



Fødevarer

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# Advocacy and EU Food Law

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# Outline

- Challenges and Advocacy strategies applied in the food sector
- EU Food Law
  - Labelling (Food information to consumers)
  - Country of origin
- Alternatives to legislation within Public Health
  - EU Platform of Health, Diet and Physical Activity
  - Public Private Partnerships

# Food Information to Consumers

- New labelling regulation can be applied from December 2011
- Significant changes from previous legislation
  - One regulation - simplicity
  - Font size
  - Allergen labelling
  - Origin labelling – and much more to come
  - Mandatory nutrient labelling
- Must be applied from
  - December 2014 - general labelling requirements
  - December 2016 – nutrient labelling requirements

# Challenges

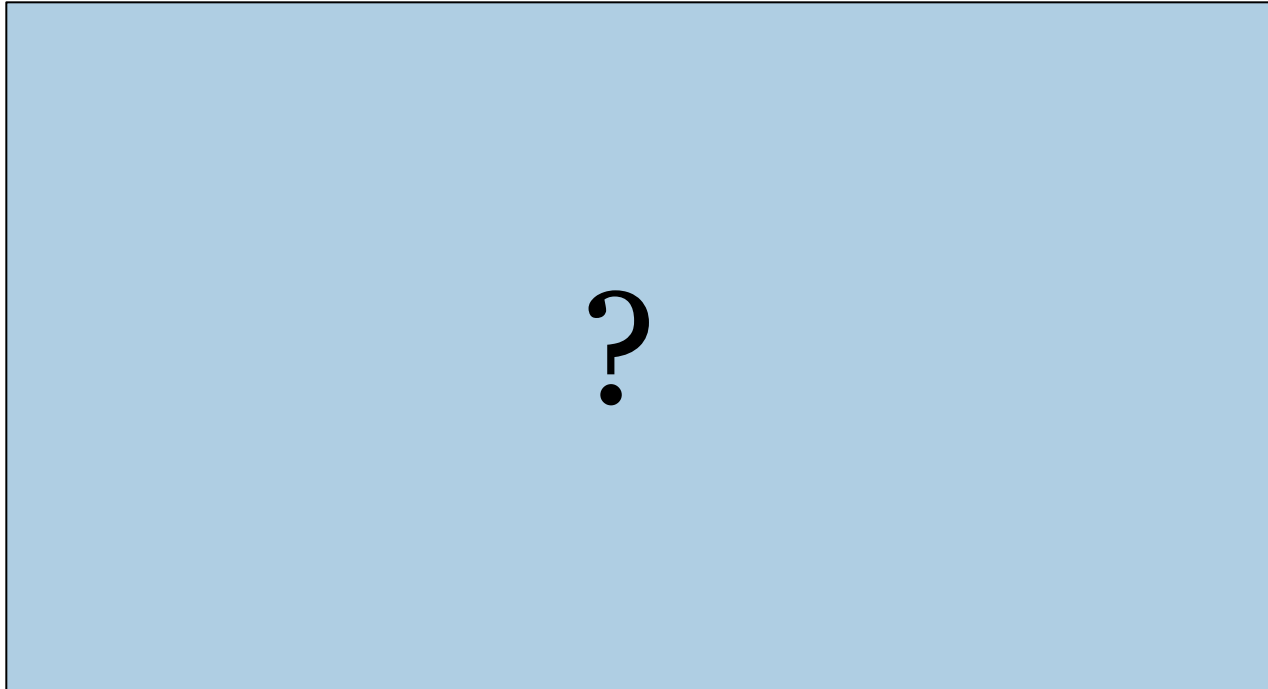
- Companies experienced challenges in implementation
- Many interpretation issues
- Member states don't agree on interpretation



No harmonisation

- Issue:
- Urgent need for implementation to comply with regulation in time
- Need to push for European guidance
- As of January 2013:
- Commission Q&A – on some issues – most controversial taken out  
Not a guidance document

# What have we done?



# Advocacy Strategy - Regional level



# Step by step

- Working group under Food Drink Europe

- Develop positions on issues
- Hearing among members
- Discussions at meetings
- Revision of positions
- Develop guidance document

Do we agree?

Are all relevant topics covered?

- Member state organisations

- Provide positions and guidance documents to national authorities
- Asked for feedback
- Reporting to Food Drink Europe

Do the Member states agree?

Can we influence member states' interpretation?

# Step by step – continued

- Commission
  - Seek agreement in interpretation
  - Final decision on type of document and wording and Q&A
- National authorities
  - Discuss interpretation with the Commission at Working Group Meetings
- Food Drink Europe
  - Ongoing discussions with the Commission
  - Use of hieratic
  - Seek agreement with retailers on interpretation
  - Seek support in EU Parliament
    - Questions to the Commission

What is possible to agree on?  
Seek compromise

Influencing.  
Are we in line?  
Can we speed up the process?



31 January 2013

## Questions and Answers on the application of the Regulation (EU) N° 1169/2011 on the provision of food information to consumers

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### 1 Introduction

On 25 October 2011, the European Parliament and the Council adopted Regulation (EU) No 1169/2011 on the provision of food information to consumers (hereinafter, the 'FIC Regulation'). The FIC Regulation modifies existing food labelling provisions in the Union to allow consumers to make informed choices and to make safe use of food, while at the same time ensure the free movement of legally produced and marketed food.

It entered into force on 12 December 2011. It shall apply from 13 December 2014, with the exception of the provisions concerning the nutrition declaration which shall apply from 13 December 2016.

Following an informal working practice, the Commission's Health and Consumer Directorate General has set up a Working Group with experts from Member States in order to provide answers to a series of questions concerning the application of the Regulation.

This document aims at assisting all players in the food chain as well as the competent national authorities to better understand and correctly apply the FIC Regulation. However, it has no formal legal status and in the event of a dispute, ultimate responsibility for the interpretation of the law lies with the Court of Justice of the European Union.

# Country of origin

- Mandatory labelling of country of origin
  - Where it is indicated by vertical EU legislation (beef, olive oil, honey etc.)
  - If considered misleading not to inform the consumer
- Where the place of origin is not the same as the primary ingredient
- Where the place of origin is given, but different from that of the primary ingredient
  - Country of origin of primary ingredient – different from the food
- Meat from swine, sheep, goat, poultry (fresh, chilled or frozen)
  - Implementing measure no later than 13th December 2013 – as on beef?
  - Evaluate implications no later than 5 years after implementation

# For consideration

- Meat used as an ingredient
  - Reporting by December 2013 (Impact Assessment now)
- Meats other than beef, swine, sheep, goat, poultry
- Milk, milk as an ingredient in dairy products
- Unprocessed foods
- Single ingredient products
- Ingredients that represent more than 50% of a food
  - Reporting by December 2014

Council and  
Parliament to  
decide.....

# Implications of origin labelling

- Sourcing and efficiency in supply chain
- Complexity and space issues in labelling
- Increased cost: Packaging material, controls etc.

We are not in favour.....  
But we have to accept it when related to safety

- **Pizza bolognaise**
- Product sold as “Pizza bolognaise with salami, mushrooms & olive oil”
- Ingredients usually associated with the name of the food by the consumer are: salami, mushrooms and olive oil (appearing in the name of the product) as well as tomatoes and meat as contained in the bolognaise sauce.
- *Ingredients: Wheat flour, 24% Bolognaise sauce (containing: water, 45% Tomatoes (EU: Italy, Spain or Portugal, non-EU: Turkey), 12 % Pork (EU: born in Germany, The Netherlands, Belgium or France, raised and slaughtered in Belgium or France), 12% Beef (EU: born in France or Belgium, raised in Belgium, slaughtered in Belgium or Germany, non-EU: Brazil, Argentina), Tomato concentrated (EU: Italy or Greece, non-EU: Turkey), Herbs, Antioxidant: trisodium citrate, Stabiliser: guar gum, Modified maize starch, Spices) , 9% Salami (Pork (EU: born in The Netherlands, France or Spain - raised in France or Spain – Slaughtered in France or Spain), Beef (EU: born in France, raised in France or Belgium, slaughtered in France, Belgium or The Netherlands, non EU: born in Argentina or Brazil, raised and slaughtered in Brazil), Pork fat (EU: born in The Netherlands or Belgium, raised in Belgium, The Netherlands or Germany, slaughtered in Belgium, The Netherlands, Germany or France), Glucose, Herbs, Spices, Antioxidant: sodium ascorbate, trisodium citrate, Beef connective tissue (EU: born in France, raised in France or Belgium, slaughtered in France, Belgium or The Netherlands, non-EU: born in Argentina or Brazil, raised and slaughtered in Brazil born Italy), Preservative: sodium nitrite and potassium nitrate, Pork natural casing (EU: born in France or Spain, raised in France, Spain or Portugal, slaughtered in France, Spain, Portugal, Belgium or The Netherlands, non-EU: Brazil, Argentina or USA), smoke, ferments), Partially skimmed milk, 6% Mushrooms (The Netherlands or Belgium), 2.8% Olive oil (virgin and extra virgin) (EU: Italy Greece), Tomato concentrate (EU: Portugal or Greece, non-EU: Turkey or USA), Spices (with irradiated cayenne pepper), Margarine (partially hydrogenated vegetable oil and fats, cheese whey, emulsifier: soya lecithin and mono- and diglycerides of fatty acids esterified with lactic acid), Onions, Sugar, Salt, Modified wheat starch, Raising agents: disodium diphosphate and sodium bicarbonate, Yeast, Emulsifier: soya lecithin, Beef fat (non-EU: born in Argentina and Brazil, raised and slaughtered in Uruguay), Milk proteins, Emulsifying salts: sodium diphosphates and –citrates, Natural cheese flavouring, Lactose, Mustard seed.*

# What do we do?

- Work to
  - Influence impact assessments/report
  - Ensure consequences are documented
- Voluntary origin labelling
  - Implementing act
  - Impact assessment
- Longer term
- Influence Members of Council and Parliament
  - National and European Level

Mobilize Members

Be careful not to  
promise too  
much if possible



## The horsemeat scandal



# Coordinate efforts at European level

- Trustworthy partner in solving the issue
- Fraud, unintended contamination, safety concern
- Traceability – taken care of by regulation
- Nothing to do with origin labelling, but.....

Used by consumer organisations  
to promote the need for mandatory  
origin labelling

.....spinning.....



## **STATEMENT**

Brussels, 22 February 2013

### **FoodDrinkEurope: “Fraud in processed beef foods must be stopped, we will do all we can to help authorities to stamp it out”**

FoodDrinkEurope, the representative body for Europe's food and drink manufacturers, welcomes the EU's *coordinated control plan to establish the prevalence of fraudulent practices in the marketing of certain foods* as a positive sign of a harmonized approach in the framework of the EU Single Market. This is part of a series of investigations into fraud in the processed meat supply chain which are needed to restore consumer confidence and to find the culprits.

The mislabelling of beef products containing horse meat is a serious matter of criminal fraud and will not be tolerated.

Food business operators have robust traceability systems in place (as required by EU law) to ensure the integrity and authenticity of their raw material in the manufacture of safe, high quality, tasty and affordable food products and drink products for consumers. As such, a few dishonest operators cannot be permitted to break the law and seriously undermine the reputation of an entire food sector. Europe's food manufacturers will endeavour to work together with national and European authorities and their food chain partners to help to identify the source of the problem, a problem which is having disastrous effects on our members and is quite rightly causing worry and concern to our consumers.

We would also seek to point out that no end of regulatory measures, be they regulations on traceability (already legally required and in place) or country of origin labeling (under discussion) would have any impact on those determined to carry out such illegal activity.

-ENDS-

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# Longer term happened to be now!

- Commissioner Borg announced yesterday report on origin labelling of meat as an ingredient will be finalized before time....
- Meet in Brussels on Monday to discuss next steps
- On-going meetings at all levels of institution in the EU
- Commission, Parliament and Council

# EU Platform - with implications for food businesses

- Platform for action on diet, physical activity and health
- Forum for European level organisations
  - 33 members
  - Food industry to consumer protection NGOs
- Commission led platform
  - Example of coordinated action by different parts of society that will encourage national, regional or local initiatives across Europe
  - More than 300 commitments that are monitored on an annual basis
  - For instance voluntary labelling, school meals, education etc.

# High Level Group of EU Platform

- Own projects on reformulation of foods
  - Salt , trans fatty acids, saturated fats, other
- Establish cross-national goals
- National strategies to achieve goals
- Implementation of WHO strategies on prevention of
  - High blood pressure, diabetes, cardiovascular disease, cancers
  - Combating the obesity epidemic

# High level of industry involvement

- To show we are a responsible industry
- To prevent legislation
  - Reformulation
  - Marketing practices
  - Labelling schemes

Projects including surveys among members as advocacy strategy

# Danish approach to salt-reduction in population

- Public Private Partnership
- Approach applied before to
  - Increase intake of fruit and vegetables
  - Increase intake of wholegrain

# What is a Private Partnership?

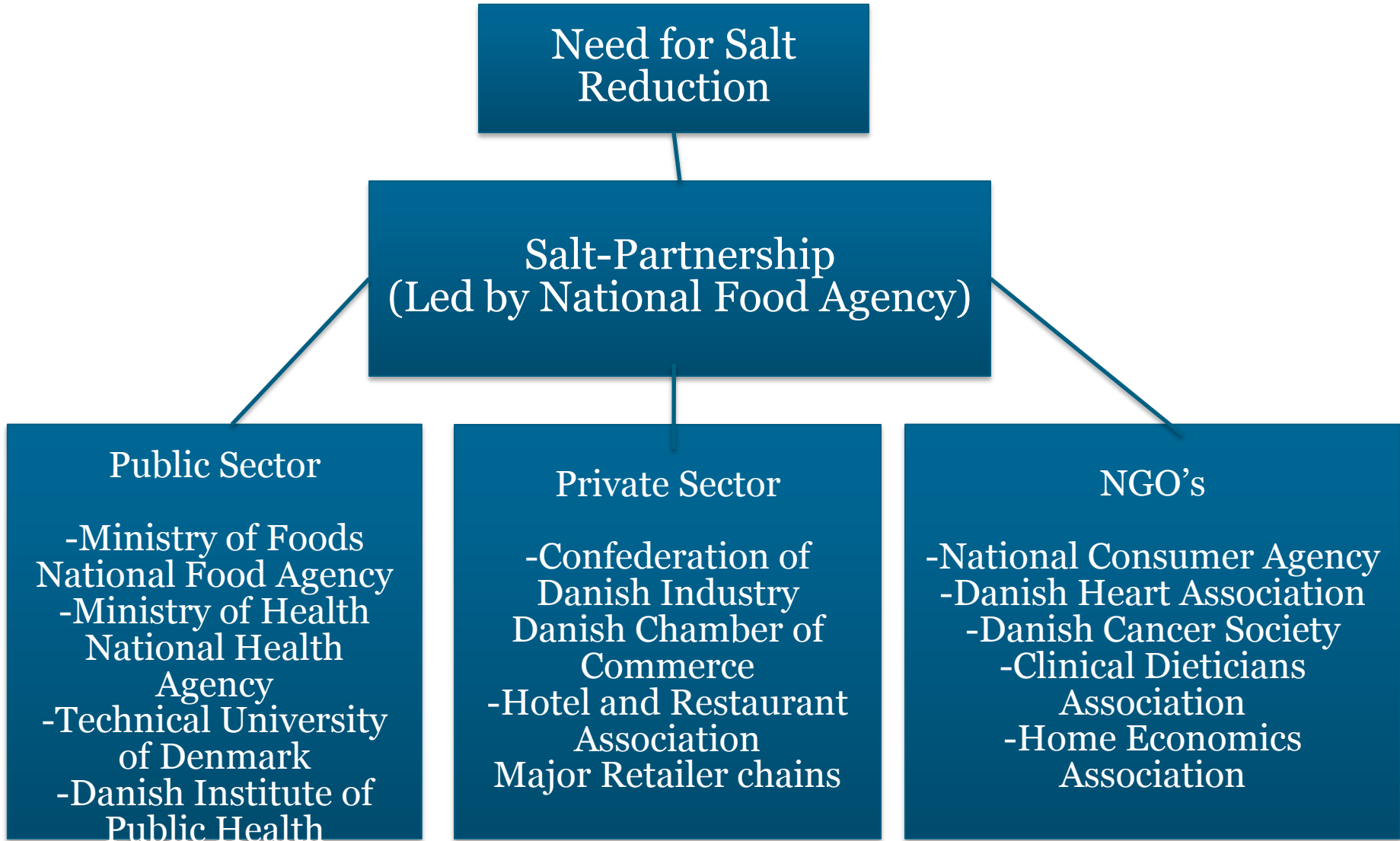
- Cross sector collaboration
  - Public sector
  - Private sector (business sector)
  - NGO (civil society)
- Common Goals
  - shared goals - individual goals
- Formalized in an agreement

# Why Public Private Partnerships

- Three sectors collaboration as a key to success
- An ability to combine strengths to solve problems no sector can solve by itself
- Acknowledge qualities and competences of each sector
- Synergy
- A question of philosophy
  - Single sector approach is blaming
  - Thus, unconstructive



# The Danish Salt Partnership



# Goals

## • Common

- Reduce average salt intake by 3 gram in 2014
- Improve public health
- Decrease costs related to health care/social benefits

## • Individual

- Depends on the organisation!
  - Promotion of individual organisations
  - Plus+

# Strategy

- Decrease content of salt in processed foods
- Labelling of salt content (Legislation from 2014/2016)
- Decrease intake of salt in foods eaten outside the home
- Increase awareness of the importance of salt in disease prevention in the population at large and among healthcare and foodprofessionals
- Monitoring of changes in salt intake

# Process

- Initial focus of Government
  - Collaboration with individual companies to make them reduce the salt content in their products
  - Five categories of food
    - Meat, Cheese, Bread, breakfast cereals, fast foods
  - Too limited in scope
    - Products
    - Activities
- Change of approach to partnership

# Process, continued

- Identified relevant partners
  - Agreed on common goals
  - Strategy
- Signed agreement
- Decision on management
  - Project groups within partnership
  - Salt reduction targets for industry, communication, professionals, monitoring
  - Joint meetings for status (3 x year)

# Process, continued

- On going planning, implementation and evaluation of activities
- Ad hoc allocation of resources in line with strengths of organisations
- Ongoing evaluation of partnership and progress towards agreed targets

In time:

Close down or hand over to some of the participants

# Industry role in partnership

- Participate in the establishment of salt reduction targets for 80 product categories
- Provide data on the salt content in foods
- To ensure salt reduction targets are realistic for companies
- To ensure partners are aware of the challenges related to salt reduction
- To push for incentives for companies to reduce salt content in their products
- Claiming of participation and benefits of salt reduction
- Influence communication strategy

# Participation dilemmas

- How to best serve the interests of the industry
  - Short term
  - long term
- Initially
  - To participate or Not to participate (or form partnership)
- When decided to participate:
  - Which activities to push for/try to prevent
  - How much to push members to deliver
  - What does it takes to leave?
  - Consequences of leaving?



# Ongoing risk/benefit analysis

Risk	Benefit
<p>Members can't/won't deliver -Loss of credibility</p> <p>The organisation or its members don't approve of activities the partnership is doing -For instance content of communication</p> <p>Lack of trust in partners Illoyal behaviour of partners</p> <p>Low return of investment</p>	<p>Access to knowledge, people, influence</p> <p>Less negative media coverage -better chance to prepare response</p> <p>Built relations with public officials and NGO's</p> <p>Spill over of credibility from other partners</p> <p>Less advocacy for legislation</p> <p>Self-regulation works</p>

# Partnerships as advocacy strategy

✓ We believe in it

# Implications for trade

- Might require different products for different markets – add complexity and costs
- The targets are also valid for all imported foods
- We accept to avoid legislation related to foods on grounds of public health nutrition
- Up to the countries to decide
  - How they will prioritize reformulation
    - salt, saturated fats, trans fatty acid
  - How they will work towards the EU targets

# Nutrition is moving up on the agenda

- Mandatory nutrition labelling
  - Guidance on tolerances to be applied in control
- Health claim regulation in place
  - Article 13 list of authorized health claims to be used in advertising
- Fight over Front of pack labelling
  - Commission to report (and suggest legislation) in 2 years
- EU Platform and High Level Group
  - Re-formulation
- Other
  - Taxation on specific foods and/or nutrients in foods
  - Limitations in advertising to children

# To conclude

- Labelling
  - New simpler legislation in place
  - Still many unresolved issues
  - Country of origin is one of them
    - Commission Q&A
- Nutrition
  - Gaining importance as impact on health is becoming more acknowledged
  - Mandatory Nutrient Labelling & Health claims regulation
  - EU Platform initiatives

# To conclude

- Advocacy Strategies
  - National – Regional collaboration
    - Food information to consumers
    - Country of origin
- Projects
  - Public Private Partnerships
  - Salt in Denmark

Advocacy Strategies must  
-be focused  
-tailor made  
-strategy based  
-apply multiple approaches