

FEDIOL position on draft Commission delegated Regulation on date marking

FEDIOL is the European federation representing the interests of the European vegetable oil and protein meal industry. Directly and indirectly, FEDIOL covers about 150 processing sites that crush oilseeds and/or refine crude vegetable oils. These plants belong to around 35 companies. It is estimated that over 80% of the EU crushing and refining activity is covered by the FEDIOL membership structure.

FEDIOL has been following and taking part in discussions around labelling in the context of the Farm to Fork strategy since the very beginning. FEDIOL provided input into the Commission Inception Impact Assessment on the proposal for a revision of Regulation (EU) No 1169/2011 on the provision of food information to consumers in February 2021, into the public consultation in March 2022 and into the surveys set up by the Commission consultant for the impact assessment also in March 2022 and subsequent validation workshops and interviews in 2022. This also covered the issue of date marking.

FEDIOL hence read with attention the draft Commission delegated Regulation amending Annex X to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards the indication of the date of minimum durability, which is under consultation with Member States and subject to stakeholders' consultation at national level.

Considering the case of vegetable oils and fats, FEDIOL would like to mention the following elements:

- FEDIOL fully concurs with the Commission on the objective of reducing food waste "at home" at the level of consumers.
- Looking at the approach set by the Commission in the draft delegated Regulation, **FEDIOL welcomes the fact that the "best before" date applicable to vegetable oils and fats has been kept. This is a critical element for FEDIOL.** There are indeed good reasons to keep the "best before" date for vegetable oils and fats, as there will be changes in their organoleptic properties over time after their "best before" date.
- However, whilst including the mandatory wording of "often good after" for all types of products might seem an easy one-fits-all option, **FEDIOL is not convinced with the chosen wording.** In practice, the wording chosen is subject to interpretation by consumers. Until when is it still "often good after"? In which cases is it still "often good after"? How should it be stored after the "best before" date? All those elements are important and will considerably vary, if we talk about a vegetable oil/fat, or a sauce or tinned products.

In this context, the suggested wording does not necessarily meet the objective of clear information for consumers. Indeed, it does not consider the particulars of all food products bearing a "best before" date and when their optimal quality and

organoleptic properties will not be maintained anymore. Optimal quality is not maintained indefinitely; for that purpose, FEDIOL members cannot be held indefinitely responsible by the suggested wording ("often good after"). In practice, this will lead to cases of consumers' complaints after consuming vegetable oils and fats which became rancid and whose organoleptic properties have deteriorated due to overly extended or inappropriate storage.

- With the proposed wording, it is also not clear whether existing initiatives setting specific labels would still be allowed to remain. FEDIOL would like to recall that private initiatives have already been applied such as through "too good to go". Under such a scheme, additional labels on food products have been introduced – through the use of wording and pictograms. Studies¹ have been undertaken, which clearly demonstrate that the use of such additional wording and pictograms can help make a difference.

Some FEDIOL members are taking part in such initiatives. They have set additional labelling on pack, highlighting that a refined vegetable oil can be consumed after the "best before" date, provided that all the conditions of storage mentioned on the label have been fulfilled. It also acknowledges, through communication on the company website, that the vegetable oil may have lost some of its organoleptic properties and/or have a rancid taste/smell².

- **Building on such existing experiences and looking for a constructive approach, FEDIOL trusts that 2 options for labelling should be included in the delegated Regulation:**
 - 1) **Either to use the wording "often good after", always accompanied with details about the consumption and preservation of the product.**
OR
 - 2) **The possibility of using equivalent wording, other than the "often good after" currently suggested by the Commission, to consider the particulars of each food product, and of vegetable oils and fats in particular.** Indeed, FEDIOL considers that the wording proposed by the Commission of "often good after" is too restrictive and open to interpretation. The wording should be left at the discretion of the Food Business Operator, which is the best placed to know the properties and quality of its products. This is also the approach, which has been followed by the French authorities³.
- Finally, and as already mentioned since the beginning of its input into this topic, FEDIOL would like to recall that a change of wording – whichever chosen – on package alone will not meet the required objective of limiting food waste at home, **if not accompanied by proper consumer education through communication campaign at EU and national level.** As mentioned in the public consultation in March 2022, **FEDIOL strongly trusts that improving consumers understanding on date marking and correct food storage absolutely requires appropriate communication and education – via appropriate traditional and social media. Otherwise, any initiative will not achieve the desired effect.**

FEDIOL stands ready to further discuss and provide input on such a topic.

¹ Too good to go impact report 2021 more than a food app, <https://www.toogoodtogo.com/en/download/impactreport2021> accessed on 6 April 2023.

² See <https://www.lesieur.fr/engagements/too-good-go> accessed on 6 April 2023.

³ Décret n° 2022-1440 du 17 novembre 2022 relatif aux modalités de l'information des consommateurs au sujet du caractère consommable des denrées alimentaires.