



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (**first reading**)

- Adoption
- a) of the Council's position at first reading
- b) of the statement of the Council's reasons

= Statements

Statement by Austria on mandatory consumer information concerning the date of minimum durability for fresh fishery products

Austria would like to express its concerns with the new mandatory consumer information in particular on the date of minimum durability, the gear category used by fishermen, the indication of the catch or production area, as well as concerning freshwater fishery, the reference to the body of water, that are likely to generate excessive constraints and administrative burdens for Member

States and their operators (see also statement brought forward by France, Germany, Spain, Belgium, Denmark, Portugal, Greece and Malta on 8 July 2013).

In particular, Austria would like to express its concerns with the mandatory information on the date of minimum durability (DMD) respectively the “use by date” (UBD) in Art. 42 par. 1 point (e) of the CMO Regulation for non-prepacked fishery products. DMD/UBD cannot be used reliably with non-prepacked food as its accuracy depends on the kind of packaging and the storage conditions. Therefore a standardized declaration on expectable durability for non-prepacked fish is impossible to obtain. As a consequence it is very likely that a very short DMD/UBD would be used on retail level which might lead to big quantities of fish to be destroyed because consumers might prefer to buy products with a longer DMD/UBD. In this respect, Austria would like to point to the Union’s initiatives regarding the reduction of food waste. Furthermore, Austria would like to point out that regulation 1169/2011 on consumer information only requires allergen information as the only mandatory information for non-prepacked food. For the very same reason, that other elements of labelling are either very hard or - as in this case – impossible – to obtain.

Statement by France, Germany, Spain, Belgium, Denmark, Portugal, Greece and Malta on mandatory consumer information

France, Germany, Spain, Belgium, Denmark, Portugal, Greece and Malta consider that new mandatory consumer information, in particular on the gear category used by fishermen, the date of minimum durability or the indication of the catch or production area, as well as concerning freshwater fishery, a reference to the body of water must not generate excessive constraints and administrative burdens for Member States and their operators.

Statement by Spain concerning mandatory consumer information on the fishing gear used

Article 35

Spain considers that the new mandatory information for consumers should not have any detrimental effect on the fishing industry and, more specifically, underlines that the obligation to include information on the type of fishing gear used must not prejudice or discriminate against the use of other types of fishing gear authorised by the Union and used in accordance with existing Community legislation.
