



Minutes of the

Joint meeting on front-of-pack nutrition labelling between Working Group of the Standing Committee on Plants, Animals, Food and Feed - Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC) & Advisory Group on the Food chain, Animal and Plant Health

23 April 2018, 10.00-16:30
Brussels, Charlemagne building

1. Introduction

Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC) requires the Commission to adopt a report on the use of additional forms of expression and presentation of the nutrition declaration, their effect on the internal market, and the advisability of further harmonisation in this field. The adoption of this report, foreseen in the FIC Regulation by 2017, has been postponed to the end of 2018 with a view to include the experience with recently introduced/developed front-of-pack (FOP) nutrition labelling schemes.

According to Article 35(4) of the FIC Regulation, the Commission shall facilitate and organise the exchange of information between Member States, itself and stakeholders on matters relating to the use of additional forms of expression or presentation of the nutrition declaration. To this end, and with a view to provide input to the Commission report, the Commission decided to organise a series of joint meetings between the Working Group of the Member State Competent Authority experts on the FIC Regulation and the members and permanent observers of the Advisory Group on the Food Chain and Animal and Plant Health. Interested members of the EU Platform for Action on Diet, Physical activity and Health are also invited to the meetings.

The aim of these joint meetings is to focus the discussions on the technical aspects related to FOP nutrition labelling, including discussion of existing schemes and their usefulness for consumers. The first meeting took place on 23 April 2018 and will be followed by other meetings on this topic. The meeting was chaired by the DG SANTE Head of Unit for Food information and composition, food waste.

2. Topics discussed

2.1. Context and update by the European Commission

- **Context of the EC report on FOP nutrition labelling**

The **Chair** reminded the legislative framework and the context of the Commission report on front-of-pack (FOP) nutrition labelling. The Chair explained the objective of the joint meetings which is to facilitate exchange of information between Member States, stakeholders and the Commission on FOP nutrition labelling. The Chair also informed participants of ongoing work at CODEX level to develop guidelines on the use of FOP nutrition labelling.

- **Update ongoing JRC study on FOP nutrition labelling schemes:**

JRC explained that DG SANTE tasked the JRC to conduct a literature review and gather further information on FOP nutrition labelling systems, including their features and their use, consumer understanding and behaviour, public health benefits and other potential effects of the introduction of FOP schemes (such as product reformulation and impact on the market). JRC further explained the state of play of the study, including the preliminary overview of FOP schemes and invited participants to highlight any incorrect information and to send any missing information.

Questions & Answers:

On the question of **DE** whether all positive labels listed in the JRC's overview are to be considered as nutrition claims, the **Chair** replied that defining the legal status needs to be done on a case by case basis.

BE requested JRC to modify the overview table as regards the Choices logo; the logo was indeed present on the Belgian market but is not used anymore, and in any case the label has never been officially endorsed by Belgium.

BEUC questioned the reference to the research mentioned in JRC's overview table regarding the ENL scheme. **ENL** representatives confirmed the information in the table.

Following **FDE**'s request for more information on the methodology to be used for the JRC study, that was considered challenging - especially since evidence, in particular as regards the public health impact, is scattered - JRC provided further information and explained that the JRC is aware of the challenge to link any change/improvement in public health back to single measures (such as the introduction of FOP schemes); the JRC referred to similar discussions in the frame of the EU Platform for Action on diet, physical activity and health when discussing how to demonstrate the link between reformulation and public health.

The **Chair** confirmed the complexity of the ongoing work to look into evidence and effects of FOP nutrition labelling schemes.

Copa-Cogeca welcomed the inclusion of consumer behaviour in the study and suggested to look at the impact on the overall diet, which JRC confirmed.

As regards the impacts to consider, **ENL-Mondelēz** further suggested to distinguish between consumers' intentions and real behaviour as well as between purchase (sales) figures and food consumption data.

EuroCommerce noted that certain schemes have undergone an evolution in their design which adds complexity to the study and suggested to look also into the effect of the presentation of multiple FOP schemes on a single product.

PL asked JRC to delete reference for Poland to a potential traffic light scheme from the overview. **PL** further explained that a French supermarket chain plans to introduce Nutri-Score on the Polish market. **PL** also requested to include in the table reference to the nutrition logo called SENS, introduced by Carrefour Poland on its own brand food products; the logo informs consumers about the recommended frequency of consumption of the product concerned. **PL** also referred to a recent study on consumer understanding and perception with regard to FOP labelling that might be a useful contribution to the JRC study and EC report.

EPHA suggested analysing how FOP schemes fit into broader approaches for promoting healthy diets.

As regards the effect on reformulation of introducing schemes, **EDA** noted that for some products (such as butter) reformulation is not possible. JRC invited EDA to send any information that can be useful for the study.

2.2. FOP schemes developed by EU Member States

- **The Nordic keyhole scheme**

The Swedish National Food Agency, owner and manager of the brand, explained the keyhole label, introduced in Sweden in 1989. The label is now also used in Denmark, Norway and Iceland (part of the Nordic working party on the keyhole) as well as in Lithuania and Macedonia. It is a voluntary label highlighting the healthier alternative within a product group. Its primary aim is to help consumers to identify the healthiest choice in each of the 33 product categories covered by the scheme, in line with the Nordic nutrition Council recommendations. It also aims to stimulate manufacturers to move product development in a healthier direction; results of a 2015 study were presented.

- **The UK FOP labelling scheme**

The UK's voluntary front-of-pack nutrition labelling scheme was presented by the UK Ministry of Health & Social Care. The scheme was formally introduced in 2013, based on 12 years of research, modelling and stakeholder engagement. The scheme combines colour coding, determined on a per 100 g/ml basis, and percentage reference intakes. The scheme is adopted by two-thirds of the packaged food and drink market in the UK. Recent research from Kantar showed that people that look at FOP labels have healthier shopping baskets. In November 2016, a revised guidance was published to help retailers improve consumer awareness on the FOP labelling scheme.

- **The French Nutri-Score scheme**

The Nutri-Score scheme, presented by the French Ministry for Social Affairs and Health, is a voluntary 5-color FOP nutrition labelling scheme, based on a score calculated according to the quantities of nutrients to limit and nutrients to encourage within the product. Its primary aim is to help consumers to identify the healthiest choice at the time of purchase but also encourage producers to improve the nutritional quality of products. The application decree was adopted in October 2017, after large-scale experimentation and experimental economy studies. The French Observatory of Food Quality (OQALI) is in charge of monitoring the use of Nutri-Score. Results of an overall evaluation will be available by the end of 2020.

Questions & Answers on the technical aspects of the schemes:

PFP-CEFS requested more information about the effect of the Keyhole scheme on nutrient intake. **SE** confirmed that the study is publicly available. In reply to **PFP-CEFS'** question why the UK FOP scheme is not also attributing colours to the energy content, **UK** replied that it would be too complex to establish cut-off considering the vast number of food categories.

BEUC-UFC highlighted that Nutri-Score allows the consumer to make easily a healthy choice, both within and across food categories, which is more difficult in the case of labelling of individual nutrients.

Following the question of **DE** about the legal status of the Nutri-Score scheme, **FR** mentioned that the scheme was notified to the Commission under Art. 35 of the FIC Regulation. The **Chair** mentioned that the scheme is strictly speaking not an Art. 35 scheme (i.e. repetition of information in the nutrition declaration), but can be considered in its entirety as voluntary information under Art. 36 of the FIC Regulation. The Chair further explained that this does not prevent the EC to include Nutri-Score in the EC report since the report will take a broad perspective on FOP labelling; however, it is not the intention at present to include non-beneficial claims for single nutrients in the scope of the EC report.

Following **EuroCommerce's** question about the process for bringing the Nutri-Score and UK scheme calculation in line with the latest FoodStandardsAgency model, **FR** referred to the evaluation of the scheme by 2020 and **UK** explained that the review of the model is an ongoing process.

EucoCommerce-Auchan highlighted that the Nutri-Score label has now been applied on 5000 products at no additional costs and that many products have already been reformulated in view of the scoring system.

With regard to **FDE's** question if the Keyhole also applies to catering and restaurant food, **SE** referred to an ongoing pilot project in DK. Following **FDE's** question on consumer research in the case of schemes developed in one Member State but also applied in another Member State, **FR** referred to an international study on FOP labels (including 6 EU Member States).

Following **FDE's** question how the trade and market impact of FOP labels, including on SMEs, will be dealt with in the EC report, also considering the ongoing infringement procedure against the UK FOP scheme, the **Chair** replied that the EC cannot reveal any information with regard to the infringement procedure but that the market impact is also part of the JRC study and that the EC will consider all useful data, which can be sent to the Commission by Member States and stakeholders.

EFAD asked if products that are not allowed to display the Keyhole label, are still allowed to have a nutrition or health claim, which was confirmed by **SE**, and further asked if the UK FOP scheme also applies to fruits/vegetables and how sugar content is defined in that case. **UK** explained that the FOP scheme can be used on pre-packed fruits/vegetables and that total sugar is considered (specific methodologies for only taking free sugars into account is currently being looked at).

CopaCogeca requested more information about how Keyhole and Nutri-Score deal with single nutrient products and asked about evidence gathered with regard to the impact of the different schemes on obesity levels. **SE** replied that the label can be applied on non-processed food (e.g. fruit and fish) and that latest obesity data show in any case no increase but rather levelling-off. **UK** explained that some nutritional improvements (e.g. in salt consumption) can be noted but highlighted that improving obesity levels is a long process requiring a combination of measures.

2.3. FOP schemes developed by private operators

- **The Reference Intakes (RI) label**

The RI label (formerly Guideline Daily Amounts label) was launched in 2006 by FoodDrinkEurope and is a voluntary label providing information on how much energy and nutrients are present in a portion of a food/drink and what this represents as a percentage of the reference intake. In some EU countries, over 60% of all branded food and drink packages display the label. Globally, it is estimated that 1 billion people are exposed to the label. The level of consumer understanding differs between Member States. Finally, a set of principles for FOP nutrition labelling agreed amongst FDE members were presented.

- **Evolved Nutrition Label**

Representatives from the ENL Initiative, comprising five food companies (Mondelēz International, Nestlé, PepsiCo, The Coca-Cola Company and Unilever), provided an update on the Evolved Nutrition Label. ENL builds on the Reference Intakes label and adds colours determined on the basis of portion sizes. The five companies have conducted research in order to evaluate the level of consumer understanding of the ENL label, carried out by Toluna via an online study with respondents from different countries. As a follow-up, the companies would like to carry out real-life trials with the ENL label in EU Member States.

- **Choices programme (Healthy Choice logo)**

Choices International Foundation, representing the Choices programme at international level, presented the Healthy Choice logo which is a voluntary scheme using a set of criteria to determine the "best-in-class" products within a product category. The generic criteria are based on international dietary guidelines from WHO; national adaptations are determined by national scientific committees. A study carried out in 2010 analysed the impact on product reformulation. A Choices Research overview has been published recently. In the Netherlands, the logo will phase out by October 2018. Other positive logos are part of the 'European Logo Movement' initiated by Choices.

Questions & Answers on the technical aspects of the schemes:

BEUC-Consumentenbond asked ENL-Unilever the reasons for being the driving force behind two schemes (Choices and ENL schemes) and further mentioned the ongoing debate in the Netherlands as regards the Choices logo which will be phased out following a complaint by the Consumentenbond to the Dutch Ministry based on the difficult understanding of the logo by consumers.

CopaCogeca highlighted that all FOP schemes should ensure consumers' trust and take dietary guidelines as a starting point. CopaCogeca further requested more information from the ENL representatives about the reference for individual dietary needs (for children or not) and about the market survey (focus on 7 countries and comparison with other schemes).

As regards the ENL scheme, **BEUC** questioned the approach based on portion sizes that would reduce the number of products with a red label and asked about the publication of the survey and about comparison with other schemes.

FR requested more information on the ENL survey regarding consumer preference, usefulness and behaviour.

ENL representatives replied to the questions by explaining that the survey will be published on the ENL website and that a comparison with other schemes was indeed not included since the focus was on the ENL scheme itself. So far, behaviour testing was not included. ENL-Unilever stressed the scientific robustness of the Choices logo and confirmed its support for the Choices logo in other parts of the world whereas for the EU another approach was considered more in line with EU consumers' expectations. ENL further explained that the approach to determine colours on the basis of portions, was based on consumer feedback about its usefulness.

Following a question from the EC, **FDE** mentioned that the RI label is in their view not an Art. 35 scheme but voluntary supplementary information of the nutrition declaration as mentioned in Art. 30(2) of the FIC Regulation.

As regards the question of BEUC-Consumentenbond, **Choices International Foundation** explained that the different criteria for different products (e.g. for unprocessed and processed meat) are a necessity to stimulate product reformulation. Choices further acknowledged the particular difficulties for Dutch consumers to understand the Choices logo since both green (for basic foods) and blue (for non-basic foods) logos applied in the NL.

Both **EFAD** and **ENL** referred to the mentioning of implementing acts in the FIC Regulation related to expression per portion. The **Chair** explained that the work has not been started considering other ongoing work and priorities.

2.4. Exchange of views and open discussion

The **Chair** introduced the third part of the meeting dedicated to an open discussion where participants are invited to share their experiences with regard to the use and effects of existing schemes, as well as to exchange views on elements to consider for the development of FOP schemes.

- **FOP nutrition labelling, criteria and FIC Regulation**

As introduction to a discussion on elements to consider for the development of FOP schemes, DG SANTE first reminded about the legislative framework with regard to FOP nutrition labelling and the two types of FOP nutrition schemes that can be considered (schemes falling under Art. 35 of the FIC Regulation and other FOP labels) as well as the general and specific criteria that apply to those schemes. The list of the criteria of Art 35 criteria was taken as a basis to list potential elements for consideration (e.g. how to define 'average consumer', how to understand objectiveness,...) on which DG SANTE invited the participants to share their views.

- **FOP schemes: Use, effects and elements to consider for their development and implementation**

The **Chair** invited participants to share their views on the understanding of the Art. 35 criteria and underlined the usefulness of this discussion in the context of the EC report.

FI referred to the use of the Heart Symbol in Finland for over 20 years and expressed its support for work on FOP labelling since it can help consumers to make a healthy choice. FI further stressed the importance for all schemes to be based on scientific data and nutritional recommendations. FI expressed its support for an approach based on nutritional profiles (such as in the case of the Heart Symbol) and for a harmonised FOP labelling system in the EU, based on harmonised nutritional profiles.

The **Chair** mentioned in this context the importance of the REFIT evaluation of the Nutrition and Health Claims Regulation.

IT stressed the negative effects of the co-existence on the EU market of different labelling systems not coherent with each other. IT further announced its ongoing work on a proposal for nutrition labelling that will be shared once finalised and expressed its hope that it could be a useful tool within the broader framework of nutritional policies.

FoodSupplementsEurope highlighted that FOP labels should not only focus on the reduction of nutrients but take the nutritional status of the whole population into consideration, including elderly people.

As regards the criteria, **EPHA** stressed the need for transparency on any interests that scientists behind studies could have.

ES highlighted being in favour of a harmonised approach and asked the EC to work in this direction.

The **Chair** explained that the legislator has indeed asked the EC to possibly advise on any further harmonisation in this area, but highlighted the long process of harmonisation. The Chair further mentioned that the current framework allows to develop new schemes, provided that they comply with the Art. 35 criteria, and stressed the need to look at existing schemes and schemes under development. The Chair further invited IT to share their proposal with the joint meeting.

PFP highlighted that further reflection on the criteria would be needed, in particular as regards the point on specific nutritional criteria for different food categories (e.g. to avoid red labels on certain oils).

CZ expressed the view of not being in favour of any FOP labels that would divide foods into 'good' or 'bad' foods.

As regards the criterion that FOP schemes should not mislead the consumer, **BE** stressed in this context the need to ensure coherence between the criteria of a FOP scheme and the criteria for using a corresponding nutrition claim. BE further raised the issue of consumer understanding of labels used in one MS but developed in another MS, and how to deal with the proof of burden (food business operators, how to consider mutual recognition, etc.).

The **Chair** welcomed BE's reflections and invited all participants to reflect on the questions put forward by the EC and suggested to include more profound discussions in the agenda of the next meeting.

As regards the criteria, **FR** highlighted the objective to improve consumers' health, the need to make FOP schemes part of a broader health strategies and the need for transparent science.

As regards the voluntary character of FOP schemes in the EU, **CLITRAVI** mentioned that schemes could become *de facto* mandatory due to commercial behaviour.

CopaCogeca supported further reflections on the criteria and highlighted that dietary recommendations (more than individual nutrients) should be the starting point of reflections.

FDE-Mars called for the possibility for industry to develop and test labels and regretted the protective approach taken by some Member States.

As a preliminary comment to the criteria presented, **BEUC** highlighted the importance for labels to allow comparisons at a glance within and across categories and stressed the need for proof that a FOP label has an impact on the nutrient content of the shopping basket.

ENL-PepsiCo expressed its fear that 28 different FOP schemes could be developed in the absence of further harmonisation which would lead to a big burden for companies, SMEs in particular, and further called for similar treatment of public and private FOP labelling initiatives.

EFAD called to take the food literacy of consumers into account and the need for nutrient profiling.

EHN highlighted the important objective to reduce cardio-vascular diseases, and further called to look at the unintentional consequences of some of the schemes, such as with regard to consumption and reformulation, and further highlighted the need to look at the co-existence of different labels.

BEUC-UFC suggested adding to the FOP criteria the need to address socio-inequalities of the diet.

2.5. Closing remarks and next steps

The **Chair** concluded the meeting by highlighting the importance to share information, experiences and views and reminded that the current legislative framework of the FIC Regulation is a big step forward vis-à-vis the previous situation. The Chair further stressed the role of the European Commission to facilitate exchange of information when new (public or private) labels are developed while taking also the potential consequences for businesses into account. The Chair further explained that the Commission report will take a broad perspective, will consider the role of FOP labels to help consumers making informed and healthier food choices and will look at the impact on the market.

The Chair further confirmed that all slides presented at the meeting will be made available (https://ec.europa.eu/food/expert-groups/ag-ap/adv-grp_fchaph/wg_2018_en) and reminded participants to send any comments on the JRC study within two weeks and/or other useful information for the EC report by mid-June to JRC/DG SANTE. The Chair further announced that Member States will be consulted on proposed EU comments on draft CODEX guidelines on the use of front-of-pack nutrition labelling and announced that Member States will also receive in the coming weeks a request to send DG SANTE any update of an earlier survey sent out in the context of the REFIT evaluation of the Nutrition and Health Claims Regulation.

The Chair announced that the second meeting will take place end of June / early July where the results of the further analysis done by the JRC and a detailed discussion on criteria for FOP schemes will be part of the agenda. The Chair invited participants to inform DG SANTE about any suggestions for organising the meeting and/or points for the agenda.

After some final constructive feedback on the meeting from some stakeholders and Member States, the Chair thanked all participants for their participation and closed the meeting.

3. List of participants

EU Member States (26): AT, BE, BG, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, RO, SE, SI, SK, UK.

EFTA Countries (1): NO

Members of the Advisory Group on the Food Chain and Animal and Plant Health

AIPCE-CEP European Fish Processors & Traders Association
BEUC Bureau européen des unions de consommateurs
CELCAA European Liaison Committee for the Agricultural and Agri-food Trade
CLITRAVI Centre de liaison des industries transformatrices de viandes de l'UE
COGECA European agri-cooperatives
COPA European farmers
EHPM European Federation of Associations of Health Product Manufacturers
EOCC European Organic Certifiers Council
EPBA European Professional Beekeepers Association
EUROCOMMERCE European Representation of Retail, Wholesale and International Trade
EU Specialty Food Ingredients Federation of European Specialty Food Ingredients Industries (previously known as ELC)
FEAP Federation of European Aquaculture Producers

FESASS Fédération européenne pour la santé animale et la sécurité sanitaire
FOODDRINK EUROPE
FOODSERVICE EUROPE
FRESHFEL Freshfel Europe - the forum for the European fresh fruits and vegetables chain
HOTREC Hotels, Restaurants & Cafés in Europe
INDEPENDENT RETAIL EUROPE
IFOAM-EU GROUP International Federation of Organic Agriculture Movements EU Regional Group
IPIFF International Platform of Insects for Food & Feed Association
PFP Primary Food Processors
SLOW FOOD
SNE Specialised Nutrition Europe
UEAPME Union européenne de l'Artisanat et des petites et moyennes entreprises
UECBV Union européenne du commerce du bétail et de la viande

Permanent Observers in the Advisory Group

EDA European Dairy Association
FACEnetwork Farmhouse and Artisan Cheese and dairy producers' European network

FOODSUPPLEMENTS EUROPE

Members of the EU Platform for Action on Diet, Physical Activity and Health

CPME Standing Committee of European Doctors
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EFAD European Federation of the Associations of Dietitians

EPHA European Public Health Alliance

EUFIC European Food Information Council
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European Heart Network

IDF-EUROPE International Diabetes Federation Europe
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