



MINISTER FOR AGRICULTURE

Mr Vytenis Andriukaitis  
Member of the European Commission

The Hague, 15 JUNI 2017  
17089319

Dear Mr Andriukaitis,

At the meeting of the Agriculture and Fisheries Council held on 18 May 2014, the Netherlands and Sweden tabled a proposal that Annex X of Regulation (EU) 1169/2011 be extended for the purpose of reducing food waste. I hereby submit the reports of two studies into food shelf life and date marking, which support the objective of this proposal.

Approximately half of all food waste is generated after consumers have purchased food. A major reason for this is that many consumers stop using food products that are still fine to consume past their best-before/use-by date. Annex X of Regulation (EU) 1169/2011 specifies products and product groups that are exempted from the requirement to indicate a minimum shelf life date. Extending this exemption list will probably result in consumers throwing away fewer food products that are still fine to eat.

In response to the Netherlands' appeal at the 2014 Agriculture and Fisheries Council meeting, the European Commission has included the extension of the list in Annex X on the agenda of the Commission Working Group on Food Information to Consumers. However, no specific proposals for the extension have been put forward yet. Point 19.3 of the European Council Conclusions of 28 June 2016 (10730/16) once again called for attention to this matter, indicating: 'Should any proposals for changes be made to EU rules on food information for consumers, the Council calls on the Commission to take into account the Council's position that these proposals should make a contribution to food waste prevention and undermine neither food safety nor consumer information.'

In this respect, the Netherlands has commissioned two studies:

1. The effect of date marking terminology of products with a long shelf life on food discarding behaviour of consumers (*Effect terminologie van houdbaarheidsdata van lang houdbare producten op weggooigedrag van consumenten*)
2. Advisory report on the options to extend the list of foods that are exempted from the requirement to bear a date mark (*Advies over mogelijkheden voor de uitbreiding van de lijst met producten die uitgezonderd zijn van de verplichting voor een vermelding van een houdbaarheidsdatum*)

Ad 1

The study entitled 'The effect of date marking terminology of products with a long shelf life on food discarding behaviour of consumers' was conducted by Wageningen Food & Biobased Research.



2017-06-15



MINISTER FOR AGRICULTURE

This qualitative consumer study has shown that omission of the date label on products with a long shelf life resulted in 12% less waste. When the best-before date on products with a long shelf life was replaced by 'long shelf life', the participants threw away 31% less than they did when a product had a best-before date. There were however major differences between the product categories, for example 23% less waste for syrup, yet 5% more waste for juice cartons.

#### Ad 2

The study entitled 'Advisory report on the options to extend the list of foods that are exempted from the requirement to bear a date mark' was conducted by the Risk Assessment and Research Programming Agency (BuRO: *Bureau Risicobeoordeling & Onderzoeksprogrammering*), which is part of the Netherlands Food and Consumer Product Safety Authority (NVWA). This is a risk assessment study that contains recommendations on ways to extend the exemption list of Annex X of Regulation (EU) 1169/2011. It recommends basing the extension of Annex X on an objective process and/or product criteria that products and product groups must meet, and recommends that such criteria be established. The study also looked into whether the products specified in the working document of the Working Group on Food Labelling are suitable for exemption from the durability indication requirement.

We would ask that you include these reports on the agenda of the Working Group on Food Information to Consumers and that you use them to put forward specific proposals for the extension of the exemption list of Annex X of Regulation (EU) 1169/2011.

Martijn van Dam

