Court of Auditors report on food labelling

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European Court of Auditors reports that “consumers can get lost in the maze of labels”

European Court of Auditors Report: Food labelling in the EU: Consumers can get lost in the maze of labels

Update

The European Court of Auditors, the body that reviews EU spending, has published a report on food labelling.

The report highlights significant gaps in the EU’s food labelling and control frameworks. Under current EU regulations, the European Commission has only taken action on four out of 11 key labelling topics, leaving several issues – including botanical claims, nutrient profiles, and nutrient and allergen labelling – either incomplete or unaddressed.

The report also points out that misleading information is widespread, including “clean” labels (e.g. advertising “antibiotic-free”) and unsubstantiated environmental claims, contributing to confusion among consumers. Despite EU rules requiring clear labelling, monitoring systems are inadequate, with inconsistent enforcement across Member States, particularly in online retail. Checks were also weak for voluntary labels such as nutrition and health claims.

The Court of Auditors recommends that the Commission should urgently address these gaps, enhance consumer understanding, and improve the effectiveness of controls, especially for online sales and voluntary labels. It also calls for a more systematic approach to monitoring consumers’ understanding of food labels.

Impacted products

All products

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Findings of the review

The Court of Auditors undertook its review of the current EU legal framework for food labelling due to consumers' growing interest in food information. The report was based on documentary reviews, interviews with the Commission and Member State authorities, and discussions with a range of stakeholders in the food sector. In summary, the report highlighted the following.

Gaps in the legal framework

Under current EU rules on food labelling (on food information to consumers, Regulation 1169/2011 and nutrition and health claims, Regulation 1924/2006), the Commission was supposed to take action on 11 topics, but it has done so on only four: trans fats, presence of gluten, country of origin, and alcoholic beverages. Action on other topics is either not yet completed (health claims, nutrient profiles, front of pack nutrition labelling, precautionary allergen labelling), or has not yet started (legibility of labelling, food for vegetarians/vegans, reference intakes for specific population groups).

In particular, the report highlights:

- Botanical claims: work evaluating 2,078 health claims related to plant substances ("botanicals") has been put on hold, meaning some Member States have adopted their own approach to regulating botanical claims. This could leave consumers confused or exposed to unsupported claims.
- Nutrient profiles: determining which products may make health claims (e.g. according to fat/sugar content) is reported by the Commission to be a sensitive topic that would make it difficult to adopt EU rules.
- Front of pack nutrition labelling: the Commission has reported the benefits of this type of labelling, and announced that it would present a legislative proposal before the end of 2022, but the proposals have not yet been put forward.
- Precautionary allergen labelling: the Regulation 1169/2011 foresaw new rules before 2022. While the Commission has worked on the topic (European Commission 2022), no rules have been adopted.

Confusing/misleading information

Although EU rules require food companies to provide information to consumers that is accurate, clear, and easy to understand, the Court of Auditors reports practices by food companies that are potentially confusing. These include "clean" labels (e.g. advertising "antibiotic-free"), misleading product names, and labelling that leaves out information. Specific examples are given in Annex II of the report.

Growing interest in the impact of food on the environment is also encouraging companies to put environmental claims on products. A Commission study found that 80% of online advertisements

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included such claims (European Commission 2020b), and highlighted the risk of "greenwashing" or lack of evidence to prove these claims. This concern has led to a Proposal for a Green Claims Directive.

The Court of Auditors also highlights the lack of systematic monitoring of consumers' understanding of food labelling. Those Member States consulted pointed in particular to confusion regarding the meaning of date marking (e.g. "best before").

Control systems

EU Member States must set up control systems that check the accuracy of food labelling. The Court of Auditors found that five Member States (Belgium, Denmark, Latvia, Malta, and Slovenia) have not updated their control plans. They also reported that control systems are often complex and involve multiple authorities, which could lead to inefficiencies and problems in coordination, sometimes in spite of the Commission already having identified these problems.

Controls of the mandatory information that must appear on food labelling are generally good, but there are often few controls on information that is voluntarily put on the label by food businesses. In particular, checks on nutrition and health claims were found to be weak. Checks on sustainability labelling are minimal.

The Court of Auditors also identified particular problems in checks on foods sold online. Member State authorities can only impose fines on food companies registered in their country, although they can report (via iRASFF) companies registered in other EU Member States. Food supplements sold through e-commerce platforms are particularly difficult to check, and online stores can be rapidly closed once it becomes clear that inspectors are carrying out controls.

The fines imposed on food companies for breaches of food labelling are reported to vary highly between Member States and can be difficult to enforce.

Court of Auditor recommendations

The report concludes with a number of recommendations. The Commission (together with Member States) must:

- Address gaps in the EU legal framework: urgently address botanical claims and precautionary allergen labelling, and carry out further work on origin labelling and alcoholic beverages.
- Increase analyses of labelling practices: these should be followed up with improved guidance for food companies.
- Monitor consumer expectations: systematic monitoring of consumers' understanding should support awareness-raising campaigns and guides on labelling for consumers.
- Strengthen controls of voluntary labels and online retail.

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- Improve reporting of official controls of food labelling: ensure that information gathered by Member States is efficiently collected and shared.

Timeline

The Court of Auditors asks the Commission to implement the recommendations in the report by 2027.

Background

The European Court of Auditors aims to ensure that EU funds are well managed and supervised. It produces reports that seek to contribute to the development of EU policies.

Resources

European Commission (2017) Report from the Commission to the European Parliament and the Council regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages

European Commission (2018) Commission Notice on questions and answers on the application of Regulation (EU) No 1169/2011 on the provision of food information to consumers

European Commission (2020a) Report regarding the use of additional forms of expression and presentation of the nutrition declaration

European Commission (2020b) Environmental claims in the EU: Inventory and reliability assessment [Download]

European Commission (2022) Commission Notice on the implementation of food safety management systems covering Good Hygiene Practices and procedures based on the HACCP principles, including the facilitation/flexibility of the implementation in certain food businesses

FoodDrinkEurope (2022) Guidelines on Legibility of Labelling

Regulation (EU) 1169/2011 on the provision of food information to consumers

Regulation (EC) 1924/2006 on nutrition and health claims made on foods

Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products

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