



Council of the
European Union

Brussels, 25 April 2023
(OR. en)

Interinstitutional File:
2023/0105(COD)

8624/23
ADD 3

FOOD 30
DENLEG 22
CODEC 670
AGRILEG 74
SAN 203

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	21 April 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2023) 98 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT Revision of EU marketing standards for agricultural products to ensure the uptake and supply of sustainable products Accompanying the document Proposal for a Directive of the European Parliament and of the Council amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption

Delegations will find attached document SWD(2023) 98 final.

Encl.: SWD(2023) 98 final



Brussels, 21.4.2023
SWD(2023) 98 final

COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Revision of EU marketing standards for agricultural products to ensure the uptake and supply of sustainable products

Accompanying the document

Proposal for a Directive of the European Parliament and of the Council

amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption

{COM(2023) 201 final} - {SEC(2023) 162 final} - {SWD(2023) 97 final}

Agricultural marketing standards are existing provisions of statutory EU law. They form part of the Common Agricultural Policy (CAP) and are laid down in the EP's and Council's Common Market Organisation (CMO) Regulation, in Commission secondary regulations as well as in the so-called Breakfast Directives. They require certain agricultural and food products to respect specific requirements so that they can lawfully be put on the market. These requirements often relate to product characteristics but may also concern origin, production methods, substances used in the production or accompanying modalities such as presentation and packaging of a product. A certain class of marketing standards, called optional reserved terms, consists of voluntary (valorising) labels.

This revision covers those marketing standards which, pursuant to the experience of the Commission during their application as well as due to the evaluation and consultations carried out, appear as in need of modernisation, simplification or increased responsiveness to sustainability considerations as laid down in the Commission's Farm to Fork strategy (F2F). These specific marketing standards are discussed in the impact assessment.

The EU legislator has legislated marketing standards first and foremost to address the economic needs of the actors in the chain, including the consumers of the products concerned. Certain standards should be adjusted, simplified or modernised to continue to be fit for purpose. Societal issues, say, environmental sustainability or animal welfare have so far played a limited role. The impact assessment also explores the scope for greater sustainability under the mandate of the F2F strategy. It supports and ensures coherence with horizontal F2F actions that also read on sustainability, such as the framework for sustainable food systems, sustainability labelling and animal welfare legislation review. The impact assessment does not suggest a one-size-fits-all sustainability approach for the different products at stake and does not attempt to establish a baseline that would apply across the sectors. The relevant arguments that inform the discussion of marketing standards for purposes of the impact assessment and, eventually, the preferred solutions, rely, on case-by-case assessments that are based on the economic, social and environmental specificities of the products in question.

Marketing standards do not generate direct public expenditure except for the control regimes. To protect the value that marketing standards have for the stakeholders in the chain, controls are generally devolved to the national authorities. The current revision is not expected to have a significant impact on national budgets.

Marketing standards apply to domestic and imported products alike, thus ensuring loyal competition to the benefit of consumers and producers. Changes to the standards are therefore liable to affect third country producers and importers. Under WTO rules, changes to marketing standards have to be pre-notified under the Agreement on Technical Barriers to Trade. They can affect existing production or import arrangements, notwithstanding that they are equally applied to domestic producers. Such notifications should explain the policy rationale of the change against the objectives that underpin agricultural marketing standards. On the other hand, public standards may put a brake, to a degree, on the proliferation of private standards and their – sometimes – negative impact on producers in developing countries.