

7 October 2014

**CODEX COMMITTEE ON FOOD LABELLING  
(42nd Session)**

**Rome, Italy, 21 - 24 October 2014**

**European Union Comments on**

**Agenda item 5**

**Proposed Draft Revision of the General Standard for the Labelling of  
Prepackaged Foods: Date Marking**

*European Union competence  
European Union vote*

The European Union (EU) would like to thank New Zealand and Australia for the draft review of the General Standard for the Labelling of Pre-packaged Foods (GSLPF) (CODEX STAN 1-1985) to address the issue on date marking and for their chairing of the related electronic working group (eWG).

**General comments:**

The EU believes it is of the outmost importance to have a clearer distinction between the Best before Date and the Use-by Date. The “Best before Date” should clearly make the reference to the quality attributes of the food in question, whereas the “Use-by Date” to the fact that it may be unfit for safe consumption after this date. The “Use-by Date” should only be used on foods which, from the microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health.

**Specific comments:**

In reply to recommendation **(1) Consider the proposed draft revision**, the EU would like to present the following specific comments:

**2. DEFINITION OF TERMS**

**Date of Manufacture:**

The EU considers that this information is mainly of interest to the food business operators rather than to consumers and it is not an indicator of the durability of the product. In particular, this information could be helpful in managing the stock or for the purpose of repackaging. Therefore, it could be provided in the context of business to business relations, in documentation accompanying the foods.

There are however some circumstances where this information is of use to the consumer, the implications of which we have set out in our comments on 4.7.1, sections ix – x below.

**Date of Packaging:**

The EU considers that this is a reference only relevant for the business to business communications.

**Sell by Date:**

The EU agrees on the deletion of the definition.

**Best before Date:**

The EU fully supports the retaining of this definition in the GSLPF. Date marking is a key element of foods labelling which aims to help consumers make safe and optimal use of food. In this regard, it is important to differentiate between the “quality” date and “safety” date. Each of these dates provides the consumer with different type of information. Both of them are however essential for consumers in terms of enabling them to make an informed choice with regard to the foods they are purchasing. The EU agrees on the proposed changes to the definition.

**Use by date:**

The EU fully supports the retaining of this definition in the GSLPF. We also agree on the proposed changes with the exception of the nutritional aspect included in the definition. In fact, foods which no longer deliver on a nutritional claim (e.g. lower vitamin content at the end of shelf-life) can still be safe to eat as such.

Therefore, the EU believes that the definition should be coherent. To this end the following amendment to the definition is proposed:

**“Use-by Date”** (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product shall be deemed to be unsafe and should not be sold or consumed ~~due to nutritional or safety reasons.~~

**4.7 Date marking and storage instructions**

In section 4.7.1 the reference to 4.7.1(vii) should be replaced by 4.7.1(viii) where the exemptions are listed.

Concerning section 4.7.1 (i), for reasons of consistency with the definitions, the EU proposes the following:

(i) When a food must be consumed before a certain date to ensure its safety ~~or nutritional adequacy [for a particular population group for which the product is intended]~~ the “Use-by Date” shall be declared.

The EU considers that “use-by date” should only be used on foods which, from the microbiological point of view, are highly perishable and are therefore likely -after a short period of time- to constitute an immediate danger to human health (date based on safety reasons).

Concerning (ii) the EU agrees with the proposed text.

Concerning (iii) the EU proposes the following modification:

(iii) From the date that the date marking is applied:

- On products with a durability of not more than three months the day and month shall be ~~declared~~ **sufficient**; and
- On products with a durability of ~~more than~~ **between** three months **and eighteen months** the month and year shall be ~~declared~~ sufficient. ~~If the month is December, it is sufficient to indicate the year.~~
- **On products with a durability of more than eighteen months the indication of the year shall be sufficient**

Concerning (iv) the EU supports the proposed text, but suggests the following change: "The date shall be ~~declared~~ **preceded**".

Concerning (vi) the EU believes that requiring the year to be denoted by 4 digits would create an unnecessary burden for food business operators. In order to provide more flexibility, the EU believes that this section should be redrafted as follows:

(vi) The day and year shall be declared by uncoded numbers with the year to be denoted by **either 2 or 4** digits, and the month shall be declared by letters or characters **or digits**.

Concerning (vii) the EU can support the proposed text.

Concerning (viii) the EU fully supports the proposed text.

Concerning (ix) and (x) the EU believes that a good balance should be found between the best provisions to ensure consumer understanding and a certain degree of flexibility. The EU considers that the indication of more than one or several dates on the label can lead to consumer confusion as to the meaning of the different dates and erroneous understanding of the durability of a food. The EU agrees that either, but not both of a "best before date" or a "use-by date" should be used on food labels. However, some types of date marking, such as a baking date for a bakery product or a freezing date for a frozen product or date of manufacture for products such as those that mature during their normal shelf-life, may convey useful information on the freshness and/or quality of a product. The EU questions the need to prohibit additional voluntary information to consumers when such information can help them in their food choices and in some cases is useful to understand aspects of the food in question. To provide this flexibility, (ix) should be deleted, and (x) should be redrafted as follows: "only one of either 'best before' or 'use by' should be used on a product at any one time".

Concerning section 4.7.2 the EU agrees with the proposed text.

In reply to recommendation **(2) Recommend a process for consideration of additional guidance materials**, the EU agrees on the need to ensure a common understanding and a consistent implementation of the concepts underlying date marking. However, the EU believes that the proposed draft revision to the GSLPF will in itself improve such common understanding and additional guidance material may not be needed in the immediate future.

At this stage the priority should be the consumer education on the proposed new rules. Nevertheless, at a later stage CCFL should re-evaluate the need for further guidance material.

In reply to recommendation **(3) Consider the process for addressing the issues raised by the eWG to be addressed in phase two**, the EU suggests taking the same approach that has been followed for the work achieved in phase 1, i.e. establishing an electronic working group to address the remaining issues and, if necessary, a physical working group in conjunction with the next CCFL session.