



Brussels, 14 December 2007

UEAPME position on the European Commission's

Proposal for a Regulation on the Provision of Food Information to Consumers

The UEAPME working group on foodstuffs, consisting of food experts from 8 European member states, representing about 1,5 million food producing SMEs, has discussed this draft and submits the following position paper.

In general members of UEAPME see this proposal as a massive increase in the legal requirements and administrative burden on small food business. It is not a simplification. On the other hand UEAPME members do not see it as providing any meaningful and useful extra information to the majority of consumers.

UEAPME sees no good reason to change the position declared in a submission to the European Commission dated 15 June 2006, where a clear distinction was proposed between compulsory and voluntary labelling necessities.

UEAPME-members feel this draft is not up to the expected standard of a Commission Regulation. There are definitions missing, exemptions are not clear and the mandatory obligations are so scattered as to make the document difficult to understand and easy to misinterpret.

SME mostly don't produce in a standardised way. They produce a big variety of food and have to change their production within short time. Therefore it is not possible to apply the same schemes for SMEs and big food producing enterprises.

In reference to the proposed draft on the provision of food information to consumers we would make the following points:

Explanatory Memorandum 2
Consultation of interested parties

The document shows that it is too often written from the point of view of the consumer, e.g.:

"Some consumers require or prefer a comprehensive overview of the nutrient content, while others have concerns regarding only a fraction of this. Consumers and public health NGOs want mandatory full nutrition labelling that is easy to understand".

Labelling has not only to be easy to understand for the consumer, but it also has to be performable and particle for SMEs.

Whereas 31:

"(....) Research has indicated that consumers find the information in the principal of view or "front of pack" is useful when making purchasing

decisions (.....)".

To be deleted.

Justification:

"Front of pack" is impractical e.g. in bakery and pastry shops. It weakens considerable the image of "craftsmanship".

Whereas 34:

"Member States should retain the right, depending on local practical conditions and circumstances, to lay down rules in respect of the provision of information concerning non pre-packed foods. Although in such cases the consumer demand for other information is limited, information on potential allergens is considered very important. Evidence suggests that most food allergy incidents can be traced back to non-pre-packed food. Therefore such information should always be provided to the consumer."

Providing allergy-information on non-pre-packed foods is newly introduced in this article. Therefore it is necessary for SME's to have a long period of implementation.

Article 1.3

speaks of "all foods". This seems to apply to foods sold loose through both retailers and caterers. Such an interpretation is totally impractical and we would strongly oppose it. This is in the light of the definition in annex 1.A.5 which specifies restaurants, clubs and schools. It has to be clear that article 1.3 refers to the scope of the regulation. That does not mean that all rules apply to all (pre-packed and unpacked) products. The list of exceptions must be well defined.

The "all foods" definition has exemptions in annex IV, but this needs considerable additions, particularly for delicatessen and specialist retailers and caterers. The exemptions for unpacked foods and foods pre-packed for direct sale to the consumer need to be made more clear.

Article 5.1.b.iii

is quite unrealistic. No label can define the health impacts of consuming too much or too little nor of not processing the food properly for every consumer. The whole of Article 5 should be referred to Annex II so that it is clear that it applies to the declared allergens. Otherwise it is too unspecific. We are strongly against the mandatory allergen labelling of foods sold loose. The declaration of allergens with unpacked products is a severe burden for SMEs.

The declaration of special products which are free of allergens will be a more appropriate way to solve this problem. In that way the customer is informed, but it's not necessary to analyse every product.

Article 6.3

"Food information and presentation shall be accurate, clear and easy to understand for the purchaser."

SMEs must be allowed to interpret article 6.3 in a way that suits their possibilities.

Article 7

Responsibilities

The article appears to put the responsibility for accurate labelling on the retailer rather than the producer. This again is unrealistic as few small retailers will have the knowledge or information to ascertain the accuracy of a label. We recommend that this article be rewritten. Being the last link in the chain, SMEs are responsible for providing the information. When this concerns pre-packed products without further treatment, there will be no problem. Those products will already be labelled and can be sold as such. Where further treatment is involved, there might exist a problem in completing the information. Therefore it's important that the producer of the ingredients/products informs his buyers well on what's to declare for their customers. This has to be done in a way that's practical for the supplier/producer.

Article 9.1

"... the particulars listed in Article 8(1) shall be printed in characters of a font size at least 8 points ..."

To be deleted.

Justification:

The font size of labelling cannot be fixed by law. It is impractical to fix the font size and at the same time the amount of information requested.

Article 10.1

speaks of "at the point of use". This needs some clarification. How would it apply to items such as bread and cakes sold not pre-packaged? This too is impractical. It would appear that it covers even foods in domestic kitchens. For many small producers there is no reason why such information may not be given verbally to the consumer at the point of sale. The regulation states that certain information about the products must be available for the consumers at home in order to use, store or handle the product at home. This rule applies only to pre-packed products. It's important that the existing exceptions for unpacked products remain. Furthermore it's important that it is not mentioned in what way this information must be given, so that leaves space for flexible solutions (website, folders, receipt etc.).

Article 11.1

"When foods are pre-packed, mandatory food information shall appear on the package or on a label attached thereto".

and:

Article 11.2

"In the case of foods referred to in Article 10 (2), mandatory food information shall appear on the material supporting the distance selling or be provided through other appropriate means."

These two articles are contradictory. Flexibility must also be managed for pre-packed products.

Article 20

appears to prohibit some foods being sold by number rather than by weight. This could discriminate against craft bakeries and some fruit and vegetable retailers. *There is a list of products for which it's allowed to indicate the quantity in numbers (see also remarks on Annex VIII). It's important that already existing rules on this point are being maintained.*

Article 22.3

"Where the origin of the food as determined in accordance with paragraph 2 is not the same as the origin of its primary ingredient(s), the origin of those ingredient(s) shall also be given, except for multi-ingredient foods for which no ingredient significantly predominates or for foods where it is obvious to the consumer that the primary ingredient(s) cannot originate from the indicated origin."

The description has to be specified.

Many problems can be expected from this vague description. It is not clear what this means. Where do grain/wheat/flour in bakery products stand in this point of view? → See also "Definition of category of food", Annex VI, part B.

Article 22.4

"For meat, other than beef and veal, the information on the origin shall be a single place origin only where animals have been born, reared and slaughtered in the same place. In other cases, where origin information is provided, information on each of the different places of birth, rearing and slaughter shall be given."

New wording is necessary:

"For meat, other than beef and veal, the information on the origin can be a single place origin ~~only~~ where animals have been born, reared and slaughtered in the same place. In other cases, where origin information is provided, information on each of the different places of birth, rearing and slaughter can be given."

Justification:

The article specifies where some meats have been born, reared and slaughtered should be declared. This is unrealistic for sheep and poultry. It should not be mandatory because there is no health or safety benefit to the consumer. It is a regional policy whereas food safety is a EU policy. Too much information will result in less informed consumers. UEAPME members accept Article 22.2 where the "substantial change" criterion is specific: *"Without prejudice to specific Community provisions applicable to particular food, information on the origin of a food shall refer to the place of the last treatment or process resulting in a substantial change."*

Article 22.5

"In the absence of Community provisions Member States may require the origin of a particular food to be given in case of an evidence based request from consumers and provided that it is generally accepted that the provision of this information can substantially influence consumers' actual behaviour due to the link between certain qualities of the food and its origin or to other environmental or ethical considerations, in accordance with the procedure laid down in Article 36."

To be deleted.

Justification:

The formulation is far away from being litigable. The article opposes all European legislation on the creation of a free internal market, especially intentions of the Treaty establishing the European Community (TEC) on the free movement of goods.

Article 25

Nutrition declaration

To be deleted.

Justification:

This article is unrealistic and unworkable for craft producers and caterers who use those ingredients to hand rather than standardised components. In these circumstances it would be impossible to state exact amounts of nutrients for every product. UEAPME members do not agree on mandatory requirements for nutritional information as this would be too costly to generate accurately.

Article 27

Presentation of nutrition declaration

To be deleted.

Justification:

The remark on article 25 counts also for article 27.

Annex IV

should exempt delicatessens *for* declaration requirements. It could be very difficult for them to comply because they are producing goods on demand to the customer's recipe.

Annex VIII.4

needs adjustment. It would imply that every packet of toffees must have the exact number of wrapped sweets included. This point needs further explanation and specification, because bakery and pastry shops sell a lot of products which are offered "by number".

UEAPME welcomes this first attempt to rationalise the food labelling regulations but rejects aspects of the current draft as being unworkable, impractical and overly expensive.

In summary UEAPME members feel this draft is poorly thought through and in places quite impractical. While UEAPME supports many of the things the proposal appears to seek to do, this document lacks the clarity and definition which UEAPME would have expected.
