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NOTE

From:	Presidency
To:	Delegations
Subject:	Agricultural products – revision of EU marketing standards - Discussion paper for exchange of views

Delegations will find attached a Presidency discussion paper on marketing standards including steering questions for the ministerial discussion at the "Agriculture and Fisheries" Council on 11-12 October 2021.

Agricultural products – revision of EU marketing standards

EU marketing standards are rules applying to the marketing of agri-food products at all stages throughout the supply chain. They lay down minimum requirements for products that are traded between businesses or marketed to consumers. The standards can take the form of mandatory rules or optional reserved terms (ORTs) such as ‘free range’ for poultry products for example. They were developed to facilitate the smooth functioning of the internal market, to keep food of unsatisfactory quality off the market, to provide relevant information to consumers and ensure a level playing field for competing products. Not all agricultural products are covered by EU marketing standards. Rules on marketing standards are laid down in the Common Market Organisation (CMO) Regulation (EU) No 1308/2013 and in five of the ‘Breakfast Directives’¹. There are also Commission level regulations which contain marketing standards.

In October 2020, the Commission has published a staff working document² with an evaluation of EU marketing standards. According to the evaluation, the rules on marketing standards have been effective for the purpose of ensuring a standardised and satisfactory quality of agricultural products, as well as useful for stakeholders. However, it suggests addressing new needs of stakeholders in the food supply chain.

¹ Council Directive 2001/111/EC relating to certain sugars intended for human consumption; Council Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption; Council Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption; Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption; and Council Directive 2001/110/CE relating to honey, Directive 1999/4/EC relating to coffee extracts and chicory extracts and Directive 2000/36/EC relating to cocoa and chocolate products intended for human consumption.

² doc. 12184/2020

The Farm to Fork Strategy, published in May 2020, envisages a revision of marketing standards to provide for the uptake and supply of sustainable agricultural products. It also mentions a number of other actions aimed at increasing sustainability of the food supply chain³. In January 2021, the Commission launched an Inception Impact Assessment concerning the revision of EU marketing standards for agricultural products, followed by a public consultation that ran from 8 June to 31 August 2021.

The challenges of marketing standards are related to the potential outdatedness of rules and/or inconsistency with changing societal and stakeholder expectations. The proposed revision of EU marketing standards for agricultural products will explore the possibilities of adjusting the existing standards or adding new ones.

With regard to sustainability, the revised marketing standards could develop optional reserved terms that could allow producers to communicate better on their use of more sustainable production methods, for instance in the field of animal welfare, and exclude unfair competition. Generally applicable minimum production requirements could be set in line with environmental or climate considerations although this was so far not part of the rationale of the role the EU's marketing standards were expected to play.

As far as technological change and consumers' expectations are concerned, the public consultation touched for example on the labelling of fruit juice with reduced sugar content and minimum sugar content in jams.

³ Such as a proposal for a legislative framework for sustainable food systems, the consideration of options for animal welfare labelling, the introduction of mandatory front-of-pack nutrition labelling, the harmonisation of voluntary green claims and the creation of a sustainable labelling framework, and the extension of mandatory origin or provenance indications to certain products.

Consumer expectations are worth addressing with regard to honey. The abovementioned evaluation covered the Honey Directive, which currently requires the indication of the country or countries of origin where the honey has been harvested on the label. For honey blends, this indication can be replaced with “blend of EU/non EU honeys”, which allows processors to guarantee a stable quality. The evaluation concluded that the related EU marketing standards were justifiable and provided added value to the applicable international and private standards. Nevertheless, as regards the contribution to providing adequate and transparent information to consumers, the stakeholders pointed to certain limitations, i.e. the insufficient requirements on mandatory origin labelling in relation to honey, and also proposed a multi-level action plan covering measures on the farm, at packing stations, at borders and in supermarkets as to increase the traceability of the honey’s origin.

It is also worth recalling that honey labelling is mentioned in the Presidency Conclusions on front-of-pack nutrition labelling, nutrient profiles and origin labelling (14048/20)⁴. Paragraph 25 refers to Member States' calls to revise the "honey" Directive with the aim to specify the countries of origin of the honey used in honey blends and calls upon the Commission to start work on a legislative proposal to amend the Directive accordingly.

With a view to contributing to reflections on the revision of EU marketing standards, ministers are invited to express their views on the following:

- 1) Given the three dimensions of sustainability – economic, environmental including animal welfare, and social – in which way can a marketing standards policy ensure inclusiveness when pursuing sustainability objectives?
- 2) Which form of marketing standard rules would be the most appropriate to promote sustainability? Which standards should be adapted to changing consumer preferences or evolving technologies? Which sectors or areas would be the most promising in this regard?

⁴ Supported by 23 Member States (BE/BG/DK/EE/IE/ES/FR/HR/CY/LV/LT/LU/HU/MT/NL/AT/PL/PT/RO/SI/SK/FI/S) at the "Agriculture and Fisheries" Council meeting on 15 December 2020.

- 3) Taking into account the broad support of Member States for specifying the countries of origin of the honey used in honey blends, what would be the most appropriate way to change current EU rules on honey labelling?
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