes the following food information indicated in/by:

- Section 4 and Section 5 of the GSLPF (CXS 1-1985) except information required by 4.6 and 4.7.1;
- Section 3 of the Guidelines on Nutrition Labelling (CXG 2-1985);
- Any other relevant Codex text.;
- ~~Any national legislation.”~~

Furthermore, the EUMS do not support the principle laid down in section 5.2. Such statement would confuse the consumer and would imply that the information at the point of e-commerce sale is not complete.

For these reasons, the EUMS would like to propose the deletion of section 5.2:

~~5.2 A statement should appear on the product information e-page to the effect that the customer should check the food information on the physical label before consumption.~~

### **On section 6 ‘Optional food information requirements at the point of e-commerce sale’**

No comments.

### **On section 7 ‘Presentation of mandatory information’**

The EUMS agree with the principle set out in 7.2. However, the EUMS consider that the term “suitable” is unclear and therefore would like to propose the following changes to Section 7.2:

“The language or languages on a product information e-page shall be easily understood by suitable to the consumers in of the country in which where the food product is marketed and to which it may be delivered. When appropriate, additional language(s) product information e-pages may also be provided.”