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SAFE slams dual origin labelling regulation

By Sara Lewis

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Campaign group Safe Food Advocacy Europe (SAFE) has lashed out at a proposed Commission implementing regulation covering origin labelling when the source of the main ingredient differs from that of the product as a whole.

The Commission ran a public consultation on the regulation from 4 January to 1 February and is now expected to send it to member states for discussion in the Standing Committee on Plants, Animals, Food and Feed (PAFF) in April. The European Parliament will also be consulted, but unlike the member states has no right of veto as the draft is an implementing regulation.

SAFE has published the position paper on the draft regulation that it submitted to the consultation. Like several other contributors, the organisation criticises the voluntary nature of the proposal, which the Commission should have produced by 13 December 2014.

Significantly, SAFE points out that the implementing law was required under the food information to consumers (FIC – 1169/2011) regulation's Article 26(3) which is in Chapter IV on "Mandatory Food Information." The SAFE position paper states: "There is, therefore, some paradox arising from the Commission's text, as it seems that the approach chosen is a voluntary one despite referring to mandatory legislative provisions".

Analysis: EU rules on COOL may prove to be costly

Following the introduction of a growing number of national measures on country-of-origin labelling (COOL), the European Commission held a public consultation on the draft proposal for a COOL regulation. Katia Merten-Lentz, of international law firm Keller & Heckman, takes a closer look at the proposal (read the full article here).

"Why not mandatory?" Asked SAFE Secretary General Floriana Cimmarusti, answering her own question: "Because it bothers big industry."

Moreover, SAFE takes issue with the proposed implementing regulation's Article 2(b), which allows producers to declare "this ingredient does not originate from the country identified as the Country-of-Origin of the food" without specifying the origin of the main ingredient. Cimmarusti told IEG Policy that this "could create more confusion for consumers.

The SAFE Secretary General argued that by leaving producers "to decide on the geographical level of precision of the primary ingredient's origin," and able to avoid disclosing provenance, Article 2(b) "allows partial and misleading information."

"Non-EU and EU" labels

The SAFE position paper further criticises the proposal for allowing "Non-EU and EU" labels, arguing that this "is questionable if it does not spell out the proportions of the EU and non-EU parts of the food."

SAFE contends: "Consumers may be misled to think that, when this label applies, the product may be 50% from the EU and 50% from outside the EU. With no further details, the most informed consumers would find difficulty comparing products if they must consider that, under a "EU and non-EU" label, the part of the product coming from the EU goes from 99,99% to 0,01%."

The regulation will be binding on member states and could force some to repeal national origin labelling legislation, notably an Italian law due to take effect on 18 February, Cimmarusti told us. She pointed out that industry had spent an average €200,000 per product to change the labelling to comply with the mandatory Italian requirements.

Cimmarusti said that the Italian law is "really good," but by contrast the draft regulation "is really bad – it's really misleading for consumers because it says where it's not from not where it's from. It doesn't make any sense."

While SAFE is unhappy about the draft regulation in general, Cimmarusti told us: "The worst is this Article 2(b) – it's a joke!"

The position paper notes that "a growing number" of member states are adopting country of origin labelling laws, after notifying them to the Commission, listing France, Italy, Portugal, Lithuania, Greece, Finland and Spain.