

EN

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Answer given by Ms Kyriakides
on behalf of the European Commission
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Regulation (EU) No 1169/2011¹ requires the indication of the date of minimum durability ('best before' date) or the 'use by' date to be placed on the labels of prepacked foods. In the case of 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, the 'best before' date shall be replaced by the 'use by' date. With the exemption of eggs^{2,3} and fresh poultry meat⁴, it is the responsibility of food business operators to define the type of date ('best before' or 'use by' date) to be applied to the food and the associated shelf-life on the basis of the above criteria, taking also into account the properties of each food such as its nature, processing, packaging and storage. The Commission, supported by the European Food Safety Authority, is currently developing an EU scientific and technical guidance on date marking. The EU guidance is expected to be finalised by 2021⁵.

In cooperation with the EU Platform on Food Losses and Food Waste⁶, the Commission is reflecting on possible future options with regard to date marking and food waste prevention. In this context, the Commission intends to carry out consumer research to better understand how consumers perceive and use date marking, and look at possible new routes and concepts on date marking in order to increase its effectiveness in informing consumers (including legibility) and prevent food waste.

The Commission will await the results of the consumer research before proposing any possible changes to the current EU rules on date marking.

¹ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18–63).

² Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55). Annex III, Section X, Chapter I (3) lays down that eggs must be delivered to the consumer within a maximum time limit of 21 days of laying.

³ Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs (OJ L 163 24.6.2008, p. 6). Article 13 provides that the date of minimum durability for Class A eggs shall be fixed at not more than 28 days after laying.

⁴ Commission Regulation (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat (OJ L 157, 17.6.2008, p. 46–87). Article 5(3) provides that in the case of fresh poultry meat, the date of minimum durability shall be replaced by the 'use by date'.

⁵ More information with regard to date marking and food waste prevention can be found in: https://ec.europa.eu/food/safety/food_waste/eu_actions/date_marking_en

⁶ <https://webgate.ec.europa.eu/flwp/>