European Union Comments

CODEX COMMITTEE ON FOOD LABELLING
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Agenda item 6 – Discussion paper on issues related to date marking

The EU welcomes the discussion paper prepared by New Zealand on date marking. The EU agrees with New Zealand that date marking is a key element of food labelling, which is linked to both the quality and the safety of the food consumed.

New Zealand underlined the inconsistency of the information provided when date is marked. The EU notes that the Codex General Standard for the labelling of prepackaged foods\(^1\) lays down detailed rules concerning the manner in which dates shall be given. In particular, it provides that the date to label shall be the date of minimum durability and it also provides for the precise wording to be used: "best before (end)" before that date, or a cross-reference between both. The lack of clarity of the information found nowadays on food labels concerning these dates may also result from a lack of compliance with the current principles.

The EU notes that the current Standard provides many definitions related to date marking, such as the "date of manufacturing", the "date of selling", the "use-by date", but with the exception of the date of minimum durability, they are not linked to the requirement on the date marking laid down in Paragraph 4.7 of the standard. For example, a definition is given for the "use-by" date, but no reference is made to "use-by date" later in the standard. Other

\(^1\) CODEX STAN 1-1985, last amendment in 2010
terms, like "sell before", are defined but it's questionable whether such terms provide any meaningful information to consumers.

The EU identified the notion of "use-by date" as the priority for the revision of these principles. Following the current standard, "use-by date" means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable.

This definition is close to the one provided for the “date of minimum durability”, which is defined as the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be satisfactory.

The confusion around these notions increases the risk of unsafe consumption, if a "use-by" date is understood as a best before date, but also the risk of food waste, when the best before dates is understood as a "use-by" date.

In the EU legislation, Directive 2000/13/EC and from December 2014 Regulation (EU) No 1169/2011, both notions exist but are clearly distinguished:

- A "use-by date" is needed for 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. Foods must be consumed before the use by date for safety reasons.
- When there is no such food safety risk, the "Date of Minimum Durability" is used. Foods is still safe after the indicated "best before" date on the condition that storage instructions are respected and packaging is not damaged. However, after the date, the food may begin to lose its flavour and texture.

The review of these principles could therefore help clarifying these notions of minimum durability, keeping in mind the objectives of safer food consumption and lower food waste, reasons why the EU fully supports it.