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CDG Poultry & Eggs

17 May 2021 by videoconference

Revision of EU marketing standards, state of play

In its Communication on a **Farm to Fork Strategy** for a fair, healthy and environmentally-friendly food system, the Commission stated that it will “**revise marketing standards to provide for the uptake and supply of sustainable agricultural**, fisheries and aquaculture **products** and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste.”¹

A revision of marketing standards² is also one of the actions foreseen in the draft action plan in the Annex to the Communication on the Farm to Fork Strategy. There, action number 18 reads: “Proposal for a revision of EU marketing standards for agricultural, fishery and aquaculture products to ensure the uptake and supply of sustainable products”, with an indicative timetable of 2021-**2022**.

Furthermore, in Annex II to the Adjusted **Commission Work Programme 2020**, under the REFIT initiatives³, the first point is an “**Evaluation of marketing standards** (contained in the single Common Market Organisation (CMO) Regulation, the ‘breakfast directives’ and CMO secondary legislation)”. This evaluation of marketing standards should “help to assess the coherence between the various pieces of legislation as well as to identify potential for simplification. The evaluation’s results might serve as a basis for the reflection on the need for regulatory changes related to marketing standards.”⁴

So far the Commission published an external evaluation of EU agricultural marketing standards⁵, **carried out an evaluation of agricultural marketing standards that included a public consultation and the publication of a staff working document**⁶. (See results below.)

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

² Marketing standards are obligatory rules, sales designations and optional reserved terms guaranteeing the quality of products. They often rely on technical product specifications to define uniform trade characteristics across the single market (freshness or size classification, presentation, labelling, packaging etc.) but may also cover process and production methods. Marketing standards can help facilitate the functioning of the internal market, keep food of unsatisfactory quality off the market, provide relevant information to consumers, and ensure a level playing field for competing products. However, they may become outdated or no longer attuned to changing societal and stakeholder expectations. In other areas, marketing standards may be desirable but currently lacking.

³ “The European Commission’s regulatory fitness and performance programme (REFIT) aims to ensure that EU laws deliver on their objectives at a minimum cost for the benefit of citizens and businesses.”

https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-less-costly-and-future-proof_en

⁴ https://ec.europa.eu/info/publications/2020-commission-work-programme-key-documents_en

⁵ Areté (2020). <https://doi.org/10.2762/475831>

⁶ SWD/2020/0230. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020SC0230>

Following its Better Regulation guidelines, the Commission **more recently published an inception impact assessment**, on which it received feedback from 156 stakeholders and citizens; this is accessible online⁷.

Currently the Commission is **preparing a public consultation**, also based on the feedback on the inception impact assessment. There is not date yet for when the consultation will open, but it should be by early June. Once the results of the consultation are in (after 12 weeks), the Commission will start to draft the impact assessment report.

This is the status quo regarding the revision of EU marketing standards for agricultural products.

Staff Working Document

This evaluation predates the Green Deal and the Farm to Fork Strategy and it aimed at determining if the EU marketing standards for agricultural products that are in place now **fulfil their current objectives** and if they are useful and sufficient for stakeholders (such as producers, processors, traders, retailers, consumers and Member States' administrations).

The evaluation concluded that EU marketing standards have generally been effective in achieving their objectives, with no significant unintended or unexpected effects observed. Furthermore, even though costs and benefits are not fully quantifiable, the majority of consulted stakeholders deemed that **the costs of implementing EU marketing standards are justifiable and proportionate to the benefits achieved**.

While the evaluation found that the marketing standards address the needs identified by stakeholders, it highlighted that there is **some room for improvement in terms of addressing new needs that could stem e.g. from the evolution of technology, marketing strategies and consumer preferences**.

Finally, the evaluation found that EU marketing **standards were coherent with the other aspects of the common agricultural policy as well as with other EU relevant rules**. They also provide significant **added value in addition to international and private standards**, thanks to their mandatory nature and by being tailored to the EU context.

Issues relating to poultry & eggs raised in response to the IIA

Marketing standards were successful and should be kept; possible changes: Solar panels or trees in free-range areas, date marking of eggs on the farm & other more detailed rules for free-range, origin labelling, expiry date of 28 days, to fall under marketing standards size of operation should be 100 and not 300, ban/labelling of eggs from operations that kill male chicks, labelling of production methods in processed products; no minimum weight for foie

⁷ 19 January - 16 February 2021. <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12772-Revision-of-EU-marketing-standards-for-agricultural-products>

gras, higher limits for water content in poultry meat, different labelling system of poultry meat, non-labelling of defrosted meat...

Possible questions in the public consultation relating to poultry & eggs

- Is there a need to add additional terms for the labelling of poultrymeat from different production systems to the existing ones.
- Poultrymeat contains water both naturally (physiological water) and as a consequence of slaughtering and processing (extraneous water). The current standards limit the total water content in poultrymeat in the interest of consumers. Fast-growing poultry breeds can increase resource efficiency by allowing for improved feed conversion and shorter production cycles, but the content of physiological water is higher when birds reach their slaughtering weight earlier. This makes it increasingly difficult for producers of fast-growing poultry to stay within the current limits for total water content.
- The definition of fresh poultrymeat in the EU marketing standards does not include frozen poultrymeat, while in food hygiene requirements it does. This discrepancy could create practical problems for the production and placing on the market of frozen poultrymeat.
- Currently, EU marketing standards for foie gras set a minimum weight for the livers of ducks and geese. This mandated minimum weight can only be effectively achieved through force-feeding the birds.