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AVIS DU COMITÉ DES ÉVALUATIONS D'IMPACT

**PROPOSITION DE REGLEMENT DU PARLEMENT EUROPEEN ET DU CONSEIL
CONCERNANT L'INFORMATION DES CONSOMMATEURS SUR LES DENREES
ALIMENTAIRES**

**ANALYSE D'IMPACT SUR LES QUESTIONS D'ETIQUETTAGE DES DENREES
ALIMENTAIRES**

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Brussels, 20 June 2007
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Opinion

Title **Impact Assessment on a Draft Proposal for a Regulation of the European Parliament and the Council on Horizontal Food Labelling**

(draft version of 28 June 2007)

Lead DG **DG SANCO**

1) Impact Assessment Board Opinion

(A) Context

This Impact Assessment concerns the revision of Directive 2000/13/EC providing for compulsory information on the label of pre-packed foods. This is a codified version of Directive 79/112/EC. Apart from one major recent amendment (labelling of allergenic ingredients - 2003) most of the provisions date back to 1978. Food labelling is also included in the Simplification Rolling Programme 2006 and it is likely that food labelling is going to be looked at as part of the administrative burden measurement and reduction exercise. Apart from this horizontal legislation it should be noted that there are close to 100 vertical legislative instruments that prescribe labelling requirements for specific categories and sectors. This initiative has been developed in parallel with a proposal on nutrition labelling which is the subject of a separate impact assessment because of the largely voluntary character of the current provisions in that area.

(B) Positive aspects

The Impact Assessment is written in a clear language. It contains a considerable amount of background information on the relevant markets and on specific cost elements that are connected with labelling legislation. It should also be mentioned that the current regulatory regime has been the subject of an external evaluation, and that intensive consultation has taken place over the last four years.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: The presentation of the evidence and the analysis that has been carried out for this Impact Assessment should be considerably improved and expanded on a number of points, as specified below. The Board welcomes DG SANCO's commitment, given during the Board meeting, to improve the IA report along the lines indicated below.

(1) The problem definition should be clarified. In the context of a revision of existing legislation it should be made much clearer i) why the 4 identified key policy issues have been chosen as the appropriate aspects to be addressed, and ii) in which areas the current EU legislation, its implementation by Member States and its interpretation by the regulated industry is perceived as problematic and, thus, would require action by the EU legislator, and iii) how action taken on those issues may interact with other aspects of the labelling legislation. The identification and analysis of trade-offs and possible synergies should be reinforced. The analysis of the Internal Market and the international context should be much better presented. The relation between this initiative and the proposed revision of legislation on nutrition labelling should be clarified and analysed in the overall problem definition.

(2) The policy options should be presented in a clearer way. Different phasing-in options should be analysed and their costs and benefits and mitigating effects on the affected parties, e.g. SMEs, should be spelled out. Although it is not required to draw conclusions in favour of a preferred option it is necessary to increase the clarity of the IA report so as to enable non-specialist readers and policymakers in particular to compare the expected costs and benefits of the different policy options taken as a whole (i.e. covering all the policy issues addressed in the report).

(3) The expected simplification and other benefits for consumers, society at large and the regulated industry should be set out more clearly, and so should be the trade offs. Considering that the proposal is also part of the Commission's Simplification Programme it should be made much clearer in the report how and to what extent the revision contributes to achieving the simplification objectives, notably seen from the perspective of stakeholders. Trade offs between different objectives (such as improving the legibility of labelling and the aim to provide more information) should be better analysed.

(4) The expected effects on administrative burdens should be presented in a clearer fashion. In spite of data limitations, the collected evidence should be presented in a way that is as much compatible with the requirements of the EU Standard Cost Model as possible. It is also recommended to state clearly in the report how the proposal is aligned with other Commission initiatives such as the administrative burden reduction programme. The Board welcomes the readiness of DG ENTR to assist DG SANCO in reinforcing this component of the IA report.

(5) The impacts on SMEs, self-packaging (retail) outlets and outlets selling non-pre-packaged food should be better analysed, both in terms of depth and consistency, and with regard to the possible effects of exemptions or specific transition regimes. This should be based on properly quantified and monetised data or estimates.

(D) Procedure and presentation

The necessary procedural elements have been complied with, although there have been concerns expressed by the SG representative in the inter-service steering group (in

written comments of 21 June 2007) that the consultation in that group on the final draft of the Impact Assessment report gave other services only limited possibility to contribute.

2) IAB scrutiny process

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