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Can a Reform of Date Marking on Food Products Reduce Food Waste?

An Assessment of the Upcoming Proposals of the EU Commission

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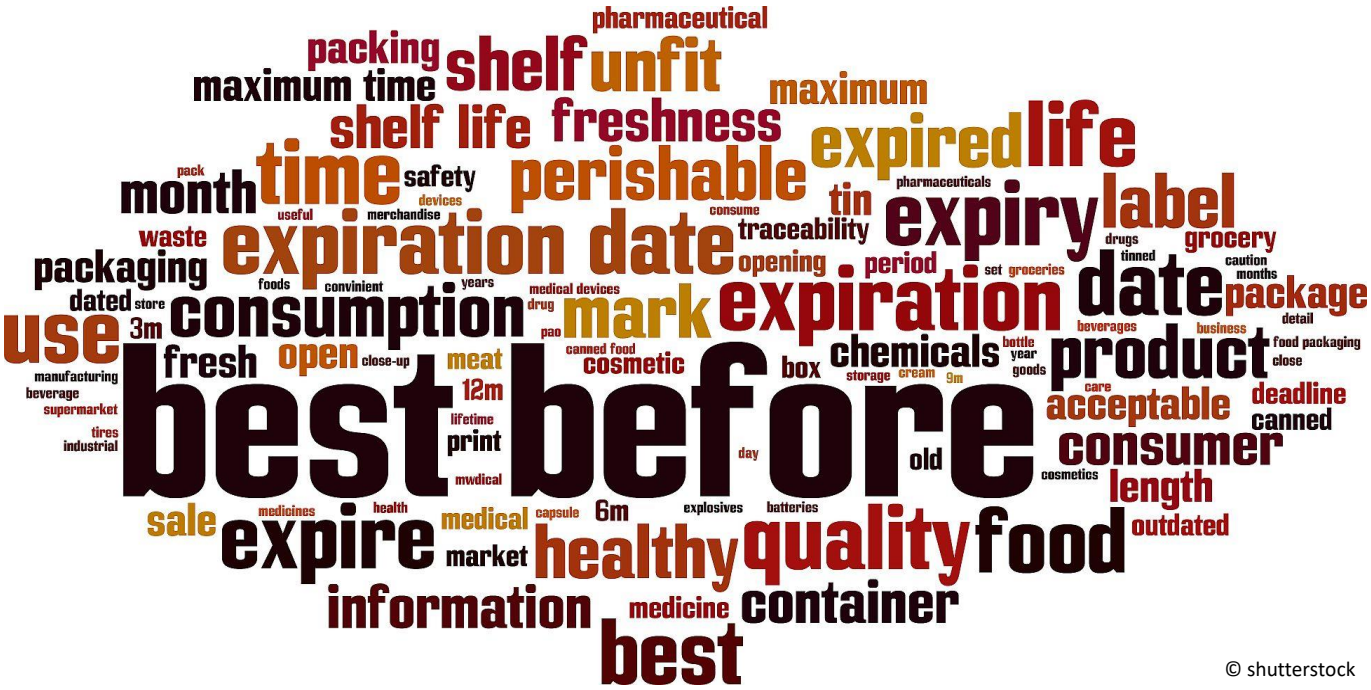

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According to the EU Commission, widespread confusion among consumers about the two date marks on food packaging – "best before (date)" and "use by (date)" – produces up to 10 %, i.e. 8.8 million tonnes, of the EU's annual food waste. It is considering different options for legislative reform.

Key Propositions

- Before any reform, more recent EU-wide data and research on consumer food waste and its connection to date marking are needed.
- Based on currently available data and research, the option to extend the list of products not required to carry a "best before (date)", and the option to abolish the concept of "best before (date)" altogether, are inadequate.
- Based on currently available data and research, an obligation to show both date marks on relevant food products is the most appropriate and practical way to reduce misunderstanding and thus food waste.
- Any reform considerations should be complemented by the exchange of best practices for consumer information campaigns on date marking at EU level.

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1 Introduction

As announced in its "Farm to Fork Strategy", the EU Commission wants to halve per capita food waste at retail and consumer levels by 2030.[1] To achieve this, the EU Commission will propose legally binding targets for waste reduction by 2023.[2] At the consumer level specifically, the EU Commission wants to reduce food waste by changing the rules for date marks on food products by the end of 2022.[3]

The EU Commission believes there is widespread misunderstanding of date marking that leads to considerable amounts of food waste.[4] According to the Commission, a better understanding of date marking, by all actors concerned, can prevent and reduce food waste in the EU.[5]

To that end, it envisages a revision of the regulation on the provision of food information to consumers – "FIC Regulation"[6] – which currently requires most pre-packed foods to display a date mark indicating to consumers whether a threshold has been reached either in the product's safety ("use by (date)") or its quality ("best before (date)"[7]).[8]

Different options[9] are envisaged in this regard in the corresponding "Inception Impact Assessment"[10] which sets out the EU Commission's initial analysis of the issue, its policy objectives and possible solutions as well as a preliminary assessment of the likely economic, social and environmental impact. This will be followed by the involvement of stakeholders by way of a public consultation[11]. The EU Commission plans to adopt a proposal on corresponding changes to food law in the fourth quarter of 2022.[12]

This cep**Input** will first provide necessary information about date marking on food products (Section 2) before going on to describe and assess the initial consumer-related policy options envisaged by the EU Commission in its "Inception Impact Assessment" (Section 3). The Commission may – in the actual proposal in 2022 – propose different or additional options. The focus here is on the options presented by the EU Commission at this early stage in preparation for the forthcoming public consultation.

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1 See cep**PolicyBrief** from the Centres for European Policy Network. All sources last accessed 19 October 2021.
2 EU Commission (2020), "A Farm to Fork Strategy", p. 14. See cep**PolicyBrief** from the Centres for European Policy Network.
3 See cep**PolicyBrief** from the Centres for European Policy Network and EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation NO 1169/2011 on the provision of food information to consumers", p. 4 et seq.
4 EU Commission (2020), "A Farm to Fork Strategy", p. 14.
5 EU Commission (2021), "Date marking and food waste".
6 Regulation on the provision of food information to consumers [(EU) 1169/2011].
7 Also called the "date of minimum durability"; see Art. 2 (2) (r) and No. (1) (a) of Annex X of the FIC Regulation.
8 EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. iii.
9 Some of these options are subject to multiple interpretations.
10 EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 1-2 and p. 4-5. The EU Commission's initial analysis of a problem, its policy objectives and possible solutions as well as likely impacts are set out in these public "Inception Impact Assessments". This can then be followed by an "Impact Assessment" and a public consultation in which stakeholders are consulted on all key aspects; see also EU Commission (2021), "Impact assessments". This is then regularly followed by a (legislative) proposal of the EU Commission.
11 Then accessible under: Food labelling - revision of rules on information provided to consumers.
12 See altogether EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 1-2 and p. 4-7.

2 Date Marking on Food Products

2.1 Legal Framework

The FIC Regulation requires date marking on most pre-packed food products in the form of either a "best before (date)" or a "use by (date)". This may be supplemented by additional pictograms or symbols.[13] Food business operators, usually the manufacturer or producer, decide which form of date marking is used on the basis of and according to the rules in the FIC Regulation.[14] In this regard, three possibilities are set out in the FIC Regulation:

- "best before (date)": the date until which the food retains its specific properties when properly stored,[15] i.e., after that date a product may no longer be of optimal quality.[16]
- "use by (date)": the date after which a food is deemed unsafe to consume as it is likely to constitute an immediate danger to human health.[17]
- no date: certain food products – such as fresh fruit, vegetables and wines – do not require a date.[18]

2.2 The Cost of Food Waste and Understanding Date Marking

As of 2012[19], about 88 million tonnes of food waste were generated in the EU-28.[20] This amounts to 173 kg per capita and means that about 20% of the total food produced was wasted.[21] At about 53%, private households contributed most to food waste.[22] The corresponding cost of all food waste in the EU-28 in 2012 was estimated to be around EUR 143 billion.[23] Private households accounted for two-thirds of this, amounting to around EUR 98 billion.[24]

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13 Art. 9 (1) (f); Art. 9 (2) and Annex 10 of the FIC Regulation and EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. iii.

14 European Commission (2021), "Food business operators and date marking"; Food Safety Authority of Ireland (2021) "Shelf-life: Best before and Use by dates". Art. 24 (1) FIC Regulation stipulates that foods, which from a microbiological point of view are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, cannot have a "best before (date)" (also called "minimum durability date") but must have a "use by (date)".

15 Art. 2 (2) (r) and No. (1) (a) of Annex X of the FIC Regulation – also called the "date of minimum durability".

16 EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 17.

17 Art. 24 (1) FIC Regulation.

18 Art. 9 (1) (f) in conjunction with Art. 24 (2) and No. (1) (d) of Annex X of the FIC Regulation.

19 These figures are relatively old. However, newer EU wide numbers are not available yet. The EU Commission is gathering data from Member States to create a new baseline by 2022 for its target to reduce food waste (see cep**PolicyBrief** from the Centres for European Policy Network). Currently, the EU Commission is using these numbers as well, see e.g. in recent publications: EU Commission (2021), "Food Waste".

20 Fusions (2016), "Estimates of European food waste levels", p. 4. There is "moderately high uncertainty" regarding the estimate of food waste amounts. The approximate 95% confidence interval is 14 million tonnes so that the range of results is 74 to 101 million tonnes. Other limitations apply as well – generally, an increase in the number of Member States with sufficient and continuous measurement of food waste is necessary to monitor the above mentioned waste reduction target; see altogether Fusions (2016), "Estimates of European food waste levels", p. 5.

21 Fusions (2016), "Estimates of European food waste levels", p. 4.

22 Fusions (2016), "Estimates of European food waste levels", p. 4.

23 Fusions (2016), "Estimates of European food waste levels", p. 5.

24 Fusions (2016), "Estimates of European food waste levels", p. 5.

The EU Commission regards the misunderstanding of date marking as a relevant factor for food waste at consumer level.[25] It estimates that up to 10% of the 88 million tonnes of food waste generated in the EU annually is linked to date marking.[26]

According to a 2015 survey by the EU Commission, about 47% of consumers in the EU-28 understood the "best before (date)" correctly and 40% understood the "use by (date)" correctly.[27] The same survey also showed that the level of understanding of date marking varies in the EU (see Tab. 1).

Tab. 1: Consumers who understand the "best before (date)" and the "use by (date)" correctly (2015)

Member State	Percentages	Member State	Percentages	Member State	Percentages
Austria	45% / 14%	France	55% / 33%	Malta	48% / 61%
Belgium	48% / 30%	Germany	51% / 13%	Netherlands	49% / 29%
Bulgaria	21% / 54%	Greece	22% / 66%	Poland	24% / 57%
Croatia	36% / 36%	Hungary	37% / 42%	Portugal	34% / 44%
Cyprus	27% / 61%	Ireland	56% / 53%	Romania	12% / 71%
Czech Rep.	48% / 52%	Italy	56% / 52%	Slovakia	38% / 44%
Denmark	55% / 43%	Latvia	30% / 51%	Slovenia	50% / 26%
Estonia	65% / 48%	Lithuania	24% /48%	Spain	49% / 45%
Finland	57% / 26%	Luxembourg	48% / 22%	Sweden	68% / 17%
United Kingdom	57% / 43%			**EU-28 average**	**47% / 40%**

Source: EU Commission (2015), "Flash Eurobarometer 425: Food waste and date marking", Publication Reports, results Q4/Q5, p. T 4 and T 5.

3 Options Envisaged by the EU Commission and Assessment

In its Inception Impact Assessment[28], the Commission presents three options involving a change of the current rules for date marks on food packaging. Its main objective is to reduce food waste at consumer level by improving consumer understanding of the two date marks. Although the "use by (date)" mark is even less understood than the "best before (date)" mark, the EU Commission focuses on the latter, asserting that quite a few consumers throw away food when the "best before (date)" has passed, including food that is still safe to consume and that this is in part due to the misunderstanding of date marking. According to the Commission, the "best before (date)" is misconstrued as signalling that it is not safe to consume the food product anymore.[29] Research from the United Kingdom has shown that there is a peak in food items with a "best before (date)" being thrown away shortly after the date indicated.[30]

[25] See EU Commission (2021) "Date marking and food waste" and EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. iii and p. 12.

[26] EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. iii; EU Commission (2021) "Date marking and food waste".

[27] EU Commission (2015), "Flash Eurobarometer 425: Food waste and date marking", Publication Reports, results Q4/Q5, p. T 4 and T 5.

[28] EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 4 et seq.

[29] EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24.

[30] WRAP (2011), "Consumer insight: date labels and storage guidance", p. 39; EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24.

The EU Commission discusses extending the list of products which do not require a "best before (date)" (3.1), abolishing the "best before (date)" (3.2), and the possibility of improving the expression and presentation of both date marks (3.3).[31]

3.1 Option 1: Extending the List of Products Without a "Best Before (Date)"

3.1.1 Description

Under current rules, certain products do not require any date marking.[32] The first option entails extending the list of foods which do not require any date marking. This could apply to e.g. non-perishable products with a long shelf-life such as pasta, rice, coffee and tea.[33]

3.1.2 Assessment

Prima facie, removing the "best before (date)" from more pre-packed food products with a long shelf-life could be expected to reduce food waste. This is supported by a study[34] published in the Netherlands in 2017 asserting that there was a reduction of about 12% in food waste for long shelf-life products without a "best before (date)" as compared to those with a "best before (date)".[35]

However, some doubts have to be raised concerning these findings as removing the "best before (date)" from the packaging of long shelf-life products may only have a limited impact on the reduction of consumer food waste.[36] This is based on the results of a risk assessment conducted by the Dutch Government as well as research conducted in the United Kingdom.[37] The risk assessment was done to find out which products could safely be added to the list of products which do not require date marking. It concluded, that this would include dry pasta, couscous, coffee/tea, rice, instant powder, dried spices and flour.[38] In the Netherlands, however, the passing of the "best before (date)" is not the main reason for food waste in relation to these products.[39] Furthermore, none of these products fall into

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31 EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 4 et seq.

32 Art. 9 (1) (f); Art. 24 (2) in conjunction with No. (1) (d) of Annex X of the FIC Regulation. Products listed include fresh fruit and vegetables, wine, bakers´ or pastry cooks´ wares (which are normally consumed within 24 hours of manufacture), vinegar, cooking salt and solid sugar.

33 EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 5.

34 The results of this study are based on a small experiment with only 86 participants; see Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 3.

35 The study found: When the term "best before (date)" is used, about 40% of the products are thrown away. When there is no date on the packaging, about 27% of the products are thrown away. See Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 3 and p. 22.

36 A 12% reduction in food waste, as demonstrated by the Dutch study from 2017 mentioned earlier, does seem like a significant amount at first. However, this study is not representative for the whole of the EU and provides only an indicative insight as the experiment only involved 86 Dutch consumers; see Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 3. It is therefore not certain that removing the "best before (date)" would reduce food waste EU-wide in that amount.

37 WRAP (2011), "Consumer insight: date labels and storage guidance", p. 33; Figure 1; EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 23 and Nederlandse Voedsel-en warenautoriteit, Ministerie van Economische Zaken (2016), "Advisory Report on the options to extend the list of foods that are exempted from the requirement to bear a date mark", p. 6-7 and p. 10-11.

38 Nederlandse Voedsel-en warenautoriteit, Ministerie van Economische Zaken (2016), "Advisory Report on the options to extend the list of foods that are exempted from the requirement to bear a date mark", p. 6 et seq.

39 Nederlandse Voedsel-en warenautoriteit, Ministerie van Economische Zaken (2016), "Advisory Report on the options to extend the list of foods that are exempted from the requirement to bear a date mark", p. 6-7 and p. 10. These are: meat,

product groups that contribute most to food waste or for which changes to date marking would have a high chance of reducing food waste in the EU-28 since the main food categories contributing most to food waste are fruit and vegetables, bakery products, meat and dairy products. The best chance of preventing food waste in relation to date marking comes from milk and yoghurts, fresh juices, chilled meat and fish.[40] Also, research in the United Kingdom showed that only 1.1% of all food products wasted were pasta, rice and noodles.[41] Thus, these may not have a substantial impact on consumer food waste.

Removing the date marking may even lead to more food waste, as an experiment[42] in 2015 showed.[43] This indicated that only a small group of consumers is likely to decrease food waste if the "best before (date)" were to be removed, whereas the majority might be put at risk to dispose even more food.[44] This experiment concluded i.a. that keeping the "best before (date)" on long shelf-life products would avoid more food waste.[45] Similarly, a study conducted in 2018 identified concerns, among national competent authorities, that consumers were used to the "best before (date)" on some long shelf-life products and that removing the date might be counterproductive.[46]

In particular, consumers would no longer have information regarding a product's period of optimal quality.[47] This aspect is particularly important for consumers in southern and central-eastern Member States, as can be seen in an opinion poll from 2015. The EU Commission asked consumers whether they would miss the "best before (date)" if it were removed from non-perishable food products such as rice, pasta, coffee and tea. It was found that 54% of the EU-28 respondents do not need this information while 44% of the EU-28 respondents would miss this information.[48] However, these figures vary from Member State to Member State. The majority of participants from Member States such as Cyprus, Greece, Italy, Malta, Portugal and Spain as well as Bulgaria, Croatia, Hungary, Lithuania, Poland and Romania would miss the "best before (date)" if it were removed from certain products (see Tab. 2).

fish, sauces, cheese, dairy products, fruit juices and beer; see Nederlandse Voedsel-en warenautoriteit, Ministerie van Economische Zaken (2016), "Advisory Report on the options to extend the list of foods that are exempted from the requirement to bear a date mark", p. 10.

40 See altogether EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. iii.

41 WRAP (2011), "Consumer insight: date labels and storage guidance", p. 33; Figure 1, EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 23.

42 This experiment was done with a relatively small group of 500 people, with participants mainly from Italy; see EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 7.

43 Conducted by CentERdata, GFK and Ecorys. See EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 7.

44 EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24.

45 EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24.

46 EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. 79.

47 EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24.

48 EU Commission (2015), "Flash Eurobarometer 425: Food waste and date marking", Publication Reports, results Q6, p. T6.

Tab. 2: Consumers who would miss the "best before (date)" on certain non-perishable foods (2015)

Member State	Percentage	Member State	Percentage	Member State	Percentage
Austria	25%	France	25%	Malta	70%
Belgium	38%	Germany	25%	Netherlands	25%
Bulgaria	62%	Greece	76%	Poland	56%
Croatia	54%	Hungary	61%	Portugal	64%
Cyprus	77%	Ireland	39%	Romania	65%
Czech Rep.	53%	Italy	69%	Slovakia	52%
Denmark	40%	Latvia	43%	Slovenia	53%
Estonia	54%	Lithuania	55%	Spain	55%
Finland	42%	Luxembourg	33%	Sweden	44%
United Kingdom	30%			**EU-28 average**	**44%**

Source: EU Commission (2015), "Flash Eurobarometer 425: Food waste and date marking", Publication Reports, results Q6, p. T 6.

The importance of quality is supported by the Italian government which argued that food quality is as important as food safety.[49] In a study published in 2018, national competent authorities argued that there are products with a long shelf-life, like coffee, where quality does deteriorate and that it would therefore be reasonable to keep the "best before (date)" on these products.[50]

Any reduction in waste has a positive impact on the environment and on costs for consumers. However, the actual impact of this option would only be limited and is not even certain at EU level.[51] Additionally, considering that valuable information on the period of optimal quality would be lost on certain food products, this option may do more harm than good to the consumer as many EU consumers see a benefit in having this date, even if consumer preferences on this differ within the EU (see Tab. 2).

3.2 Option 2: Abolishing of the Concept of "Best Before (Date)"

3.2.1 Description

The second option is to abolish the "best before (date)" altogether and keep only one date which would basically be the "use by (date)", i.e. the date up until which a food product is safe to consume. In this case, either the current "use by (date)" would be applied to all food products – apart from those in the list of exemptions (see Section 3.1.1) – or a new and equivalent term, such as "food safety/health", could be used, which would have to be introduced first.[52]

[49] Euractiv.com (2020), "New EU food agency tool reopens date marking rift".

[50] See EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. 79.

[51] A 12% reduction in food waste as demonstrated by the Dutch study from 2017 mentioned earlier does seem like a significant amount at first. However, this study is not representative for the whole of the EU and provides only an indicative insight as the experiment only involved 86 Dutch consumers. It is therefore not certain that removing the "best before (date)" would reduce food waste EU-wide in that amount. See: Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 3.

[52] EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 5.

3.2.2 Assessment

Prima facie, abolishing the "best before (date)" could be an effective way of reducing food waste among consumers as it would remove confusion. The passing of that date is one of the main reasons that consumers throw food away even when it is still safe to consume.[53] Thus, having the "use by (date)"– or an equivalent new term – as the only marking might increase the understanding of that date mark.[54]

However, the actual reduction is unknown[55] due to a lack of current data and research. More research will therefore need to be conducted. Additionally, abolishing the "best before (date)" will have negative consequences for the available information regarding a product's period of optimal quality. This information may be important to help consumers make well-informed choices, e.g. on products whose quality deteriorates over time, but which are still safe to consume, such as coffee.[56] This outweighs the mere potential advantages in terms of food waste reduction. Therefore, the "best before (date)" should be kept until further evidence of food waste reduction is provided.

3.3 Option 3: Improvement of the Expression and Presentation of Date Marking

3.3.1 Description

The third option is to improve the way of expressing the two different types of date mark. This option is less concrete and the EU Commission's thoughts on this remain general. The aim is to improve understanding of the difference between the safety and quality aspects of date marking.[57]

An improvement of the expression and presentation could entail a large variety of changes, including terminology, format and visual presentation. For example:

a. alternative or additional wording such as "best before, often good after", "expiration date end, best quality before end";
b. a mandatory graphical/visual representation;
c. different colouring, e.g. red for the "use by (date)" and green for the "best before (date)"; or
d. use of additional pictograms, such as a "stop" sign for the "use by (date)".[58]

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[53] This is shown by the outcome of surveys in Sweden and Ireland, where passing this date was mentioned as one of the main reasons for throwing away food. 55% of participants in the survey in Ireland mention passing the "best before date" as one of the main reasons for throwing away food. In Sweden it was among the top 3 reasons. See: H. Møller et al. (2016), "Food waste and date labelling: Issues affecting the durability", p. 68; thejournal.ie (2020), "Bread is Ireland´s most wasted food with 41% of people admitting they throw it out".

[54] EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24.

[55] It is known that consumers throw away food that has passed the "best before (date)" even when it is still safe to consume and that passing that date is one of the main reasons for consumers to throw away food in certain EU Member States. However, this is based on relatively old research in certain Member States only, e.g. Sweden and Ireland, or the UK. Up-to-date figures on the reduction of food waste covering the whole EU are currently unavailable. See altogether: WRAP (2011), "Consumer insight: date labels and storage guidance", p. 39; EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24; H. Møller et al. (2016), "Food waste and date labelling: Issues affecting the durability", p. 68.; thejournal.ie (2020), "Bread is Ireland´s most wasted food with 41% of people admitting they throw it out".

[56] EU Commission (2015), "Milan BExpo 2015: A behavioural study on food choices and eating habits", p. 24; EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. 79.

[57] EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 5.

[58] EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 5.

3.3.2 Assessment

Improving the understanding of the two existing date marks through format or visual presentation on the packaging could be a way to reduce food waste. According to an EU Commission survey done in 2015, 49% of consumers think that better information on the meaning of the "best before (date)" and the "use by (date)" would help to waste less food at home.[59]

A trial conducted in Norway and Sweden supports the view that alternative wording for date marking may contribute to a better understanding. The result was that the wording "best before, but not bad after" used on milk packaging did improve understanding[60] among consumers.[61]

This view is further supported by an empirical study[62] published in the Netherlands in 2017 on the impact of alternative terminology on long shelf-life food products. It also concludes that food waste can be reduced when alternative terminology is used.[63] However, it depends on the actual wording of the alternative terms.[64] For example, among the participants of this study, the terms "long shelf life (no date)" and "quality guaranteed until (date)" led to a reduction in waste.[65] Terms which led to an increase in waste were "produced on (date)" and "at its best if used before (date)".[66] However, participants did not like the wording "long shelf life (no date)" due to its lack of information about food safety and quality.[67] The term "inspect, smell and taste after (date)" led to the same amount of waste as the current "best before (date)" wording.[68]

Even though this initial research indicates a positive impact on consumer understanding, further research will need to be conducted on different choices of wording as well as on possible changes to the lay-out, colour and the use of pictograms. The corresponding impact on consumer understanding and food waste must be measured before changing the rules. Prima facie, combining both current date

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59 In the EU-28; see EU Commission (2015), "Flash Eurobarometer 425: Food waste and date marking", Publication Reports, results Q2, p. T 2.

60 This was among those interviewed in Norway; see EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. 76.

61 EU Commission (2018), "Market study on date marking and other information provided on food labels and food waste prevention", p. 76. In general, when deliberating the possibilities regarding expression and presentation, language and consumer understanding in different Member States needs to be taken into account. In Italian, for example, the current terms for "use by" and "best before" are almost identical; see EU Commission (2020), "Inception Impact Assessment on the proposal for a revision of Regulation No 1169/2011 on the provision of food information to consumers", p. 5; EU Commission (2018), "EU action to promote better understanding and use of date marking", slide 25.

62 This study was small with only 86 participants. See: Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 3.

63 Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 4.

64 Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 22.

65 The study found: When the term "best before (date)" is used, about 40% of the products are thrown away. If the term "long shelf life (no date)" is used on the packaging, about 9% of the products are thrown away. If the term "quality guaranteed until (date)" is used on the packaging, about 35% of the products are thrown away. See: Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 17 et seq.

66 The study found: When the term "best before (date)" is used, about 40% of the products are thrown away. If the term "produced on (date)" is used, about 46% of the products are thrown away. If the term "at its best if used before (date)" is used, about 44% of the products are thrown away. See: Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 17 et seq.

67 Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 22.

68 Wageningen Food & Biobased Research (2017), "The effect of date marking terminology of products with a long shelf life on food discarding behavior of consumers", p. 22.

marks[69] could constitute an efficient way to inform consumers on both aspects: food quality and food safety. When deciding on the changes, the costs of changing food packaging should be considered in relation to the impact on food waste reduction.

4 Conclusion

Before any well-balanced decision on the three options – or even other options – can be made, further research and more recent EU-wide data on consumer food waste and its connection to date marking are needed. Based on currently available data and research, option 3, i.e. improving the expression and presentation of the two different date marks, is the preferable option as it could improve the understanding of date marks and thereby support well-informed decisions. One option that would be particularly impactful and to the advantage of the consumer is the idea of presenting both date marks on a food product. This would inform consumers on both aspects – food quality and food safety – and, at least as importantly, greatly reduce the confusion among consumers about the two date marks. It is the most appropriate option of the ones available at the moment and easy to realise since it only requires the printing of the two current dates which would not require major changes to the lay-out of food packaging.

By contrast, option 1, i.e. extending the list of products without a "best before (date)", would only lead to a small amount of food waste reduction and deprive consumers of important information regarding the period of optimal quality on chosen food products. Option 2, i.e. abolishing the concept of the "best before (date)", may result in a reduction of consumer food waste but the extent is still unknown due to lack of data. Additionally, it will deprive consumers of relevant information on the period of optimal quality of all food products.

Any reform considerations should be complemented by the exchange of best practices for consumer information campaigns on date marking at EU level.

[69] Option 3 includes the idea of a date mark called "expiration date end, best quality before end", which in fact represents a way to express the meaning of both current date marks "best before (date)" and "use by (date)"; see Chapter 3.3.1.

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