

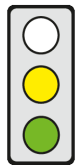
# FARM TO FORK

cepPolicyBrief

## KEY ISSUES

**Objective of the Communication:** The EU Commission wants to create a “food environment” that makes it easier for consumers to choose healthy and sustainable diets.

**Affected parties:** All consumers and undertakings within the food chain.



**Pro:** (1) A legislative proposal for a sustainable food system will provide legal security for food companies.

(2) Mandatory harmonized front-of-pack nutrition labelling will enhance transparency for the consumer.

**Contra:** The 2030 targets for food waste reduction only relate to its volume and will not provide information about the cost.

**Proposals:** (1) The terms and conditions of any EU-wide label should be established at EU level.

(2) Since most food waste is produced by households, the EU Commission should put household food waste reduction at the heart of its policy.

The most important passages in the text are indicated by a line in the margin.

## CONTENT

### Title

**Communication COM(2020) 381** from the EU Commission of 20 May 2020 on a **Farm to Fork Strategy** for a fair, healthy and environmentally-friendly food system

### Brief Summary

#### ► Background

- The European Green Deal maps a new, sustainable and inclusive growth strategy to boost the economy and improve people’s health and quality of life [p. 2]. It covers nine different policy areas, including
  - “Climate action” [see [cepPolicyBrief on the European Climate Law](#)];
  - “Biodiversity” [[cepPolicyBrief](#)];
  - “From Farm to Fork” [this [cepPolicyBrief](#)].
- Through the Farm to Fork-Strategy, all citizens and operators across value chains should benefit from a “just transition” to a sustainable food system [p. 2].
- A transition will not happen without a shift in people’s diets. To address the challenge of food insecurity and affordability it is essential to change consumption patterns and curb food waste, especially since [p. 3]
  - about 20% of the food produced is wasted and
  - over half of the adult EU population are now overweight.
- The current “food environment” – i.e. the physical, economic, political and socio-cultural context in which consumers make decisions on acquiring, preparing and consuming food – does not ensure that “the healthy option is always the easiest one” [p. 3].
- The main aim of the strategy is to create a “food environment” that makes it easier to choose healthy and sustainable diets which will benefit the consumers’ health and quality of life as well as reduce health-related costs for society [p. 2].
- The Farm to Fork Strategy thus aims to [p. 2]
  - promote the value of food sustainability;
  - empower consumers to choose sustainable foods;
  - address all actors in the food chain.

#### ► Objectives for Consumers

- In order to build a food chain that works for consumers, the Farm to Fork Strategy needs to [p. 4]
  - ensure food security, nutrition and public health;
  - preserve affordability of food while ensuring that the most sustainable food also becomes the most affordable.

- To accelerate the transition to a sustainable food system, the EU Commission will make a legislative proposal which will address [p. 5]
  - common definitions;
  - general principles;
  - requirements for sustainable food systems and foods;
  - responsibilities of all actors in the food system.
- Additionally, the EU Commission wants to, inter alia,
  - stimulate sustainable food processing, wholesale, retail, hospitality & food services practices [p. 11 et seq.];
  - promote sustainable food consumption [p. 13 et seq.];
  - reduce food loss and waste [p. 14].
- ▶ **Stimulate sustainable food processing, wholesale, retail, hospitality & food services practices**
  - Consumers’ dietary choices are influenced by different factors, such as the nutritional composition of foods produced, production methods and packaging, transport, merchandising and marketing practices [p. 11].
  - The EU Commission will [p. 12]
    - seek commitments from food companies to take concrete actions on health and sustainability,
    - monitor these commitments and
    - consider legislative measures if progress is insufficient.
  - Additionally the EU Commission will facilitate the shift to healthier diets and stimulate product reformulation, especially by setting up nutrient profiles to restrict the promotion of foods high in fat, sugars and salt [p. 12].
- ▶ **Promote sustainable food consumption**
  - Current food consumption patterns are unsustainable from both health and environmental points of view [p. 13].
  - On the one hand, the average intake of energy, red meat, sugars, salt and fats exceed recommendations; on the other hand, consumption of whole-grain cereals, fruit, vegetables and nuts is insufficient [p. 13].
  - For consumers to be able to make informed, healthy and sustainable food choices the EU Commission will, inter alia, [p. 13]
    - propose harmonised mandatory front-of-pack nutrition labelling;
    - examine ways to create a regulatory “sustainable labelling framework” that covers the nutritional, climate, environmental and social aspects of food products;
    - consider proposing the extension of mandatory origin or provenance indications to certain products.
- ▶ **Reduce food loss and waste**
  - The reduction of food loss and waste will provide savings for consumers and operators [p. 14].
  - Misunderstanding and misuse of date marking (“use by” and “best before” dates) lead to food waste [p. 14];
  - The EU Commission is committed to halving per capita food waste at retail and consumer levels by 2030, using data from Member States – expected in 2022 – to create a baseline [p. 14];
  - The EU Commission will, inter alia, [p. 14]
    - propose legally binding targets to reduce food waste across the EU;
    - revise relevant EU rules on date marking to take account of consumer research.

### Statement on Subsidiarity by the Commission

No statement on subsidiarity is given by the EU Commission.

### Policy Context

The European Green Deal is the EU Commission’s roadmap for making the economy sustainable. It covers specific policy tasks – e.g. the European Climate Law [[cepPolicyBrief](#)] and the Action Plan for the Circular Economy [[cepPolicyBrief](#)] – within nine different policy areas of which the Farm to Fork Strategy is one. This strategy was announced as one of the core health policy tasks which EU Commission President von der Leyen entrusted to her Commissioners [[cepAdhoc A Healthy Europe](#)]. The Farm to Fork Strategy also aims to inform the public about legislative proposals in the future [see [Annex to the Communication](#)]. It corresponds in part with goals of the United Nations, especially regarding the reduction of food waste [Goal 12.3 of the [United Nations "2030 Agenda for Sustainable Development"](#)]. The [European Parliament](#) as well as the [Council](#) have generally welcomed the strategy.

### Options for Influencing the Political Process

Directorates General:	Health and Food Safety – DG SANTE (leading)
Committees of the European Parliament:	Committee on the Environment, Public Health and Food Safety – ENVI (leading)

## ASSESSMENT

### Economic Impact Assessment

**A legislative proposal for a sustainable food system will provide legal security for food companies** as it aims to establish requirements and responsibilities applicable to all actors along the food chain. This will reduce the level of legal uncertainty for food producers enabling them to adapt as well as to minimise the risk and cost of litigation. Furthermore, common definitions within such a legal framework may provide a level playing field for sustainability and hence promote cross-border trade. **Every food company will face the same rules**, rather than having to deal with 27 different legal environments, **and this will allow competition to intensify** in a more harmonised European internal food market. However, no additional regulation should be imposed on food companies. Instead, incentives should be adopted for food producers to pursue sustainability goals and enhance consumer sovereignty by providing additional information. This will eventually enable consumers to make informed purchasing decisions.

The open approach of the EU Commission regarding sustainable food processing, wholesale, retail, hospitality and food services practices is inappropriate. The EU will impose legislation if advancement towards reaching sustainability objectives, i.e. related to health and the environment, is insufficient. Instead of more stringent legislation, however, incentives should be pursued with the objective of reducing health and environmental costs for Member States and consumers in the long term. If a cost benefit analysis then determines that the monetary benefits of implementing more stringent regulations to reduce health and environmental costs outweigh (new) regulatory costs, this option may be reconsidered.

**Mandatory harmonized front-of-pack nutrition labelling** will provide consumers with comparable information regarding the nutritional value of food products across the EU. The obligation to put such a label on the front of a package **will enhance transparency for the consumer**. Overall, this will improve the information level of consumers who are then able to make informed purchasing decisions corresponding to their preferences.

**The effect of front-of-pack nutrition labelling on food company revenues is**, however, **uncertain** and depends on the interplay between changes in food composition to adapt to new nutrition standards on the one hand and the resulting purchasing behaviour of consumers on the other. The question of a possible cross-border shift in the revenues of food producers will play an important part in determining its economic effect. However, food companies will incur one-off additional costs when a mandatory front-of-pack nutrition label is introduced because food packaging will have to be adapted.

When introducing a mandatory front-of-pack nutrition label, there should be no fees for registering or carrying the label in order to avoid discriminating against small food producers.

Member States are currently debating on the best design for a harmonized front-of-pack nutrition label. There is no consensus on which scheme is to be used. While France is promoting its “**Nutri-Score**” model, Italy strongly opposes it, preferring the alternative “**NutriInform**” model. The discussion involves whether a nutrition label should grade products within a product category (“juice compared to water”), as Nutri-Score does, or grade products with regard to daily intake (“1 portion covers x% of recommended daily intake”), as NutriInform does. It may be possible to find a balance between the two approaches by indicating the product category “grade” alongside the recommended daily intake. Whichever approach is chosen for an EU-wide mandatory front-of-pack nutrition label, it must be clear to the consumer what exactly is meant. The introduction of such a label must be accompanied by in-depth information enabling the consumer to make a genuinely informed choice. The classification of a food product by means of a front-of-pack nutritional label should as far as possible be based on the data already contained in the current nutritional information on the back of food packaging. This may help the consumer to gain a sound understanding of the food product’s classification.

The EU Commission’s ideas for creating a **comprehensive sustainable labelling framework covering all aspects of sustainability – nutrition, climate, environment, social impact** – may involve various advantages and disadvantages: Such a framework **may, on the one hand, simplify cross-border business transactions**. Common definitions as well as common calculation methods for labels relating to sustainability, such as the carbon footprint, will contribute to creating a level playing field for food producers and distributors in the EU and simplify their labelling operations. **On the other hand, such a comprehensive sustainable labelling framework may well result in over-complex labels**, triggering confusion for consumers faced with too much information when making purchasing decisions. The EU Commission should therefore increase its efforts to simplify labelling.

The strategy aims to halve per capita food waste at every level of the food chain by 2030. By 2022, data from the Member States should be available for the EU to set a baseline and propose legally binding targets. **The 2030 targets for food waste reduction only relate to its volume and will not provide information about the cost**, whether to the consumer, the retailer or the producer. This approach is inadequate, and the EU Commission should develop a cost-efficient approach to reducing food waste along the supply and consumption chain. Furthermore, **since most food waste is produced by households, the EU Commission should put household food waste reduction at the heart of its policy**. This implies more campaigns to raise awareness about the handling of food products, especially with regard to better and clearer information on the meaning of date marking (“use by” / “best before”). This will result in higher disposable incomes for consumers.

## Legal Assessment

### Legislative Competence of the EU, Subsidiarity, Proportionality with Respect to Member States

Dependent on the design of the individual legislative measures.

### Compatibility with EU Law in Other Respects

Firstly, **any EU-wide mandatory front-of-pack nutrition labelling needs to be brought into line with other current EU Food Law**, mainly the Food Information Regulation (FIR) [(EU) 1169/2011] – e.g. that any such label must be based on sound and scientifically valid consumer research and must not mislead the consumer [Art. 35 (1) FIR] – and the Health Claims Regulation (HCR) [(EC) 1924/2006]. The latter harmonises provisions relating to nutrition and health claims used in the labelling, presentation and advertising of foods [Art. 1 (1) and Art. 3 HCR]. Grading the “positive” properties of foods on a mandatory front-of-pack nutrition label will most likely aim to highlight for the consumer the particular positive nutritional properties of their ingredients (e.g. Nutri-Score: “green” as opposed to “red”, “A” as opposed to “F”). Such positive grades may be regarded as “nutrition claims” [Art. 2 (2) No. 4 HCR]. Nutrition claims can only be made if they are listed in the Annex to, and meet the conditions of, the HCR [Art. 8 (1) HCR]. However, the Annex to the HCR does not yet contain a specific nutrition claim of this kind or one that is likely to have the same meaning for the consumer [see also Regional Court of Hamburg, ECLI:DE:LGHH:2019:0416.411HK09.19.0A].

Secondly, **the terms and conditions of any EU-wide mandatory front-of-pack nutrition label should be established at EU level**, unlike the “Nutri-Score” label, for example, whose terms and conditions are determined by contract between the food producer and the public agency “Santé Publique France” and therefore subject to French law. That way, all Member States and the EU Commission can participate in the administration of such an EU-wide front-of-pack nutrition label, especially regarding the calculation method for assessing nutritional properties based on a grading scale e.g. “A” to “F” or “green” to “red”.

### Impact on and Compatibility with national law of the Member States

Dependent on the design of the individual legislative measures.

## Summary of the Assessment

A legislative proposal for a sustainable food system will provide legal security for food companies. Every food company will face the same rules allowing competition to intensify. Mandatory harmonized front-of-pack nutrition labelling will enhance transparency for the consumer. Any such labelling needs to be brought into line with other current EU Food Law. The terms and conditions of any EU-wide label should be established at EU level. The effect of front-of-pack nutrition labelling on food company revenues is uncertain. A comprehensive sustainable labelling framework covering all aspects of sustainability – nutrition, climate, environment, social impact – may, on the one hand, simplify cross-border business transactions, but, on the other hand, could result in over-complex labels. The 2030 targets for food waste reduction only relate to its volume and will not provide information about the cost. Since most food waste is produced by households, the EU Commission should put household food waste reduction at the heart of its policy.