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### **The EU's Country of Origin Labeling (COOL) Policy**

**Report Categories:**

FAIRS Subject Report

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#### **Report Highlights:**

The EU's "Food Information to Consumers" Regulation 1169/2011 will become applicable on December 13, 2014. This regulation introduces a number of new mandatory labeling requirements, including country of origin labeling (COOL) for meat other than beef. When the FIC Regulation was adopted in 2011, EU legislators agreed that mandatory COOL should be extended to more food products and ingredients. Article 26 of the FIC Regulation sets out detailed rules for COOL and lists the different actions the European Commission is required to undertake to further develop COOL rules. This report provides an overview of the EU's COOL policy.

## THE EU'S COUNTRY OF ORIGIN LABELING (COOL) POLICY

### Background

The EU's "Food Information to Consumers" (FIC) [Regulation 1169/2011](#) will become applicable on December 13, 2014. This regulation will replace the EU's current general food labeling requirements set out in [Directive 2000/13/EC](#) and introduce a number of new mandatory labeling requirements, including country of origin labeling (COOL) rules for meat other than beef. Before the adoption of the FIC Regulation, COOL was already mandatory for honey ([Directive 2011/100/EC](#)), fruit and vegetables ([Regulation 543/2011](#)), olive oil ([Regulation 1019/2002](#)), fishery and aquaculture products ([Regulation 1379/2013](#)) and beef ([Regulation 1760/2000](#) and [Regulation 1825/2000](#)). When the FIC Regulation was adopted in 2011, EU legislators agreed that mandatory COOL should be developed on a horizontal basis and extended to more food products and ingredients. [Article 26 of the FIC Regulation](#) sets out detailed rules for COOL and lists the different actions the European Commission is required to undertake to further develop COOL rules.

### Mandatory COOL

Under Article 26 of the FIC Regulation, mandatory COOL applies in the following cases:

- a. Where failure to indicate the country of origin might mislead the consumer
- b. For fresh, chilled and frozen pork, sheep and goat meat, and poultry
- c. When the country of origin is given voluntarily, i.e. on products for which COOL is not mandatory, but the origin of the primary ingredient is not the same as that of the food product. In such case, the label must indicate that the country of origin of the primary ingredient is different from that of the food product.

### Fresh, Chilled and Frozen Pork, Sheep and Goat Meat, Poultry

On December 13, 2013, the Commission adopted [Implementing Regulation 1337/2013](#) setting out the labeling modalities for unprocessed pork, sheep and goat meat, and poultry, as required by Article 26.2(b) of the FIC Regulation. Implementing Regulation 1337/2013 will become applicable on April 1, 2015. Detailed information is available in the last update of the EU-28 FAIRS Report which can be downloaded from <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/fairs-reports/>.

### COOL for Primary Ingredients

Article 26.3(b) required the Commission to adopt by December 13, 2013, an implementing act setting out rules for the indication of the country of origin of the primary ingredient when it is different from that of the food. "Primary ingredient" is defined as an ingredient or ingredients that represent more than 50 percent of a food. In the ["Terms of Reference"](#) for an external study on COOL for primary ingredients, the Commission specifies that the new requirements will not apply to foods subject to mandatory COOL or foods covered by EU quality schemes. Although the December 13, 2013 deadline has already passed, the Commission has not yet adopted an implementing regulation. Discussions on a

draft implementing regulation started in September 2013 and the Commission is still reflecting on the best way forward.

## **Possible Extension of Mandatory COOL**

### Meat Used as an Ingredient

Article 26.6 of the FIC Regulation required the Commission to submit a report, by December 13, 2013, to the European Parliament and Council on mandatory COOL of meat used as an ingredient. On December 17, 2013, the Commission published its [report](#) based on an external study together with a [Commission Staff Working Document](#) that provides detailed information underpinning the findings of the report.

The report assesses three scenarios:

1. Maintain COOL on a voluntary basis
2. Introduce mandatory COOL on the basis of
  - a. EU/non-EU indication
  - b. EU/specific third country indication
3. Introduce mandatory COOL indicating the specific EU Member State or specific third country

One of the main findings of the report reveals that strong consumer interest in origin labeling is not reflected in the consumer's willingness to pay the additional cost that would be incurred by imposing mandatory COOL. Mandatory COOL could result in price increases ranging from 15 to 50 percent. The report also concludes that introducing mandatory COOL would negatively impact competitiveness and trade as it would require considerable changes in the food chain and result in additional operating costs for food businesses and public authorities.

Due to the horse meat scandal in 2013, the debate on introducing mandatory COOL of meat as an ingredient has become highly politicized. The Commission will start discussions on the conclusions of the report with the European Parliament and Council. On the basis of these discussions, the Commission will reflect on next steps which may include a legislative proposal on mandatory COOL of meat as an ingredient.

### Other Foods

Article 26.5 of the FIC Regulation requires the Commission to prepare reports by December 13, 2014, that assess the need and feasibility of extending mandatory COOL to the following foods:

- Types of meat other than beef, pork, sheep, goat and poultry meat
- Milk
- Milk used as an ingredient in dairy products
- Unprocessed foods
- Single-ingredient products
- Ingredients that represent more than 50% of a food

## FIC Provisions on COOL – Summary

Food Category	Commission Report	Legislation
Pork, Sheep, Goat, Poultry	<a href="#">Published</a>	<a href="#">Implementing Regulation 1337/2013</a>
Primary ingredient when different from food	Not yet published	Implementing Regulation expected to be adopted in 2014
Meat as an ingredient	<a href="#">Published</a>	Commission reflecting on next steps
Other types of meat	Required by December 13, 2014	
Milk	Required by December 13, 2014	
Milk used as an ingredient in dairy products	Required by December 13, 2014	
Unprocessed foods	Required by December 13, 2014	
Single-ingredient products	Required by December 13, 2014	
Ingredients that represent more than 50% of a food	Required by December 13, 2014	

### Next Steps

The EU food industry welcomed the Commission's [report](#) on COOL of meat as an ingredient, published in December 2013, as a fair and balanced analysis of the issue taking into account all major elements such as consumer interest and willingness to pay, additional costs for businesses and public authorities and the potential impact on trade. Since the 2013 horsemeat scandal, the European Parliament and EU consumer organizations have been increasing emphasis on the importance of indicating the origin of meat on the labels of processed products. In its reaction to the Commission report, EU industry said that COOL of meat as an ingredient is not the appropriate tool to stop fraudulent food operators.

The Commission concluded in its report that different scenarios should be further discussed with the European Parliament and Council in order to fully grasp the impact of mandatory COOL on EU and international trade. The outcome of these discussions will determine the next steps.

Post will continue to closely monitor the debate on COOL of meat as an ingredient in processed foods. Any legislative initiative that would introduce mandatory COOL of meat as an ingredient must be notified to the WTO under the TBT Agreement.