



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F – Outreach, Research & Geographical Indications  
The Director (Acting)

Brussels  
AGRI.F/DCF

## MINUTES

### *Meeting of the «CDG QUALITY AND PROMOTION»*

#### *Meeting via videoconference (Interactio)*

*Wednesday 29 March 2023 from 09:30 to 17:30*

Chair: João Onofre, Director (acting), DG AGRI Outreach, Research & Geographical Indications

Following organisations were represented: AREFLH; AREPO; AVEC; BEUC; CEJA; CELCAA; CEPM; COGECA; COPA; EAPF; ECVC; EFA; EFOR; EuroCommerce; Europatat; Facenetwok; FESASS; FoodDrink; Freshfel; IFOAM; OriGin; PFP; SFA Europe; Slow Food; TPE; WWF, Committee of Regions, European Economic and Social Committee

- 1. Approval of the agenda and of the minutes of previous meeting**
- 2. Nature of the meeting**

The meeting was not public.

- 3. List of points discussed**

### **Morning session on Promotion**

- 0. Welcome the participants**

Chair welcomes the participants to the first meeting of the new Civil Dialogue Group

- 1. Interpretation and new CDG system (SCIC)**

The SCIC representative said DG AGRI was an important SCIC client, and insofar as possible, SCIC would continue to provide maximum possible interpretation for its meetings. As hybrid meetings are now “the new normal”, the SCIC representative advised on how to maximise the effectiveness of multi-lingual hybrid meetings. It is essential to have a quiet office-like space from which to join the meeting remotely (external noises have a negative effect on transmission), and suitable equipment

including using a correct individual microphone (ideally a separate desktop microphone that you can connect to your computer). It is best to switch off microphone when silent thereby reducing external noise pollution. Given the importance of non-verbal communication, it is essential to switch on the camera when speaking.

The Chairman thanked the SCIC representative. He underlined the importance which DG AGRI attaches to the support of the Interpretation Service for its work, and the importance of following the SCIC advice and the rules concerning hybrid and online meetings so as to ensure the best possible service

### **List of points discussed**

#### **2. Rules of Procedures of the CDG on Quality and Promotion**

The Chairman recalled that two documents were published in CIRCABC on 22 March 2023, explaining the rules of the new Civil Dialogue Groups. The most important points to highlight were:

- There are no individual fixed seats. There is a membership per organisation. The organisation designates their representatives for each meeting.
- The Commission will continue to chair the meetings and draft the agenda.
- The format of the meetings will be kept; privileging online meetings with at least one CDG per year being an in-person meeting (but allowing also for online participation).
- The dissemination of relevant documents for the meeting is done through the CIRCABC platform.

In the discussion on this point, the representative of COPA-COGECA said it had been the practice for decades that a number of seats on the CDGs was allocated to each sectoral EU level socio-professional organisation. It would be extremely difficult for large EU representative organisations to organise their representation at such meetings if they do not know precisely the number of seats at their disposal. He recalled that prior to 2013, COPA and COGECA had 8 seats each; after the 2013 reform, they had 4 seats each. He asked for “a timely, reliable and foreseeable planning for the allocation of seats” that would allow each organisation optimal representation at the meetings.

The representative of FoodDrinkEurope said that when meetings are only online such as today, it should be possible to have more seats allocated to EU umbrella organisations.

The representative of the European Economic and Social Committee raised the question of the criteria for selecting the member organisations of the new CDG structure.

The Chairman responded that the questions raised were of a general nature pertaining to the organisation of the new CDG system. The intention was to allocate seats reflecting the priorities and multi-functionality of the current CAP. The evolution of the policy implied that some new organisations should be represented in the civil

dialogue structure. He assured the participants that the advice and views of farmers as well as all other socio-economic interests would be taken into account under the new CDG structure.

The representative of COPA-COGECA said the organisation was open to dialogue. He pointed out that a review of some previous 45 CDG meetings had shown that the number of allocated seats had not in fact been taken up by all organisations. He asked the Commission to review this and to create a system whereby unused seats are taken up by other organisations that want to have more participants. As it stands, the proportions were unbalanced.

The Chairman took note of the comments pertaining to the organisation of the new CDG system and said they would be brought to the attention of the competent department in DG AGRI.

### **3. Review of the Promotion Policy**

The Commission representative presented the current situation. He recalled the steps completed so far in the review process. The Commission has prepared an impact assessment drawing on the policy's evaluation and the consultations carried out, which received a positive opinion of the Regulatory scrutiny Board in spring 2022.

The legislative proposal is still under internal discussion within the Commission, and no date has been fixed yet for its adoption. This means that the current legal framework under Regulation EU 1114/2014 applies.

The representative of COPA-COGECA asked what are the main points of discussion within the Commission; the Commission representative replied that DG AGRI was not in a position to respond on that particular point. The services were examining different aspects of the current policy to see how the provisions in the basic act might eventually be changed with a view to achieving greater effectiveness of the policy. At present, the current legal framework continues to apply.

The Chairman expressed his regret that it was not possible at this stage to give a more definitive response as the draft legislative proposal was still under discussion within the Commission.

The representatives of Freshfel said that the review was an opportunity to look at different aspects of the functioning of the policy. In their view, there was not enough harmonisation of the process at MS level; that it was necessary to have common clear guidelines for the national authorities. Clarity in communication and clear labelling would help boost sales. The right balance had to be struck between internal EU and external messaging so as to secure maximum efficiency.

As regards the rules on “continuations”, they expressed concern that if an operator is forced to cease communication at the end of a programme for a two-year period, that would potentially weaken the effectiveness of campaigns. The current rules on “continuations” were unclear, causing a lot of problems, and did not add to the effectiveness of the policy; this should be addressed in the review of the policy.

The representative of AVEC “fully supported” the comments of Freshfel on “continuations” and eligibility. In the ongoing exchange on the review, the

representative of AREFLH (Assemblée des Régions Européennes Fruitières, Légumières et Horticoles) also expressed agreement with the views expressed by the Freshfel representatives, notably as regards the issue around “continuations” and achieving more clarity on the rules as part of the upcoming review.

The representative of Safe Food Advocacy Europe said that one of the objectives of the Farm to Fork strategy was to “reduce meat consumption”. There should be more focus on communicating on meat produced in a sustainable manner. They added that they agree with the view that a future Commission proposal to amend Regulation EU 1144/2014 should include the promotion of EU plant-based products.

The representative of Trade Promotion Europe asked what would be the impact of the lack of a review on the budget.

The representatives of Primary Food Processors following technical connection difficulties, made the following contribution online: *“This contribution is from Starch Europe and Euvepro [European Vegetable Protein Association] as part of Primary Food Processors: “We believe that all plant-based food and drink products made from cereals and plant protein crops should be eligible under the EU information provision and promotion measures”.*

The representative of the European Alliance for Plant-based Foods (EAPF), following technical connection difficulties, made the following contribution online: *“We are very pleased to have been given seats in the CDG to represent the expertise and interest of the plant-based food supply chain and are looking forward to a constructive dialogue! We would like to see the promotion in Europe in line with the F2F ambitions, promoting production and consumption of sustainable foods to inform and guide consumers allowing an informed choice. Our hope is that the SFSF [proposal on Sustainable Food Systems which is under preparation within Commission] will clearly define the desired sustainable food system and sustainable diets, setting a clear direction and guidance to move towards”.*

The representative of COPA-COGECA said there should be harmonisation of the approach of the national administrations: this would lead to improvement in the functioning of the policy. He asked if there would be a decrease in the budget for the promotion policy. He asked what the time frame for the review is and if it would be linked to the upcoming proposal on Sustainable Food Systems.

The representatives of CELCAA said no specific sector or products should be discriminated against in the (new) promotion policy. This policy should continue to be inclusive. They also asked for consideration to be given to the following points: (i) including better cooperation mechanisms among beneficiaries within the programs; (ii) as mentioned by other organizations, allowing more visibility of the brands participating in the programs together with the European message; (iii) setting up a different calendar for the payments to the beneficiaries, instead of a pre-financing and an annual payment it could also be considered biannual payments to the beneficiaries.

The representative of IFOAM Organics Europe pointed (online) to the state of the market and called on the Commission to take that into account in the review of the promotion policy. They reminded that the Farm to Fork strategy mentions the promotion policy as a tool to ensure consumers' trust in the organic label and to boost the organic market. They said “the rise of promotion policies dedicated to products issued from sustainable agriculture should not be done to the detriment of organic agriculture as it is

the model of agricultural production the most sustainable and reliable in the EU. This is why for the meat promotion, organic meat should be privileged.”

The representative of Eurogroup for Animals asked what was the timeline for the review of the policy.

The representative of FESASS (Fédération européenne pour la santé animale et la sécurité sanitaire) urged that meat and meat products should continue to be eligible in future promotion programmes. He advised it was necessary to avoid oversimplification in the debate around the environmental impact of the meat sector. The positive aspects of animal husbandry, for example, the role of animal proteins in nutrition, the socio-economic impact of the sector in terms of maintaining fragile environments in mountainous rural regions and in maintaining rural communities should not be ignored.

The representative of European Coordination Via Campesina asked online if the review would take into consideration “agro-ecological” livestock production in the open air? They also referred to the decline in the number of farmers over the past ten years, as a factor which should be taken into consideration

In response to the different points made, the Commission representative provided the following clarification:

On the rule on continuations (Article 1(4) Delegated Regulation EU 2015/1829), the current rules are applied under the present legal framework. The services were “acutely aware” of some confusion on the part of applicants around this issue and had made continued efforts to clarify the situation vis a vis applicants (through the publication of Q&As by REA) and vis a vis the MS through guidance issued to the Common Markets Organisation (CMO) Committee. It was expected that the review process would provide an opportunity to address and clarify this issue. Until then the current framework will continue to apply.

On meat, he reminded the CDG that promotion of meat and meat products is eligible under the current legal framework. He referred to the public consultation (in 2021), and the preparation of the Impact Assessment on the promotion policy where different options had been examined. He pointed out that in the public consultation, there had been no generalised support for the exclusion of products under the promotion policy (except tobacco as under the current rules). Moreover, he clarified that the Farm to Fork strategy announced that the Commission will undertake a review of the EU promotion programme for agricultural products, with a view to enhancing its contribution to sustainable production and consumption, and in line with the evolving diets. In relation to meat, the strategy stated that the review should focus on how the EU can use its promotion programme to support the most sustainable, carbon-efficient methods of livestock production.

On future budget considerations, he indicated that there was no specific pre-determined multi-annual allocation for the promotion policy. The budget is defined every year as part of the preparation of the Annual Work Programme.

Internal discussions continue on the review of the promotion policy. The services had taken note of the different views expressed by the members of the CDG. As regards

the question posed on timing of the adoption of the legal proposal and possible links to the forthcoming proposal on Sustainable Food Systems, it was premature at this stage to comment on timing or links to other policy initiatives currently in preparation.

#### **4. Annual Work Programme 2024 - preparation**

The Commission representative outlined the process of preparing the draft annual work programme for 2024 which is underway. He referred to the market analyses and consultations which would feed into the AWP 2024. He reminded participants that the Commission had addressed a letter to the CDG on 17 February asking for their input.

This had been uploaded on CIRCABC. He thanked those organisations which had already sent contributions and advised that the deadline for receiving written contributions was end of March. Consultation on the draft AWP would likely take place at the next AWP on 28 June, and the vote by CMO in the autumn.

The representatives of FoodDrinkEurope emphasised the usefulness of the promotion tool for boosting the competitiveness of EU agriculture at a time of continuing instability in the markets due the impact of the pandemic and the war in Ukraine. There should be a strong budget (restored to € 200 million) and all products should be included, as was the case for the AWP 2023. There should be a focus on new markets in third countries. “Full support” was expressed for the Commission own-initiative actions and the scope to involve the stakeholders. All sustainable agricultural practices (conventional and organic) should be equally supported by their market importance driven by supply and demand. They called on the Commission “to consider the current geopolitical uncertainties, retain agility and flexibility, and establish a mechanism to facilitate shelving projects in target countries or even changing the target country itself if these are or are likely to be affected”: in this way, the EU promotion policy can integrate the European Green Deal ambitions and sustain the sustainability efforts of the whole EU agri-food chain.

The representative of Freshfel also emphasised the usefulness of the actions under the promotion policy. There should be a strong budget – there had been a strong decline in Fruit/Veg, and EU quality schemes such as Organics and PGIs were under pressure. To stimulate consumption, there should be more focus on promoting generic production.

Concerning the application forms, he expressed the view that “too much was expected in terms of sustainability” and there was more focus on administrative content than improving effectiveness. He advised it would be helpful to have more lead-in time concerning the Annual Work Programme and the Info Day.

The representatives of COPA-COGECA referred to the role of the promotion policy in supporting competitiveness in unstable markets, and urged “some agility” in the current unstable environment. As regards budget, the division of budget and its implementation should reflect the Council conclusions. He expressed the view that the coverage of “quality topics” was insufficient in previous years. Finally the representatives thanked the Commission and emphasised their support for promoting sustainable and healthy eating habits through the AWP 2023. They urged the

Commission to maintain the same approach for AWP 2024. There should be no exclusion of products currently eligible under the Regulation.

The representatives of CELCAA (the European Liaison Committee for Agricultural and Agri-Food Trade) expressed support for the position of FoodDrinkEurope. They advocated a strong budget, more flexibility and a strong focus on third country markets, including UK as well as Europe. There should be no discrimination between eligible products. They expressed support for the Commission own-initiatives which strengthen the added value and complementarity between MS actions and EU actions.

The representative of EUROPATAT also urged a strong budget in 2024 and that all eligible products should be included in the AWP. There should be a balance between the promotion of organics and generic products.

The representative of the European Committee of Young Farmers said they would like to see a stable and fair Annual Work Programme for 2024 for all the sectors.

The representative of ORIGIN-EU (the European branch of the international network for GIs) in an online contribution said it is essential to have an adequate budget for promotion policy. They recalled that GIs contribute to the F2F policy, and that it is essential to increase the budget allocated to the promotion of GI products or to better redistribute the budget, as in the last two years the demands for GI campaigns have exceeded more than 400% of the available budget. This is necessary in order to better promote GI products in the EU on the internal market and in third countries. More specifically, ORIGIN EU called for an annual work programme “that supports all sustainable practices, not disproportionately organic farming which gives the idea that this type of farming is the only sustainable farming.” The definition of sustainability in the 2023 annual work programme only includes climate, environment and animal welfare aspects. They said integrating a definition of sustainability that includes all three pillars: environmental, economic and social is desirable. For 2024 AWP, as in 2023, all agricultural products should benefit from the promotion policy.

This view was shared by the representative of the European Federation of Origin Wines (EFOW) who in their online contribution maintained the AWP should support all sustainable agricultural practices and not disproportionately organic agriculture as it is not the only response to sustainability. EFOW believes the European Commission 2024 AWP should focus on consolidating markets that have shown growth over the past years and/or are well established.

The representative of the European Bureau of Consumer Organisations (BEUC) referred in an online contribution that the following award sub-criteria was included in the 2022 work programme, then disappeared from the 2023 work programme: "For proposals targeting the internal market, alignment with the objectives of Europe's Beating Cancer Plan, in particular encouraging the shift to a more plant-based diet, with less red and processed meat and other foods linked to cancer risks (e.g. alcoholic drinks)." and asked was there any specific reason for this deletion.

In response, the Commission representative referred to the points raised and thanked the participants for their input. The colleagues on the promotion team were available for any clarification needed.

## **5. Commission own-initiative actions**

The Commission representatives gave a comprehensive presentation on the different actions being undertaken outside the EU, in 2023 (and carried out also in final months of 2022) and planned for 2024. This covered the organisation of EU Pavilions, seminars, High Level Missions with the participation of the Commissioner for Agriculture, promotion campaigns, and market entry handbooks. Sustained efforts have been made to cooperate with MS and EU co-financed promotion programmes which are present at major events thereby increasing effectiveness of both EU and MS actions.

The representatives of FoodDrinkEurope and CELCAA expressed appreciation of the Commission's own initiative actions, and for the very detailed and useful information and noted the HLM planned for India in December. The representative of COPA-COGECA congratulated the Commission for its initiatives: they were appreciated and very effective.

The Commission representatives expressed appreciation for the involvement of the stakeholders in our actions. Information on the planning of the actions would be uploaded on CIRCABC.

## **6. Any other business**

No AOB points were raised.

In conclusion, the Chairman thanked all participants for their contributions to the discussion on the different aspects of the Promotion policy and invited the participants to resume in the afternoon for the Quality section of the CDG meeting.

### **Afternoon Session on Quality**

#### **No points AOB**

##### **1. Revision of geographical indications - State of play**

AGRI.F3 presented the state of play of discussions on the legislative proposal for geographical indications (GIs) in the Council and in the EP and reminded the main issues of the proposal.

The proposal has been tabled by the Commission one year ago, on 31<sup>st</sup> March 2022. It aims at strengthening the EU GI system, to increase the EU uptake of GIs across the Union, to streamline the procedures and to shorten registration time.

The main discussion issues:

- COMM extends the scope to all agricultural products according to the WTO definition.



- COMM includes
  - For the first time sustainability provisions on a voluntary basis.
  - For the first time provisions for how to deal with GI ingredients in processed food.
  - A new definition of recognised producers' groups.
  - Provisions for increased protection as regards online sales.
  - A provision in relation to current technical assistance by the EUIPO in relation to how files are processed and analysed at European level.

Since its adoption one year ago, a lot of things happened, at Council level at a first stage. The file was taken forward by the Czech presidency, in the later part of 2022, with a regular programme of discussions at Working Party level. This was followed also by the political steering, the SCA, where the major political issues in the reform were discussed and guidance was provided downwards.

It is at Council level since the beginning of this year, the process accelerated very strongly since the current Swedish presidency. This presidency made very clear their intention of finalising what is called the Council general approach, which in practical terms means the Council negotiations position, by May this year with the objective also of launching the first trialogue in June. The text will be politically validated most likely on the 8<sup>th</sup> of May SCA and then voted in an agricultural Council hopefully as an A point.

On the Parliament side, the work started a little bit later. Since the beginning there was the appointment of the rapporteur, which is the well-known MEP Paolo De Castro, representing the socialists democrats with co-reporters Mr Amaro for EPP, Mrs Tolleret for Renew and others for other political parties with smaller EP representation.

Works started relatively later than the Council, but it started also very strongly as Mr De Castro since November last year indicated his political guidance in relation to where does he want to steer the position of the Parliament. There was an impressive quantity of amendments tabled by several MEPs. Currently the EP is in the process of coordinating these amendments. The parliamentary process requires that they produce what is called 'compromised amendments' in order to make sure that the Parliament position is streamlined to a better negotiating position.

The EP position will probably be limited to 46 amendments, which is a good surprise because it indicates that there is going to be a short list of issues that need to be decided at political level. As to the PE timeline, they intend to align it with the Swedish presidency, PE position by the end of April and a plenary in May. Again, with the objective of starting the trialogue process in June.

The Spanish Presidency coming as from the 1<sup>st</sup> of July, according to preliminary contacts, is well informed and has provided significant assurances of their intention to complete the process by the end of the year. It is very important since we have European elections in 2024 so this file should be buckled up by the end of this year.

AGRI F3, on behalf of the Commission, is confident that the three institutions should be able to breach the political gaps with a view of having a new political framework adopted by the end of 2023.

## Questions

COPA-COGECA commented that we are at the end of a process that has lasted a couple of years with changes and improvements and thanks the Commission for the many progresses made in terms of harmonisation between the three parallel systems Food, Wine and Spirits. The improvements meet the desires of the sectors, amongst other COPA-COGECA. There are still a couple a controversial point. Firstly, about the rules of the Wine sector, the position of COPA-COGECA is that the specificities of the Wine sector need to remain under the CMO as a principal, without having parallel rules being created. The second issue is with the EUIPO in Alicante. Tasks have been outsourced to the agency and the legal framework is to be created but the Commission must remain the competent level where decisions are taken ultimately in terms of disputes or sensitive issues.

FRESHFEL also wanted to express their opinion about EUIPO. Protected Designations are not Trademarks. They consider the value of the region and the land and other aspects. If certain tasks are given to EUIPO these should be well-defined and the agency needs to know how to act when it comes to GIs. FRESHFEL realises that there is a great amount of work to be done with limited human resources.

EFOW wants to alert on three points. They share the concerns about EUIPO. It included areas such as labelling or sustainability for which EUIPO doesn't have expertise. The MS and COMM should remain the sole responsible for the information and the alert on the domain names or on the protection of the GIs online. They do not want to disconnect the rules on GI wines from the CMO. For producer groups, a solution must be found that gives the Member States as much subsidiarity as possible. It must not be possible to put into question what already exists.

SLOW FOOD would like to stress that in the future there would be a link between quality and environment and controls perspectives linked to geographical indications. SLOW FOOD is wondering if in the future there would be a better framework on the role of local authorities and European authorities on geographical indications. Certain countries are more flexible than others.

From the chat:

ORIGIN is invited to send written comments because of the poor quality of the sound.

“oriGIn EU would like to recall its priorities and concerns on the revision of the European policy on GIs. We would like this revision to improve the protection of GIs, protection on the internet but also when GIs are used as an ingredient. We will ask that the European Parliament and the Council will go further in their proposals. In addition, the legislative proposal proposes a new articulation between producer groups and the recognized producer groups, this can be beneficial for producers, but it is needed to introduce more subsidiarity in order to preserve the systems already in place. We would remind that we are reticent about the role that the EUIPO could have in the management of GIs. GIs are agricultural products with complex specificities and as Copa-Cogeca said cannot delegate sensitive issues to the EUIPO, we maintain that the EUIPO is involved only in the management of the GI register and that the Trademark Office is developing an alert system to improve the protection of GIs online.”

### **AGRI F.3 replies**

About subsidiarity and producer groups, the regime of geographical indications has enormous elements of subsidiarity. COMM basically accept all terms of reference and

specification as long as they are compatible with the regulation. COMM does not impose rules for cheeses at European level. COMM accepts them at bottom up level. The same for producer groups.

In relation to the quite unanimous comments put forwards about the role EUIPO in the assessment of geographical indications, it has been surprisingly for the Commission one of the major bones of contention in the discussions with MS, with the PE and with stakeholders. AGRI F3 fails to understand why this is becoming such a problem for the sector. EUIPO is assessing geographical indications for five years with very extensive training from COMM and with a lot of success. EUIPO have treated so far 1800 files. Their role is fundamental in making sure that approval and registration deadline remain manageable. It is a common complaint that there are delays in approval. COMM need to find a solution for this. It is also not correct that geographical indications are not IP rights. They are a very particular type of IP rights but they are IP rights, so they fully fall under the competence of EUIPO. It is true that they are collective rights, they are free of charge contradictory to Trademarks and it's always going to be like that, but EUIPO is capable and willing to invest time and resources in supporting COMM analysis. EUIPO is just "supporting", they do not decide anything. They are doing the preliminary scrutiny of COMM files. It is always the Commission that takes the political responsibility of everything COMM is doing. This is where COMM inserts the elements linked to the agricultural policy, to quality policy, to the link with the rural activities. There has been no problem in the last five years.

AGRI F3 does not expect it to become an issue in the future unless the Council and the PE take a very restrictive view of what this institution can do. Then it can really become a problem. AGRI F3 just reminds that we have 3500 registered GIs at this moment, more if we count the ones protected via the bilateral international agreement for which we also must analyse the specification under different conditions. We receive between new applications, standard amendments, Union amendments, temporary amendments and international files something like 600 files a year. It is obvious that we need to find a solution to make sure that we process these files efficiently and speedily. Taking off EUIPO from this process is not actually a way forward into increasing efficiency, transparency and effectiveness of the system.

A final point on Wine also raised by several interventions about Wine in the CMO or in the Quality Regulation. AGRI F3 can't help noting contradiction. The Commission is praised by giving the final step in merging all quality regulations into one. This is what we are doing in relation to wine, in making sure that the process, and the templates, and the procedures, are included in the Quality Regulation and not in the CMO. There is no change of a single comma in relation to substance. AGRI F3 fails to understand why this is problematic. The provisions for how you register a geographical indication are the same as the ones agreed by the CMO.

One of the arguments that COMM often listen is that the Wine sector, in particular some sides of the French wine sector are arguing that we should maintain all EU policy elements linked to the wine sector in one regulation and that it should be the CMO. AGRI F3 argues that this is a fiction. Such a thing does not exist anymore. A single regulation dealing with all provisions for the Wine sector. Provisions applicable and impactful on the Wine sector are dealt outside the Wine Regulation.

AGRI F3 shared a Power point listing the provisions concerning the Wine sector in DG SANTE, DG GROW, DG ENV and DG TAXUD:

- General Food law, applicable to all type of food, including wine.
- Food information for consumers.
- General rules for presentations of all types of food, including wine.
- Food additives, no additive can be added in the Wine legislation unless it has not been before authorised under the general Food law.
- Procedures to authorise pesticides are the same irrespective for Wine and other crops.
- Same legislation for pesticides residues; they are set in the general legislation and not in the legislation for wine.
- Bottle sizes are prescribed for different types of wines, not in the Wine legislation but in the Directive from DG GROW.
- The Directive on the sustainability of pesticides applicable to all agricultural crops, including Wine.
- Combined nomenclature.
- Management of customs codes, this is also outside the wine legislation.
- And finally, maybe the most important, support for the wine sector contains community financing for wines.

So basically, the wine sector is now creating a big issue out of a change without any practical substance and any impact on geographical indications. While during the CAP negotiations two years ago, the Wine sector did not see any problem in moving one billion Euros of EU support to the Wine sector to another piece of legislation. This is a short officious list that show that the Wine sector as any sector cannot be perceived in isolation. More and more we are impacted by several legislations. It is not going to be possible to give a complete piece of legislation that is applicable to Wine without any reference to the outside.

AGRI F3 reminds the challenges of the future, in the Farm to Fork and EU beating cancer plan, and the challenges ahead of the Wine sector where it is fundamentally important that the Wine GIs, that are a valuable part of the Wine sector, find right alleys in products that enjoy an excellent reputation at EU level.

## **2. Directive on Substantiating Green Claims presented by DG AGRI B2**

The Green Claim proposal was adopted by the College of Commissioners on the 22<sup>nd</sup> of March. It is now with the co-legislators. It is part of a third package relating to the circular economy.

The rationale behind the Green Claims proposal (Proposal for a Directive of the European Parliament and of the Council on substantiation & communication of explicit environmental claims):

In 2020 there was a Commission study carried out and an inventory was made on environmental claims. It showed that no less than 53% of the claims provided very vague, misleading or unfunded environmental information on the product. This was particularly the case for sectors like textiles and shoes, cosmetics, household equipment and food products.

### **The aim of the proposal is twofold:**

- To protect both consumers and companies from greenwashing or in other words to give a false impression about the positive environmental benefits of your products.

Protecting the consumers is done by providing very credible, reliable and comparable information. And on the basis on this reliable information, they can make more sustainable purchasing decisions, all in the context of green transition.

- The other main aim of the proposal is to really boost those operators that do make real efforts to boost environmental sustainability of their products. The proposal aims to do so by providing them with a fair level playing field and protecting them against unfair competition and boosting competitiveness.

The type of act that was chosen for the proposal is a Directive. That was done to improve legal certainty and create cost saving opportunities for those operators that really trade across the borders of different EU Member States.

This of course all fits in within our main Green Deal objective to move towards a circular, clean and climate neutral EU economy.

### **What already exist in terms of consumer protection:**

- The Unfair Commercial Practices Directive. This is a kind of overarching legislation. It basically prohibits those unfair commercial practices that distort the consumers' economic behaviour. It provides the same level of protection for consumers across the EU. It protects the economic interest of consumers both during, before and after a commercial transaction.
- The proposal on empowering consumers for the green transition. This proposal both amends the Unfair Commercial Practices Directive as well as the Consumers Rights Directive. The aim is to really provide even better information and even better protection against unfair commercial practices.

The Green Claims proposal is called a "Lex specialis" because it contains very specific rules for the substantiation and verification of environmental claims specifically as well as rules for environmental labelling schemes.

The scope of the proposal is only the business to consumers' voluntary claims. Examples: ocean-friendly sunscreen, t-shirts made of recycled plastic bottles.

In the article on the scope there is a paragraph saying that the Green Claims requirements do not apply to environmental claims that are regulated or substantiated based on other Union rules. These can be both existing and future.

Organic labelling is a concrete example, it is regulated by the already existing Organic Regulation 2018/848, and so in that case the Organic Regulation applies and takes precedence. An example of a future legislation is the upcoming framework law for a Union Sustainable Food System which will take precedence once it is adopted.

### **Substantiation of environmental claims**

The aim is to have reliable claims and of course this requires credible and proportionate substantiation. This concretely means that you must have your claims backed by solid scientific evidence and that you must take into account relevant international standards.

It's also important that you really demonstrate that your claim is based on an assessment that addresses all significant environmental issues from a life cycle perspective. This doesn't mean that you must carry out a full life cycle assessment for all types of claims. The intention is that you can provide a sort of "bird's eye view".

What is also very important is that you really identify trade-offs between impacts, that you are very transparent about these. For instance, if you would highlight as an operator the efficient use of resources, as an agricultural producer with very intensive agriculture, then if there are trade-offs, as regards for instance biodiversity and animal welfare, you must be transparent about that information. There are also requirements about comparative claims, on equivalent assessment, using equivalent information and equivalent data.

Microenterprises have been exempted from substantiation requirements because otherwise they would face disproportionately high costs, both financial and administrative. Microenterprises in the sense of fewer than ten employees or having an annual turnover and/or annual balance sheet with a total that does not exceed two million EUR. However, there is an exception if they request to receive a certificate of conformity. So, microenterprises can choose to comply with these requirements.

### **Rules on communication on environmental claims**

They are complementary to what already exists in the Unfair Commercial Practices' Directive as well as the proposal on empowering consumers for the green transition. It also only concerns the specific rules in the proposal about claims regarding environmental impacts or aspects or performance that are in line with the substantiation requirements and as mentioned they are based on transparency. Here again micro enterprises are exempted from these communication requirements unless they want to have a certificate of conformity.

### **The regime set out for environmental labelling schemes**

The main aim of these rules is to avoid the proliferation of environmental labelling schemes. In the EU alone, we have already around 230 labelling schemes. This is of course not very helpful for consumers who are often confused and don't know which scheme can be trusted. The regime set out for environmental labelling schemes reinforces the trust in the remaining labels.

They impose rules on Member States, who must make sure for instance that no new public environmental labelling schemes are allowed, except the ones under Union law. For example, if you have already existing national or regional environmental labelling schemes that existed prior to the date of transposition of the Green Claims Directive, they will only be allowed to continue if they are able to comply with the requirements set out in the directive.

Similarly, private schemes are not allowed unless they can demonstrate a real added value in terms of environmental ambition in regards the coverage that they have, certain environmental impacts or for instance because they cover certain product groups or certain sectors, compared to Union and national labelling schemes.

If we move to new third countries public and private schemes, before they will be allowed on Union market, they will have to be submitted and they will have to pass an approval procedure.

We also have an additional rule, which is about the prohibition of labels with aggregated scoring, unless they are developed under Union law. What's behind this rule is the fear that if you allow for an aggregated score, then this score might mislead consumers if negative environmental impacts are hidden by the aggregated score.

## **Verification of environmental claims and labels**

Both articles on Regime for environmental labelling schemes and Verification of environmental claims and labels will be implemented further by implementing acts.

Member States must set up necessary procedures for ex-ante verification. The verification must be done by independent and accredited verifiers. They must be competent to certify that they environmental claims pass the substantiation and the communication requirements and that the environmental labelling scheme meets the requirements that are set out.

If they succeed in passing that verification, then the traders get a certificate of conformity that is recognised across the whole of the EU. Micro enterprises can opt in if they want to benefit from such a certificate of conformity.

Member States are obliged to support SMEs. They are required to at least provide certain guidelines on ways to comply with the requirements. Measure that they can develop may include financial support, access to finance or technical assistance.

### **Examples on two voluntary schemes very effective in tackling green washing.**

The EU Ecolabel. This is the voluntary official EU label for environmental excellence guaranteeing low impact. It's awarded to products with very high performance.

The EMAS is the EU official eco-management and audit scheme. It has been developed for companies and other organisations to evaluate, to report and to continuously improve environmental performance. For labels under these schemes, the green claim requirements do not apply.

## **3. Revision of marketing standards**

AGRI.E1 (governance of the agri-food markets) presented the state of play of the current revision of certain marketing standards. As other market units are more directly in charge of this revision, AGRI.E.1 did not offer to address detailed discussion on each individual initiative.

AGRI.E.1 reminded the audience that marketing standards are rules that define quality of certain agricultural food products. These cover also the so-called optional reserved terms that are denominations for a limited number of products that are produced according to certain specific rules, for example, the production of free-range eggs or poultrymeat.

The legal basis for these marketing standards is found in the Common Market Organization Regulation (EU) No 1308/2013 (CMO Regulation) and its secondary legislation, as well as so-called 'Breakfast' directives, which cover jam, fruit juices, honey and chocolate.

Marketing standards matter because they provide for a common language for easing the marketing of the products covered by these standards. They ensure product quality; they help informing the consumers about the specific conditions under which the products are produced and their characteristics. They help ensuring the harmonisation of the

marketing of a product in the single market, with well-defined standards attached to the products. They create a level playing field for operators fulfilling the conditions attached to the standards. They reduce transaction costs thanks to a common understanding of the definition attached to a product. At the end of the chain, they also facilitate the enforcement in case of compliance or non-compliance with standards.

These have been in place for decades, some have been dropped over the time but they are still there for certain categories of products. Their benefits largely outweigh the costs of the compliance with the norms. AGRI.E.1 gave some examples of marketing standards:

- Jams: sugar and fruit content.
- Poultry meat: optional reserved terms to meat produced in accordance with specific practices (“free range”, “fed with X% of maize”, etc.).
- Eggs: definition of the production systems for hens so that their eggs can be labelled “free-range”.

### **Reasons for a revision**

While some standards have been dropped in the past, others need to be revised from time to time to keep up with the development of the technological ways to produce them, or to adapt to the new trends of consumption and expectation of consumers (for example, consuming ready to eat fresh fruits). The last major revision took place ten years ago.

The second objective of the current revision is the aim to enhance sustainability in the way we produce agricultural products. It is under the umbrella of the Farm to Fork strategy, precisely action number 18.

A third objective of the revision is about ‘Lisbonisation’, the adaptation of the few regulations, which had not been amended following the entry into force of the Treaty.

Coming back to the objective under the Farm to fork strategy, this strategy is about enhancing the way we produce food products in the EU in a more sustainable way. There are more than one instruments that would contribute to this progress. We must take all the existing legislation and the new legislation to work towards a more sustainable agriculture.

### **Steps taken so far for a revision**

The process started about three years ago, first with the evaluation of the existing marketing standards. Most marketing standards were positively assessed by the stakeholders or the food supply chain at large.

From 2021, in line with the better regulation rules, COMM started with an Inception Impact Assessment. COMM carried out public consultation, had the assistance of the JRC to help streamlining the information gathered. After that, COMM had more specific targeted consultation of the Member States at the end of 2021, to identify which of the marketing standards need to be revised. Throughout 2022 and until early 2023 COMM had many meetings with experts’ groups of different products and sectors concerned and finalised the Impact Assessment in the context of better regulation.

### **Snapshot of products and sectors covered by the ongoing revision.**

There were many steps of consultation, and some initial products or initiatives were dropped along the road. There may be further development in the future. There is no certainty at that stage that the sectors mentioned will still be subject of a revision of the relevant marketing standards.



- Fruit juices and nectars: This is mostly about the level of added sugar to go to a more sustainable food system and a healthier diet by trying to limit the sugar intake for a healthier population.

- Jams: similar motives.

- Honey: COMM will propose to have the origin indicated at country's level, be it a member state or a third country.

- Poultrymeat: there are numerous standards under discussion. COMM wants to revise the marketing standards as regards downgrading of batches in case of non-compliance with EU rules. The idea is not to downgrade whole lots but discriminate a bit more and be able to keep as low as possible the discarding of products and to maximize the revenue and the economic balance of the producers. COMM is also proposing to harmonise rules with existing organic rules, as well as to address the production of meat from animals raised on dual-use lands. Optional reserved terms are also subject to revision as well as the issue of the water content in poultrymeat;

- Eggs: mostly about harmonisation between pieces of legislation in the EU in respect of the dates indicated on the eggs.

- Fruit and Veggies: COMM is reviewing rules in respect of the indication of origin for cut or trimmed produce. COMM is also proposing to streamline rules applicable in case of force majeure when certain fruits and vegetables may not comply with the marketing standards. The same would apply to the so-called ugly fruits and veggies, which may not comply with marketing standards in terms of presentation and aspect but have the same nutritional value as others.

- Cider and perry: COMM will present a Report on the possibility to establish new standards for these products.

### **Next steps**

At first, COMM is planning by the end of April to make public the package of initiatives that would comprise:

- the Commission proposal to amend "breakfast" directives with respect to jams, fruit juices and nectars and honey.

- draft implementing or delegated regulations with respect to fruit and vegetables, eggs and poultrymeat, at the start of the feedback period.

- The a report to the European Parliament and to the Council on new marketing standards for cider, perry and pulses. As there are no marketing standards for these products, the Commission must present a report to the co-legislators and will take stock of the conclusions of the discussion at European Parliament and Council level before proposing, or not, new standards for these products.

- the Impact Assessment, also required under the Better Regulation rules, that will cover all the initiatives under the ongoing revision.

### **Questions**

SAFE Food Advocacy Europe asks for more information about marketing standards with regards to food waste.

FRESHFEL EUROPE still has major issues with the reform of the marketing standards for Fruits and Vegetables. They understand the ambition of the Farm to Fork with origin labelling, but this must be fair and feasible, cost-effective for the sectors and for the consumers. Otherwise, there might be a lower consumption, in contradiction with the

objective of the Farm to Fork to stimulate consumption of fruits and vegetables. As an example, with carrot or cabbage, there may be at the same moment 6 or 7 origins and in most of the case, when this is an ingredient, you need to print in advance the packaging. This means a lot of stock of packaging at the level of operators that have the responsibility of the packing. It's important to find practical solutions when you have multiple ingredients in products such as fresh salads.

FRESHFEL EUROPE raises a second point, which is the simplification of the certificate of conformity. There is an obligation to have this certificate when exporting fruits and vegetables but many countries, including the main market of FRESHFEL EUROPE, the UK, do not require this certificate of conformity. It's something complex to get for some destination like the UK, and to have it ready at the time the pack is at the custom. So, it's very important to remove the certificate of conformity in the purpose of simplification. This document has a cost but have no use. FRESHFEL EUROPE hopes that this can be considered because they have been asking this removal for many years.

COPA-COGECA has a couple of questions, about olive oils and honey.

About olive oil, they would like to know whether some changes are intended on the Commission side. On honey, last week, there was a report from the JRC and OLAF, which presented that 50% of the imports are suspected of being falsified. So, the question is whether the Commission, in the framework of these amendments to the honey directive is intending to take that into account.

FACEnetwork wants to know why dairy products are not mentioned in the revision of the marketing standards, not even in the breakfast area.

### **Answers to questions**

On food waste, all the marketing standards don't necessarily target reducing food waste. Some of the initiatives do facilitate implementing derogations to authorise marketing of products which don't comply with marketing standards, enabling these products to be nevertheless marketed under certain conditions and restrictions.

About the concerns on extending origin labelling for cut or trimmed fresh F&V, COMM confirms that these arguments have been well heard. Beyond the end of April, when the COMM will publish this package of initiatives, the process will continue with discussion in the Parliament on fruit juices, jam, honey, etc. and in the ad hoc committee on the regulations covering fruit and vegs. On simplification of the certificate of conformity, COMM takes note and the colleagues concerned are already aware.

Olive oil will not be part of the products covered by the package which will be published at the end of April. Perhaps it will come later, discussions are ongoing at different levels. On honey, COMM mentions the recent report on suspected products, suspected irregularities about half the import being suspected, coming from different countries. This revision on the standards on origin is a contribution to reinforce the possibility of being able to identify more clearly the origin of honey consumed in the European Union. It's not enough, the Commission continues to work on how we can best improve the way in which it analyses, diagnose and identify the origin of honeys. There is no one single measure, which can be deployed as routine at borders.

On the final point on the lack of dairy products, there is a proposal for a very slight change on concentrated milks in the breakfast directive. The other marketing standards with dairy products were not revised. The consumers and the stakeholders did not raise particular interest in revising or improving the existing standards. It was not an exercise

updating all standards. The COMM is trying to focus on the standards, which did most pressingly need to be revised.

#### **4. List of participants**

*Disclaimer "The opinions expressed in this report represent the point of view of the meeting participants from agriculturally related NGOs at community level. These opinions cannot, under any circumstances, be attributed to the European Commission. Neither the European Commission nor any person acting on behalf of the Commission is responsible for the use which might be made of the here above information."*

Electronically signed

Kerstin ROSENOW  
p.o. João ONOFRE

List of participants– Minutes  
**Meeting of the CDG Quality and Promotion**  
**29 March 2023**

ORGANISATION
ASSEMBLÉE DES RÉGIONS EUROPÉENNES FRUITIÈRES LÉGUMIÈRES ET HORTICOLES (AREFLH)
ASSOCIATION DES RÉGIONS EUROPÉENNES DES PRODUITS D'ORIGINE (AREPO)
ASSOCIATION OF POULTRY PROCESSORS AND POULTRY TRADE IN THE EU COUNTRIES (AVEC)
BUREAU EUROPÉEN DES UNIONS DE CONSOMMATEURS (BEUC)
EUROPEAN COUNCIL OF YOUNG FARMERS (CEJA)
EUROPEAN LIAISON COMMITTEE FOR AGRICULTURE AND AGRI-FOOD TRADE (CELCAA)
EUROPEAN CONFEDERATION OF MAIZE PRODUCERS (CEPM)
EUROPEAN AGRI-COOPERATIVES (COGECA)
EUROPEAN FARMERS (COPA)
EUROPEAN ALLIANCE FOR PLANT-BASED FOODS (EAPF)
EUROPEAN COORDINATION VIA CAMPESINA (ECVC)
<i>EUROPEAN ENVIRONMENTAL BUREAU (EEB) (ABSENT)</i>
EUROGROUP FOR ANIMALS (EFA)
EUROPEAN FEDERATION OF ORIGIN WINES (EFOW)
<i>EUROPEAN MILK BOARD (EMB) (ABSENT)</i>
<i>EUROPEAN RURAL POULTRY ASSOCIATION (ERPA) (ABSENT)</i>
<i>FRUITVEGETABLES EUROPE (EUCOFEL) (ABSENT)</i>
<i>EUROMONTANA (ABSENT)</i>
EUROCOMMERCE
EUROPEAN POTATO TRADE ASSOCIATION (EUROPATAT)
FARMHOUSE AND ARTISAN CHEESE AND DAIRY PRODUCERS' EUROPEAN NETWORK (FACENETWORK)
FÉDÉRATION EUROPÉENNE POUR LA SANTÉ ANIMALE ET LA SÉCURITÉ SANITAIRE (FESASS)
FOODDRINKEUROPE (FOODDRINKEUROPE)

FRESHFEL EUROPE
ORGANICS EUROPE (IFOAM EU GROUP))
ORGANISATION POUR UN RÉSEAU INTERNATIONAL D'INDICATIONS GÉOGRAPHIQUES (ORIGIN)
PRIMARY FOOD PROCESSORS (PFP)
SAFE FOOD ADVOCACY EUROPE (SFA EUROPE)
SLOW FOOD
TRADE PROMOTION EUROPE (TPE)
WORLD WIDE FUND FOR NATURE (WWF)
COMMITTEE OF THE REGIONS*COMITÉ DES RÉGIONS
EUROPEAN ECONOMIC AND SOCIAL COMMITTEE*COMITE ECONOMIQUE ET SOCIAL EUROPEEN