


# Procedure file

| Basic information   |                     |
|---|---------------------|
| <p>COD - Ordinary legislative procedure (ex-codecision procedure)<br/>Regulation</p> <p>2008/0028(COD)</p>  | Procedure completed |
| <p>Food information to consumers</p> <p>Repealing Directive 2000/13/EC <a href="#">1999/0090(COD)</a><br/>Amending Regulation (EC) No 1924/2006 <a href="#">2003/0165(COD)</a><br/>Amending Regulation EC) No 1925/2006 <a href="#">2003/0262(COD)</a><br/>Amended by <a href="#">2013/0435(COD)</a></p> <p>Subject</p> <p>3.10.06.08 Wine, alcoholic and non-alcoholic beverages<br/>3.10.10 Foodstuffs, foodstuffs legislation<br/>4.20 Public health<br/>4.60.02 Consumer information, advertising, labelling<br/>4.60.04.04 Food safety<br/>4.60.06 Consumers' economic and legal interests</p> |                     |

| Key players                   |   |  |            |
|-------------------------------|---|--|------------|
| European Parliament           | Committee responsible   | Rapporteur                               | Appointed  |
|                               | <b>ENVI</b> Environment, Public Health and Food Safety                          | PPE <a href="#">SOMMER Renate</a>        | 21/07/2009 |
|                               | Former committee responsible  |  |            |
|                               | <b>ENVI</b> Environment, Public Health and Food Safety                          | PPE <a href="#">SOMMER Renate</a>        | 21/07/2009 |
|                               | <b>ENVI</b> Environment, Public Health and Food Safety                          |  |            |
|                               | Former committee for opinion  |  |            |
|                               | <b>IMCO</b> Internal Market and Consumer Protection                             | S&D <a href="#">SCHALDEMOSE Christel</a> | 14/09/2009 |
|                               | <b>AGRI</b> Agriculture and Rural Development                                   | S&D <a href="#">TARABELLA Marc</a>       | 15/09/2009 |
|                               | <b>IMCO</b> Internal Market and Consumer Protection                             |  |            |
|                               | <b>AGRI</b> Agriculture and Rural Development                                   |  |            |
| Council of the European Union | Council configuration   | Meeting                                  | Date       |
|                               | <a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a> | <a href="#">3113</a>                     | 29/09/2011 |
|                               | <a href="#">Agriculture and Fisheries</a>                                       | <a href="#">3070</a>                     | 21/02/2011 |
|                               | <a href="#">Employment, Social Policy, Health and Consumer Affairs</a>          | <a href="#">3053</a>                     | 06/12/2010 |
|                               | <a href="#">Employment, Social Policy, Health and Consumer Affairs</a>          | <a href="#">3019</a>                     | 07/06/2010 |

## Key events

|            |  |   |         |
|------------|--|---|---------|
| 30/01/2008 | Legislative proposal published                           | <a href="#">COM(2008)0040</a>   | Summary |
| 11/03/2008 | Committee referral announced in Parliament, 1st reading  |   |         |
| 22/06/2009 | Debate in Council  | <a href="#">2952</a>  | Summary |
| 19/10/2009 | Committee referral announced in Parliament, 1st reading  |   |         |
| 14/12/2009 | Debate in Council  | <a href="#">2986</a>  | Summary |
| 16/03/2010 | Vote in committee, 1st reading                           |   | Summary |
| 19/04/2010 | Committee report tabled for plenary, 1st reading         | <a href="#">A7-0109/2010</a>  |         |
| 07/06/2010 | Debate in Council  | <a href="#">3019</a>  | Summary |
| 15/06/2010 | Debate in Parliament                                     |    |         |
| 16/06/2010 | Results of vote in Parliament                            |  |         |
| 16/06/2010 | Decision by Parliament, 1st reading                      | <a href="#">T7-0222/2010</a>  | Summary |
| 28/02/2011 | Council position published                               | <a href="#">17602/1/2010</a>  | Summary |
| 10/03/2011 | Committee referral announced in Parliament, 2nd reading  |   |         |
| 19/04/2011 | Vote in committee, 2nd reading                           |   | Summary |
| 06/06/2011 | Committee recommendation tabled for plenary, 2nd reading | <a href="#">A7-0177/2011</a>  |         |
| 05/07/2011 | Debate in Parliament                                     |  |         |
| 06/07/2011 | Decision by Parliament, 2nd reading                      | <a href="#">T7-0324/2011</a>  | Summary |
| 29/09/2011 | Act approved by Council, 2nd reading                     |   |         |
| 25/10/2011 | Final act signed   |   |         |
| 25/10/2011 | End of procedure in Parliament                           |   |         |
| 22/11/2011 | Final act published in Official Journal                  |   |         |

## Technical information

|                        |  |
|------------------------|--|
| Procedure reference    | 2008/0028(COD)   |
| Procedure type         | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype      | Legislation  |
| Legislative instrument | Regulation   |
|                        | Repealing Directive 2000/13/EC <a href="#">1999/0090(COD)</a>  |

|                            |  |
|----------------------------|--|
|                            | Amending Regulation (EC) No 1924/2006 <a href="#">2003/0165(COD)</a><br>Amending Regulation EC) No 1925/2006 <a href="#">2003/0262(COD)</a><br>Amended by <a href="#">2013/0435(COD)</a> |
| Legal basis                | Treaty on the Functioning of the EU TFEU 114-p1  |
| Other legal basis          | Rules of Procedure EP 165  |
| Stage reached in procedure | Procedure completed  |
| Committee dossier          | ENVI/7/04868   |

| Documentation gateway   |             |                                |            |     |         |
|---|-------------|--------------------------------|------------|-----|---------|
| Legislative proposal  |             | <a href="#">COM(2008)0040</a>  | 30/01/2008 | EC  | Summary |
| Document attached to the procedure                              |             | <a href="#">SEC(2008)0092</a>  | 30/01/2008 | EC  |         |
| Document attached to the procedure                              |             | <a href="#">SEC(2008)0093</a>  | 30/01/2008 | EC  |         |
| Document attached to the procedure                              |             | <a href="#">SEC(2008)0094</a>  | 30/01/2008 | EC  |         |
| Document attached to the procedure                              |             | <a href="#">SEC(2008)0095</a>  | 30/01/2008 | EC  |         |
| Committee draft report  |             | <a href="#">PE430.616</a>      | 11/11/2009 | EP  |         |
| Amendments tabled in committee                                  |             | <a href="#">PE431.051</a>      | 22/12/2009 | EP  |         |
| Amendments tabled in committee                                  |             | <a href="#">PE431.137</a>      | 22/12/2009 | EP  |         |
| Amendments tabled in committee                                  |             | <a href="#">PE431.151</a>      | 22/12/2009 | EP  |         |
| Committee opinion   | <b>AGRI</b> | <a href="#">PE430.537</a>      | 29/01/2010 | EP  |         |
| Committee opinion   | <b>IMCO</b> | <a href="#">PE430.628</a>      | 25/02/2010 | EP  |         |
| Committee report tabled for plenary, 1st reading/single reading |             | <a href="#">A7-0109/2010</a>   | 19/04/2010 | EP  |         |
| Text adopted by Parliament, 1st reading/single reading          |             | <a href="#">T7-0222/2010</a>   | 16/06/2010 | EP  | Summary |
| Commission response to text adopted in plenary                  |             | <a href="#">SP(2010)6136</a>   | 01/09/2010 | EC  |         |
| Council statement on its position                               |             | <a href="#">05964/2011</a>     | 11/02/2011 | CSL |         |
| Commission communication on Council's position                  |             | COM(2011)0077                  | 22/02/2011 | EC  | Summary |
| Committee draft report  |             | <a href="#">PE460.612</a>      | 25/02/2011 | EP  |         |
| Council position  |             | <a href="#">17602/1/2010</a>   | 28/02/2011 | CSL | Summary |
| Amendments tabled in committee                                  |             | <a href="#">PE460.950</a>      | 23/03/2011 | EP  |         |
| Committee recommendation tabled for plenary, 2nd reading        |             | <a href="#">A7-0177/2011</a>   | 06/06/2011 | EP  |         |
| Text adopted by Parliament, 2nd reading                         |             | <a href="#">T7-0324/2011</a>   | 06/07/2011 | EP  | Summary |
| Commission opinion on Parliament's position at 2nd reading      |             | <a href="#">COM(2011)0475</a>  | 27/07/2011 | EC  | Summary |
| Draft final act   |             | <a href="#">00043/2011/LEX</a> | 26/10/2011 | CSL |         |
| Follow-up document  |             | COM(2013)0755                  | 17/12/2013 | EC  | Summary |

|                    |  |                               |            |    |         |
|--------------------|--|-------------------------------|------------|----|---------|
| Follow-up document |  | <a href="#">SWD(2013)0437</a> | 17/12/2013 | EC |         |
| Follow-up document |  | <a href="#">COM(2015)0204</a> | 20/05/2015 | EC | Summary |
| Follow-up document |  | <a href="#">COM(2015)0205</a> | 20/05/2015 | EC | Summary |
| Follow-up document |  | <a href="#">COM(2015)0619</a> | 03/12/2015 | EC | Summary |
| Follow-up document |  | SWD(2015)0268                 | 03/12/2015 | EC |         |
| Follow-up document |  | <a href="#">COM(2016)0138</a> | 11/03/2016 | EC |         |
| Follow-up document |  | <a href="#">COM(2017)0058</a> | 13/03/2017 | EC | Summary |
| Follow-up document |  | <a href="#">COM(2020)0207</a> | 20/05/2020 | EC |         |
| Follow-up document |  | <a href="#">COM(2021)0462</a> | 10/08/2021 | EC |         |
| Follow-up document |  | <a href="#">COM(2022)0326</a> | 06/07/2022 | EC |         |

| Additional information |                         |
|------------------------|-------------------------|
| National parliaments   | <a href="#">IPEX</a>    |
| European Commission    | <a href="#">EUR-Lex</a> |

| Final act   |
|---|
| <p><a href="#">Regulation 2011/1169</a><br/> <a href="#">OJ L 304 22.11.2011, p. 0018</a> Summary</p> <p><a href="#">Corrigendum to final act 32011R1169R(01)</a><br/> <a href="#">OJ L 247 13.09.2012, p. 0017</a></p> <p><a href="#">Corrigendum to final act 32011R1169R(04)</a><br/> <a href="#">OJ L 163 15.06.2013, p. 0032</a></p> <p><a href="#">Corrigendum to final act 32011R1169R(07)</a><br/> <a href="#">OJ L 050 21.09.2015, p. 0048</a></p> <p><a href="#">Corrigendum to final act 32011R1169R(12)</a><br/> <a href="#">OJ L 266 30.09.2016, p. 0007</a></p> <p><a href="#">Corrigendum to final act 32011R1169R(20)</a><br/> <a href="#">OJ L 142 01.06.2023, p. 0041</a></p> <p>Final legislative act with provisions for delegated acts</p> |

| Delegated acts                 |                              |
|--------------------------------|------------------------------|
| <a href="#">2013/2789(DEA)</a> | Examination of delegated act |
| <a href="#">2013/2968(DEA)</a> | Examination of delegated act |
| <a href="#">2013/2997(DEA)</a> | Examination of delegated act |

## Food information to consumers

PURPOSE: to propose a recasting of the rules on general food labelling provisions.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: the draft proposal consolidates and updates two areas of labelling legislation: the area of general food covered by Directive 2000/13/EC, and that of nutrition labelling covered by Directive 90/496/EEC.

Directive 2000/13/EC has been amended several times and the evolution of both the food market and consumers' expectations renders its update and modernisation necessary. In 2003, the Commission, in close cooperation with stakeholders, launched an evaluation of the food labelling legislation in order to reassess its effectiveness and to identify the needs and expectations of today's consumers in terms of food information. The conclusions, published in 2004, identified the focus for a future proposal.

Regarding nutritional labelling, the consumer must have access to clear, consistent and evidence-based information. This necessity was emphasised in the [White Paper](#) on a Strategy for Europe on Nutrition, Overweight and Obesity related health issues, published in May 2007. There have been initiatives by stakeholders to encourage the inclusion of nutritional information on the front of packaging. There is divergence in the labelling systems being used, which can create barriers to trade.

The main elements of the proposal are as follows:

The provision of food information to consumers: the proposal modernises, simplifies and clarifies the current food-labelling scene by means of:

- a recasting of the different horizontal labelling provisions. The merging of those texts (directives) into a single piece of legislation (regulation) will maximise synergies and increase the clarity and consistency of Community rules;
- ensuring consistency between horizontal and vertical rules;
- a rationalisation (update, clarification) of the compulsory information required by Article 3(1) of Directive 2000/13/EC;
- the setting-up of a flexible bottom-up mechanism (through national schemes) that would enable industry to innovate, and allow for some aspects of the labelling rules to be adapted to different and continuously changing markets and consumer demands.

Moreover, the proposal introduces clear principles to draw a clearer borderline between mandatory and voluntary information. The main changes with respect to general labelling issues are:

- the clarification of the responsibilities regarding food labelling for the different food business operators along the supply chain;
- to improve the legibility of the information provided on the labelling a minimum print size for the mandatory information is introduced;
- the introduction of a requirement that information on allergenic ingredients should be available for non-prepacked foods sold through retail and catering outlets;
- given the specificities of wine, spirits and beer, the proposal provides for the Commission to report on the application of current rules on ingredient listing and mandatory nutrition labelling on these products with the possibility of specific measures to be adopted;
- with respect to the labelling of the country of origin or place of provenance of a food, the basic requirement in the legislation remains the same. Therefore, such labelling is voluntary, but if the failure to give such information might mislead the consumer, the labelling becomes mandatory. Both the mandatory or the voluntary indication of the country of origin or place of provenance of a food as a marketing tool, should not deceive the consumer and should be based on harmonised criteria;
- the country of origin should be determined in accordance with the provisions on non-preferential origin following the Community Custom Code. The place of provenance would refer to any place that is not the country of origin as determined by the Community Customs Code. Rules for determining the place of provenance will be adopted following Comitology procedure;
- criteria are introduced for the declaration of country of origin or place of provenance of multi-ingredient products and the country of origin or place of provenance of meat, other than beef and veal. These criteria would equally apply to the voluntary declaration of "EC" origin labelling;
- lastly, the proposal clarifies the conditions under which Member States may adopt national rules on origin labelling.

2) Nutritional labelling: the proposal makes nutrition labelling mandatory in the principal field of vision of a food label. It allows for the development of best practice in the presentation of nutrition information, including alternative forms of expression of the nutrition information in relation to overall daily nutrient requirements or graphical forms of presentation. The main new aspects of the proposal are:

- the mandatory declaration is for energy, fat, saturates, carbohydrates with specific reference to sugars and salt expressed as amounts per 100g or per 100 ml or per portion in the principal field of vision (front of pack) whilst nutrients from a defined list may be declared voluntarily;
- in the case of alcoholic drinks, derogations are provided for wine, spirits and beer, and will be subject to a future Commission report; for other alcoholic drinks, only the energy value must appear on the labelling;
- the mandatory elements must also be declared in relation to reference intakes whilst other presentation formats may be developed through voluntary national schemes.

The new proposal will amend, recast and replace provisions already in place under the current horizontal food labelling legislation leading to the repeal of the following legislation: Directives 2000/13/EC, 90/496/EEC, 87/250/EEC, 94/54/EC, 1999/10/EC, 2002/67/EC, 2004/77/EC and Regulation (EC) No 608/2004.

## Food information to consumers

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The Committee on the Environment, Public Health and Food Safety adopted the report drawn up by Renate SOMMER (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers.

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal as follows:

Subject matter and scope: the committee clarified the scope of the proposal. It will apply to all prepacked foods intended for delivery to the final consumer and foods intended for supply to mass caterers. However, it will not apply to foods which are packaged directly at the place of sale before delivery to the final consumer. Catering services provided by transport undertakings shall fall within the scope of this Regulation only if they are provided on routes between two points within Union territory. The Regulation shall not apply to any food prepared other than in the course of a business, the concept of which does not imply a certain continuity of activities and a certain degree of organisation. Operations such as the occasional handling, serving and selling of food by private persons at events such as charities, or local community fairs and meetings shall not fall within the scope of the Regulation.

The Commission shall publish by the date of entry into force of the Regulation a list of all labelling requirements provided for in specific Union legislation applicable to particular foods and shall make this list accessible on the Internet. Within 18 months of the date of entry into force, the Commission shall publish a comprehensive and updated list of the labelling requirements provided for in specific Union legislation applicable to particular foods, and submit a report to the European Parliament and the Council on the compliance of those specific labelling requirements with the Regulation. The Commission shall, if appropriate, accompany that report with a relevant proposal.

**Definitions:** the report deletes the definitions of primary ingredient(s), significant ingredient(s) and characterising ingredient(s). It states that the Commission's attempt to add on to the existing provision on origin labelling is rejected. There is no need to have definitions of primary, significant and characterising food ingredients hitherto not used in the context of food law.

The report amends certain definitions, including those for 'mass caterers', 'prepacked foods' and 'ingredient', and inserts definitions for 'non-prepacked food', 'legibility', 'use-by date', 'date of manufacture' and 'food imitation'.

For meat and foods containing meat, the country of origin shall be defined as the country in which the animal was born, reared for most of its life, and slaughtered. If different, all three places shall be given when reference is made to the 'country of origin'.

**General objectives:** Members stipulate that food labelling must be easily recognisable, legible and understandable for the average consumer. New food labelling rules shall be introduced in accordance with a standard date of implementation to be set by the Commission after consulting Member States and interest groups.

**Principles governing mandatory food information:** the relevant categories must also include conservation requirements once the product is opened, if applicable but will not include the health impact. The committee states that the overriding aim of the regulation is not to protect consumers' health, for example by making health warnings mandatory, but rather to enable consumers to make well informed purchasing decisions on the basis of nutrition information, so that they enjoy a balanced diet and, in the long term, better health.

When considering the need for mandatory food information, account shall be taken of the potential costs and benefits to stakeholders (including consumers, producers and others) of providing certain information.

**Fair information practices:** the committee states that food information shall not be misleading, inter alia, by suggesting in the description or pictorial representations on the packaging the presence of a particular product or an ingredient although in reality the product which the packaging contains is an imitation food or contains a substitute for an ingredient normally used in a product. In such cases, the packaging must prominently bear the marking 'imitation' or 'produced with (designation of the substitute ingredient) instead of (designation of the ingredient replaced)'. The particular food product that is an imitation or contains a substitute shall, where feasible, be separated from other food at the place of sale. Food information must not be misleading by explicitly advertising a substantial reduction in sugar and/or fat content, even though there is no corresponding reduction in the energy content (expressed in kilojoules or kilocalories) of the food in question. It must not use the description 'suitable for persons with special dietary requirements', if the food in question does not comply with Union rules on foods intended for persons with such requirements.

**Responsibilities:** the committee states that if food business operators responsible for retail or distribution activities which do not affect food information learn that a food does not comply with the provisions of this Regulation, they shall withdraw this food immediately from distribution.

**List of mandatory particulars:** mandatory particulars must cover the date of minimum durability or, in the case of foodstuffs which, from the microbiological point of view, are perishable, the 'use by' date; in the case of frozen products, the date of manufacture; any special storage conditions and/or conditions of use; including specifications on refrigeration and storage conditions and on the conservation of the product before and after the opening of the package, when it would be impossible to make appropriate use of the food in the absence of this information, and the name or business name or a registered trademark and the address of the manufacturer established within the Union, of the packager and, for products coming from third countries, of the seller/the importer or, where appropriate, of the food business operator under whose name or business name the food is marketed;

The report adds that the origin or place of provenance shall be given for the following: meat, poultry, dairy products fresh fruit and vegetables, other single ingredient products and meat, poultry and fish when used as an ingredient in processed foods. For meat and poultry, the country of origin or place of provenance may be given as a single place for animals only where the animals have been born, reared and slaughtered in the same country or place. In other cases information on each of the different places of birth, rearing and slaughter shall be given.

Where there are reasons which would make it impractical to label the country of origin, the following statement may be given instead: "Of unspecified origin".

Members state that since the list of mandatory particulars is the core of the Regulation, the forms of expression of these particulars should not be changed by means of the Comitology procedure, which is designed to amend non-essential elements.

**Derogations for micro-enterprises:** a new clause lays down certain derogations for handcrafted products produced by micro-enterprises.

**Comitology:** the committee deleted the Commission's power to provide for derogations, in exceptional cases. It also deletes the Commission's power to establish the availability of certain mandatory particulars by means other than on the package or on the label.

**Presentation of mandatory particulars:** the Commission had provided the font sizes of mandatory particulars in the text. However, the report wants criteria like font size, font type, contrast between the font and background, line and character pitch to be determined by means of the consultation procedure. Abbreviations, including initials, may not be used if they are liable to mislead consumers. The committee adds that indicating the mandatory particulars shall not lead to an increase in the size and/or bulk of the packing material or food container and shall not otherwise increase the burden on the environment.

**Language requirements:** foods sold in a duty-free zone may be placed on the market with a form of words presented solely in English.

**Omission of certain mandatory particulars:** the report makes amendments to the provisions on glass bottles, packaging or containers the largest printable surface of which has an area of less than 80cm<sup>2</sup>, non prepacked foods including those provided by mass caterers and food chains.

**List of ingredients:** Members state that for products containing nanomaterials, this must be clearly indicated, using the word 'nano', in the list of ingredients. They also added some particular provisions on food containing egg products.

**Labelling of certain substances causing allergies or intolerances:** the relevant ingredient must always be indicated in the list of ingredients in such a way that the potential for allergy or intolerance is immediately clearly recognisable. However, the committee states that this is not required where the food is not prepacked. In this case it must be indicated in a clearly visible manner in the sales area or on menus that : customers can obtain information regarding allergenic substances directly during the sales talk and/or by means of material displayed on the premises the possibility of cross-contamination cannot be excluded.

**Minimum durability date, 'use-by' date and date of manufacture:** the report stipulates that the appropriate date shall be easy to find and shall not be hidden. Members state that for the sake of clarity, Annex IX should be incorporated into the legislative text and amplified to include

provisions on the date of manufacture. The derogation from the requirement to indicate the date of minimum durability for ice cream packaged in individual portions is deleted. Individual portions can be separated from the package or lot in which they have been sold, so it is essential that each detachable portion bears the date of minimum durability.

**Nutrition labelling:** the mandatory nutrition declaration must include the amounts of protein, carbohydrates, fibre, natural and artificial trans fats. The provisions do not apply to beverages containing alcohol. The Commission had only made reference to wines, beers and spirits. The committee states that if wine, beer and spirits are exempted but other alcoholic beverages are not, harmonisation in the industry will be impossible. That would favour certain products and discriminate against others. It would distort competition and consumers would be misled about the respective composition of different products.

The list of nutrients which may additionally be indicated voluntarily in the nutrition labelling should accord with other EC legislation (e.g. Regulation (EC) No 1925/2006 on the addition of certain substances to foods), and the text is supplemented accordingly. The amendment ensures that cholesterol may also be included in additional nutrition labelling.

**Calculation:** conversion factors for the vitamins and minerals mentioned in Annex XI, in order to calculate more precisely their content in foods, shall be set and included in Annex XII by the Commission. Furthermore, in the interests of legal certainty, the text indicates more specifically that the average values must relate to the end of the minimum durability period. The committee states that natural or added vitamins and minerals are subject to natural decomposition and fluctuation processes. For example, in the course of the minimum durability period of a product Vitamin C can decompose substantially through natural processes (depending on storage conditions, sunlight, etc.).

The determination of the permitted level of differences between the declared values and those established in the course of official checks will be crucial for the application of the Regulation and should therefore be decided upon in accordance with the regulatory procedure with scrutiny.

**Forms of expression:** the text retains the mandatory stipulation that the nutrition declaration should refer to 100 g/100 ml amounts. It allows additional portion-based declarations. If the food is prepacked as an individual portion, a nutrition declaration per portion is, in addition, compulsory. If information is provided per portion, the number of portions which the package contains must be indicated, the portion size must be realistic and it must be presented or explained in a manner which is comprehensible to the average consumer. In cooperation with food enterprises and the competent authorities of the Member States, the Commission shall develop guidelines for the indication of realistic portion sizes.

Trans fats shall be part of the mandatory nutrition declaration in addition to saturated fats and therefore shall be removed from the voluntary particulars.

**Additional forms of expression:** such forms must be supported by independent consumer research evidence which shows that the average consumer understands the form of expression.

**Presentation:** in addition to the presentation in kilocalories per 100 g/ml and, optionally, per portion), the energy content labelling required shall appear in the bottom right-hand corner of the front of the packaging, in a font size of 3 mm and surrounded by a border. Gift packagings are exempt from the requirement to repeat the energy content on the front of the packaging.

The committee adds that foods such as infant formulae, follow-on formulae, complementary foods for infants and young children and dietary foods for special medical purposes falling under Council Directive 2009/39/EC are specifically formulated to meet the particular nutritional needs of their target population. The requirement to include a nutrition declaration is not in line with the use of these products.

Five years after entry into force of this Regulation, the Commission shall present an evaluation report on the form of presentation.

**Origin Food Labelling:** all relevant information regarding voluntary food information schemes, such as the underlying criteria and scientific studies, shall be made available to the public. Additional voluntary nutrition information for specific target groups, for example children, shall continue to be permitted provided that these specific reference values are scientifically proven, do not mislead the consumer and are in accordance with the general conditions laid down in this Regulation.

In certain cases, food shall be labelled 'Manufactured in the EU (Member State)'. In addition, a region of origin may be indicated. Such voluntary indications of the country or the region of origin shall not impede the internal market.

The term 'vegetarian' should not be applied to foods that are, or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. The term 'vegan' should not be applied to foods that are, or are made from or with the aid of, animals or animal products (including products from living animals).

**Promotion of additional voluntary schemes:** a new clause lays down the conditions under which Member States may decide to promote additional voluntary schemes to present the nutrition information using other forms of expression. The Commission shall facilitate the exchange of information on matters relating to the adoption and implementation of national schemes and shall encourage the participation of all stakeholders in this process. It shall also make such details available to the public. On the first day of the month 5 years after the entry into force of the Regulation, the Commission shall undertake an evaluation of the evidence gathered on consumers' use and understanding of the various national schemes in order to determine which performs best and is most useful to European consumers. Based on the outcomes of that evaluation, the Commission shall come forward with a report, which shall be sent to the European Parliament and to the Council.

**National measures for non-prepacked food:** the committee states that due to the difficulties of labelling inherent to non-prepacked foods, these foods should in principle be exempt from most labelling requirements excluding allergen information. Member States should retain the flexibility to decide how information should best be made available to consumers.

**Annexes:** the report makes several amendments to the Annexes. On vitamins and minerals, it states that the Recommended Daily Allowance values should be brought into line with the new reference values in accordance with the modification of the Nutrition Labelling Directive, 2008/100/EC.

## Food information to consumers

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The European Parliament adopted by 559 votes to 54 with 32 abstentions a legislative resolution setting out its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) on the proposal for a regulation of the

European Parliament and of the Council on the provision of food information to consumers. The main amendments are as follows:

**Subject matter and scope:** Parliament clarified the scope of the proposal. The Regulation applies to all stages of the food chain, where the provision of food information to the final consumer is concerned. It will apply to all prepacked foods intended for delivery to the final consumer and foods intended for supply to mass caterers. However, it will not apply to foods which are packaged directly at the place of sale before delivery to the final consumer. Catering services provided by transport undertakings shall fall within the scope of the Regulation only if they are provided on routes between two points within Union territory. The Regulation shall not apply to any food prepared other than in the course of a business, the concept of which does not imply a certain continuity of activities and a certain degree of organisation. Operations such as the occasional handling, serving and selling of food by private persons at events such as charities or local community fairs and meetings shall not fall within the scope of the Regulation.

The Commission shall publish by the date of entry into force of the Regulation a list of all labelling requirements provided for in specific Union legislation applicable to particular foods and shall make this list accessible on the Internet. Within 18 months of the date of entry into force, the Commission shall publish a comprehensive and updated list of the labelling requirements provided for in specific Union legislation applicable to particular foods, and submit a report to the European Parliament and the Council on the compliance of those specific labelling requirements with the Regulation. The Commission shall, if appropriate, accompany that report with a relevant proposal.

**Definitions:** Parliament deletes the definitions of primary ingredient(s), significant ingredient(s) and characterising ingredient(s). It amends certain definitions, including those for 'mass caterers', 'prepacked foods' and 'ingredient', and inserts definitions for 'non-prepacked food', 'legibility', 'date of manufacture', 'food imitation', "single-ingredient product" and "handcrafted food product".

**Objectives:** the provision of food information shall pursue a high level of protection of health, transparency and comparability of products, in the interests of consumers, and shall provide a basis for informed choices and safe use of food. Food labelling must be easily recognisable, legible and understandable for the average consumer.

**Principles governing mandatory food information:** the relevant categories must include information on the identity and composition, quantities, properties or other characteristics of the food, and on durability, storage, conservation requirements once the product is opened and safe use. However, they will not include the health impact. When considering the need for mandatory food information, account shall be taken of the potential costs and benefits to stakeholders (including consumers, producers and others) of providing certain information.

**Fair information practices:** Parliament states that food information shall not be misleading, inter alia, by suggesting in the description or pictorial representations on the packaging the presence of a particular product or an ingredient although in reality the product which the packaging contains is an imitation food or contains a substitute for an ingredient normally used in a product. In such cases, the packaging must prominently bear the marking 'imitation' or 'produced with (designation of the substitute ingredient) instead of (designation of the ingredient replaced)'. Food information shall also not be misleading by :

- suggesting, in the case of meat products, that a product comprises one piece of meat, although it in fact consists of combined meat pieces. In such cases, the product must be labelled on the front of the packaging "formed meat - from combined meat pieces";
- specifically emphasising the absence of certain ingredients and/or nutrients which the food in question does not contain as a matter of course;
- explicitly advertising a substantial reduction in sugar and/or fat content, even though there is no corresponding reduction in the energy content (expressed in kilojoules or kilocalories) of the food in question;
- using the description 'suitable for persons with special dietary requirements', although the food in question does not comply with Union rules on foods intended for persons with such requirements;
- for milk: by denoting milk as 'fresh' when its use-by-date is more than seven days after the filling date.

**Responsibilities:** the person responsible for food information shall be the food business operator who first places a food on the Union market or, where applicable, the food business operator under whose name or business name the food is marketed. To the extent that their activities affect the food information within the business under their control, food business operators shall ensure that the information provided satisfies the requirements of the Regulation.

**List of mandatory particulars:** mandatory particulars must cover the date of minimum durability or, in the case of foodstuffs which, from the microbiological point of view, are perishable, the 'use by' date; in the case of frozen products, the date of manufacture; any special storage conditions and/or conditions of use; including specifications on refrigeration and storage conditions and on the conservation of the product before and after the opening of the package, when it would be impossible to make appropriate use of the food in the absence of this information, and the name or business name or a registered trademark and the address of the manufacturer established within the Union, of the packager and, for products coming from third countries, of the seller/the importer or, where appropriate, of the food business operator under whose name or business name the food is marketed;

Parliament adds that the country or place of provenance shall be given for the following: meat, poultry, dairy products, fresh fruit and vegetables, other single ingredient products and meat, poultry and fish when used as an ingredient in processed foods. For meat and poultry, the country or place of provenance may be given as a single place for animals only where the animals have been born, reared and slaughtered in the same country or place. In other cases information on each of the different places of birth, rearing and slaughter shall be given. Where there are reasons which would make it impractical to label the country of origin, the following statement may be given instead: "Of unspecified origin".

Members considered that since the list of mandatory particulars is the core of the Regulation, the forms of expression of these particulars should not be changed by means of the Comitology procedure, which is designed to amend non-essential elements.

**Derogations for micro-enterprises:** a new clause lays down certain derogations for handcrafted products produced by micro-enterprises.

**Comitology:** Parliament deleted the Commission's power to provide for derogations, in exceptional cases. It also deletes the Commission's power to establish the availability of certain mandatory particulars by means other than on the package or on the label.

**Presentation of mandatory particulars:** the Commission had provided the font sizes of mandatory particulars in the text. However, Parliament wants mandatory particulars to be presented in such a way as to ensure clear legibility. Criteria such as font size, font type, contrast between the font and background, line and character pitch should be considered. In the context of a consultation procedure, the Commission shall draw up by means of delegated acts a binding concept together with the stakeholders concerned, including consumer organisations, specifying guidelines for legibility of consumer information on food.



There are particular provisions for infant formulae and baby food.

Specific national provisions may be adopted for such packaging or containers in the case of Member States which have more than one official language.

Abbreviations, including initials, may not be used if they are liable to mislead consumers.

Indicating the mandatory particulars shall not lead to an increase in the size and/or bulk of the packing material or food container and shall not otherwise increase the burden on the environment.

Foods sold in a duty-free zone may be placed on the market presented solely in English.

Omission of certain mandatory particulars: Parliament makes amendments to the provisions on glass bottles, packaging or containers the largest printable surface of which has an area of less than 80cm<sup>2</sup>, non prepacked foods including those provided by mass caterers and food chains.

List of ingredients: Members state that for products containing nanomaterials, this must be clearly indicated, using the word 'nano', in the list of ingredients. They also added some particular provisions on drinks containing alcohol.

Parliament added enzymes to the list of substances which shall not be regarded as ingredients of a food.

Labelling of certain substances causing allergies or intolerances: the relevant ingredient will always be indicated in the list of ingredients in such a way that the potential for allergy or intolerance is immediately clearly recognisable. An indication will not be required where the food is not prepacked; in this case it must be indicated in a clearly visible manner in the sales area or on menus that: customers can obtain information regarding allergenic substances directly during the sales talk and/or by means of material displayed on the premises; the possibility of cross-contamination cannot be excluded.

Minimum durability date, 'use-by' date and date of manufacture: Parliament stipulates that the appropriate date shall be easy to find and shall not be hidden. Members state that for the sake of clarity, Annex IX should be incorporated into the legislative text and amplified to include provisions on the date of manufacture.

Nutrition labelling: mandatory nutrition declaration must include the amounts of protein, carbohydrates, fibre, natural and artificial trans fats. The provisions do not apply to beverages containing alcohol. The Commission had only made reference to wines, beers and spirits. The list of nutrients which may additionally be indicated voluntarily in the nutrition labelling should accord with other EC legislation (e.g. Regulation (EC) No 1925/2006 on the addition of certain substances to foods), and the text is supplemented accordingly. The amendment ensures that cholesterol may also be included in additional nutrition labelling.

Forms of expression: the "front of pack mandatory nutrition declaration" shall include the amount of energy in kcal and the mandatory nutrients expressed in grams. It shall be presented in a clear format in the following order: energy, fat, saturates, sugars, and salt. The "back of pack mandatory nutrition declaration" shall include the amount of energy in kcal and all the mandatory nutrients referred to in Article 29(1) and where appropriate the voluntary nutrients referred to in Article 29(2). It shall be expressed as appropriate, in the order of presentation provided for in Part C of Annex XIII, both per 100 g/ml and per portion. It shall be presented in tabular form, with the numbers aligned.

If indications pursuant to reference intakes are provided, the following additional information must be indicated in close proximity to the table concerned: 'Average daily requirement of a middle-aged woman. Your personal daily requirement may differ.'

Parliament deleted the provisions regarding expression on a per portion basis.

Additional forms of expression shall not mislead the consumer or divert attention from the mandatory nutrition declaration. They must also be supported by independent consumer research evidence which shows that the average consumer understands the form of expression.

Trans fats shall be part of the mandatory nutrition declaration in addition to saturated fats and therefore shall be removed from the voluntary particulars.

Presentation: in addition to the presentation in kilocalories per 100 g/ml and, optionally, per, the energy content labelling required shall appear in the bottom right-hand corner of the front of the packaging, in a font size of 3 mm and surrounded by a border. Gift packaging is exempt from the requirement to repeat the energy content on the front of the packaging.

Five years after entry into force of this Regulation, the Commission shall present an evaluation report on the form of presentation.

Voluntary food information: Voluntary information shall not be displayed to the detriment of the space available for mandatory information. All relevant information regarding voluntary food information schemes, such as the underlying criteria and scientific studies, shall be made available to the public. Additional voluntary nutrition information for specific target groups, for example children, shall continue to be permitted provided that these specific reference values are scientifically proven, do not mislead the consumer and are in accordance with the general conditions laid down in this Regulation.

Parliament added that the term "vegetarian" should not be applied to foods that are, or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. The term "vegan" should not be applied to foods that are, or are made from or with the aid of, animals or animal products (including products from living animals).

It deleted the clause on alcoholic beverages. Parliament supported an exemption for alcoholic beverages but wants strict labelling for mixed alcoholic drinks or 'alcopops', further suggesting that these should be kept separate from soft drinks where they are sold.

National measures for non-prepacked food: Parliament felt that due to the difficulties of labelling inherent to non-prepacked foods, these foods should in principle be exempt from most labelling requirements ? excluding allergen information. Member States should retain the flexibility to decide how information should best be made available to consumers.

Annexes: the resolution makes several amendments to the Annexes. On vitamins and minerals, it considers that the Recommended Daily Allowance values should be brought into line with the new reference values in accordance with the modification of the Nutrition Labelling Directive, 2008/100/EC.

## Food information to consumers

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The Commission accepted in full, in part, or in principle 113 out of 247 amendments adopted at the first reading as it considered that these amendments clarified or improved the Commission proposal and were consistent with the general aim of the proposal.

The Commission takes the view that the position of the Council at first reading contains elements departing from the Commission's proposal. Although there are remaining concerns, in order to allow the legislative process to move forward, the Commission did not stand against the position adopted by the Council by qualified majority.

Nutrition declaration in the principal field of vision (front-of-pack): in the Commission Communication on the EP position, the Commission indicated its agreement to mandatory front-of-pack (FOP) nutrition labelling for five elements (energy, fat, saturates, sugars and salt) and the Commission agreed in principle with the European Parliament's amendment that the application of the requirement of FOP to foods that are regulated under the framework of Directive 2009/39/EC on foods for particular nutritional uses would need to be clarified. The declaration of the Commission (attached) specifically notes that the Commission regrets the position of the Council to remove the requirement for some nutrition information to be provided on the FOP. On this issue the Commission continues to believe that FOP labelling would allow consumers to readily see the nutrition information when purchasing foods and the Commission reserves the right to support the EP position to include five nutritional elements on the FOP.

Amendments of the European Parliament accepted by the Commission as such or subject to rewording, but not incorporated in the position of the Council at first reading concern the following issues:

Name of the food business operator: Parliament position would oblige, not only the name and address of the food business operator under whose name or business name the product is marketed, but also the name, business name or trademark of the manufacturer of the food itself. The Commission continues to support the intention of the Parliament's position as it would provide transparency for the consumer on the manufacturer of the product.

Date of minimum durability: the Commission agreed to the Parliament's position on the need to clarify the distinction between "use-by" and "best before" dates. A recent study led by the European Commission indicated that food wastage represents a huge amount of waste with an average of about 76 kg/person/per year at households level, of which 60% could be avoided. Some of this avoidable wastage would be due to a poor understanding of the date labelling system.

Scope of the Regulation: the Parliament proposed that the Regulation should not apply to transport catering services, such as planes and trains, on routes that are not wholly within the EU. The Commission believes that there is merit in considering further the issue of how the regulation should apply to transport catering services.

Definition of ingredient: the Commission considers it necessary to replace the definition of "ingredient" contained in the initial proposal as defined in the general labelling Directive 2000/13/EC. The definition should be adapted to take account of the European Parliament's amendment.

Labelling of meat consisting of combined meat pieces: the European Parliament proposed that when a food is meat consisting of combined meat pieces that this should be indicated on the front of pack or associated with the name of the food. The Commission believes that this proposal would ensure that consumers are informed about the specific characteristics of the food they are purchasing. The Commission accepts the intention of the amendments in principle but considers that the drafting of the provision needs to be reviewed.

Labelling of meat with added protein and/or water: the Commission accepted in principle the European Parliament position that certain meat and fish products containing added protein and/or water should indicate the source of the added protein and the presence of added water on the labelling.

## Food information to consumers

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The Council incorporated 75 of the European Parliament's amendments in its Position. The Council agrees in principle with a number of amendments already covered by the Commission proposal. In the total, 92 amendments of the European Parliament are in accordance at least with the spirit of the Position of the Council.

In its first reading position, the Council introduced a number of changes to the Commission proposal, in particular regarding:

The scope of the draft Regulation: the Council specified explicitly that the draft Regulation applies to the activities of the food business operators.

Imitation food: the Council introduced provisions aimed at preventing that food information would mislead the consumer by suggesting the presence of a particular food or of an ingredient although in reality the food is a food in which a component naturally present or an ingredient normally used has been substituted with a different component or a different ingredient. Furthermore, the Council requires the labelling of the component or ingredient used for the substitution.

The name on the label: the Council clarified that it is mandatory to mention on the labelling the name and address of the food business operator responsible for the food information; additional names and addresses might be included on a voluntary basis in order to identify other food business operators involved in the food production process.

Distance selling: it is required that for prepacked food, all the mandatory food information, except the date of minimum durability or "use by date", must be provided before the conclusion of the purchase; anyway, all mandatory particulars must be provided at the moment of delivery.

Alcoholic beverages: the Council set out in further detail the objectives of the report on the exemption of the alcoholic beverages that shall be submitted by the Commission within five years of the entry into force of the draft Regulation.

Country of origin or place of provenance: labelling of the country of origin or place of provenance is mandatory: a) where the absence of any indication might mislead the consumer; b) for swine, sheep, goat and poultry meat, in addition to products for which it is already compulsory by virtue of vertical legislation, subject to a report to be submitted by the Commission within 5 years from the date of application of the mandatory labelling.

For other products, the Commission is required to submit a report within three years of the entry into force of the Regulation to evaluate the feasibility, cost-benefit analysis including the legal aspects regarding the internal market and the consequences for international trade of the indication of the country of origin or place of provenance for these products. The Council further requires an indication of the origin of the primary ingredient if it is not the same as the origin of the food product.

Nutrition declaration: the elements of the mandatory nutrition declaration are energy, fat, saturates, carbohydrates, sugars, protein and salt; they may be voluntarily supplemented by the element defined in Article 29(2); all these elements should be presented in the same field of vision (front of pack or elsewhere). Furthermore, part of the information may be repeated in any field of vision (front of pack or elsewhere).

Expression "per 100g or per 100ml": in the Council's position, the expression per 100g or per 100ml, which allows comparison between similar products, is obligatory in all cases. The expression "per portion" is permitted in addition to the expression above.

Non-prepacked foods: as a principle, for non-prepacked foods, only the information on allergens is mandatory. However, Member States may, at national level, establish that other particulars listed in Article 9 or Annex III are mandatory. They also can determine the means and forms under which the information is to be made available.

Additional forms of expression or presentation: in line with the amendments of the European Parliament, the Council also deleted the Chapter of the Commission proposal on "national schemes". However, the intention of the Council was to allow the use by food business operators of additional forms of expression or presentation, subject to the respect of legal requirements. The Council settled a minimum frame at European Union level for additional forms of expression or presentation.

Implementing powers and delegated acts: the legal basis has been aligned with the Treaty; moreover, the terminology has been adapted and new rules concerning the powers given to the Commission to implement the Regulation have been inserted in the text.

Transitional measures for implementing measures or delegated acts: the draft Regulation establishes that measures adopted by the Commission shall include transitional period to allow for the exhaustion of stocks of the labelled food.

The draft Regulation shall apply three years after its entry into force except in what concerns Articles 29 to 34 (Nutrition Declaration), which shall apply 5 years after the entry into force. However, the application of the rules may be anticipated.

## Food information to consumers

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The Committee on the Environment, Public Health and Food Safety adopted the recommendation for second reading contained in the report drafted by Renate SOMMER (EPP, DE) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 and repealing Directives 87/250/EEC, 90/496/EEC, 1999/10/EC, 2000/13/EC, 2002/67/EC, 2008/5/EC and Regulation (EC) No 608/2004.

It recommended that the European Parliament's position at second reading under the ordinary legislative procedure should be to amend the Commission proposal as follows:

Subject matter and scope: Members stipulate that catering services provided by transport undertakings shall fall within the scope of this Regulation only if they are provided on routes between two points within Union territory.

This Regulation shall only apply to food prepared in the course of a business, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional handling, serving and selling of food by private persons at events such as charity events or local community fairs and meetings shall not fall within the

scope of this Regulation.

Food labelling shall be easily recognisable, legible and understandable for the consumer. To facilitate the smooth functioning of the internal market, as well as to minimise packaging waste, it is normal that a transitory period is provided when new labelling requirements are introduced.

Principles governing mandatory food information: information must also concern the durability, storage, conservation requirements once the product is opened, if applicable, and safe use.

Fair information practices: food information shall not be misleading, particularly:

- by specifically emphasising the absence of certain ingredients and/or nutrients which the food in question does not contain as a matter of course;
- by explicitly advertising a substantial reduction in sugar and/or fat content, without a corresponding reduction in the energy content of the food in question;
- by suggesting in the description or pictorial representations on the packaging the presence of a particular product or an ingredient although in reality the product which the packaging contains is an imitation food or contains a substitute for an ingredient normally used in a product. In such cases, the packaging shall prominently bear the marking "imitation" or "produced with (designation of the substitute ingredient) instead of (designation of the ingredient replaced)";
- by suggesting, in the case of meat products, that a product comprises one piece of meat, although it in fact consists of combined meat pieces. In such cases, the product shall be labelled on the front of the packaging "formed meat" from combined meat pieces.

Mandatory information: the date of first freezing for unprocessed meat, poultry and fish should be included. Indication of the country or place of provenance shall be mandatory: (i) for all meat and poultry; (ii) for milk and dairy products; (iii) for fresh fruit and vegetables; (iv) for other single-ingredient products; (v) for meat, poultry and fish when used as an ingredient in processed foods.

For meat and poultry, the country or place of provenance may be given as a single place for animals only where the animals have been born, reared and slaughtered in the same country or place. In other cases information on each of the different places of birth, rearing and slaughter shall be given.

The mandatory particulars shall be printed on the package or on the label in such a way as to ensure clear legibility. Criteria other than font

size, such as font type, contrast between the print and background, line and character pitch, should be considered.

In case of packaging or containers the largest printable surface of which has an area of less than 80 cm<sup>2</sup>, the minimum xheight of the font size shall be equal to or greater than 0.9 mm.

Derogations for micro-enterprises: derogations should be permitted for micro-enterprises producing handcrafted products.

Specific national provisions may be adopted for such packaging or containers in the case of Member States which have more than one official language.

Alcoholic beverages: certain information shall not be mandatory for beverages containing alcohol.

The Commission shall produce a report after two years from the entry into force of this Regulation, including a definition of "alcopops" (alcoholic beverages specifically targeted at young people), addressing whether alcoholic beverages should in future be included, in particular, as regards the requirement to provide the information on the energy value, and the reasons justifying possible exemptions. The Commission shall accompany this report by a legislative proposal, if appropriate, determining the rules for a list of ingredients or a mandatory nutrition declaration for those products.

Mandatory inclusion of a nutrition declaration: this should include the amounts of protein, carbohydrates, and trans fats.

The content of the mandatory nutrition declaration may be supplemented with an indication of the amounts of one or more of the following: cholesterol, sodium and novel sugars.

The back of pack mandatory nutrition declaration shall include the amount of energy in kcal and all the mandatory nutrients and, where appropriate, the voluntary nutrients. It shall be expressed, where appropriate, in the order of presentation provided for in Annex XV, both per 100 g/ml and per portion. It shall be presented in tabular form, with the numbers aligned.

Presentation: where the labelling of a prepacked food provides the mandatory nutrition declaration, the information on energy may be repeated on the bottom right-hand corner of the front of pack per 100 g/ml in a font size of 3 mm and surrounded by a border. In addition, that information may be presented in the same way per portion.

Nutritional information declared on a voluntary basis: Members stipulate that the term "vegetarian" shall not be applied to foods that are, or are made from or with the aid of, products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. The term "vegan" shall not be applied to foods that are, or are made from or with the aid of, animals or animal products, including products from living animals.

Additional voluntary nutrition information for specific target groups, for example children, shall continue to be permitted provided that the specific reference values used are scientifically proven, do not mislead the consumer and are in accordance with the general conditions laid down in this Regulation.

Delegated acts: the power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this proposed Regulation.

## Food information to consumers

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The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 and repealing Directives 87/250/EEC, 90/496/EEC, 1999/10/EC, 2000/13/EC, 2002/67/EC, 2008/5/EC and Regulation (EC) No 608/2004.

Parliament adopted its position at second reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. The main points of the compromise text are as follows:

Subject matter and scope: this Regulation shall apply to catering services provided by transport undertakings when the departure takes place in the territories of the Member States to which the Treaties apply.

When food information law establishes new requirements, a transitional period after the entry into force of the new requirements shall be granted, except in duly justified cases.

There shall be open and transparent public consultation, including with stakeholders, directly or through representative bodies, during the preparation, evaluation and revision of food information law, except where the urgency of the matter does not allow it.

Fair information practices: food information shall not be misleading, particularly:

- by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients;
- by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.

Mandatory particulars: in order to ensure that consumers benefit from other means of expression of mandatory food information than words and numbers, provided that the same level of information as with words and number is ensured, the Commission, taking into account evidence of uniform consumer understanding, may establish, by means of delegated acts, the criteria subject to which one or more particulars may be expressed by pictograms and symbols instead of words and numbers.

For the purpose of ensuring the uniform implementation, the Commission may adopt implementing acts on the modalities of application of the criteria defined to express one or more particulars by means of pictograms or symbols instead of words or numbers.

Presentation of mandatory particulars: without prejudice to the national measures adopted under the Regulation, mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible.

In case of packaging or containers the largest surface of which has an area of less than 80 cm<sup>2</sup>, the minimum x-height of the font size referred to in the Regulation shall be equal to or greater than 0.9 mm.

**Alcoholic beverages:** the Commission should, taking into account the need to ensure coherence with other relevant Union policies, produce a report within three years of the entry into force of this Regulation concerning the application of the requirements to provide information on ingredients and nutrition information to alcoholic beverages. The Commission, after consultation with stakeholders and the Member States, should consider the need for a definition of beverages such as 'alcopops', which are specifically targeted at young people. It should also, if appropriate, propose specific requirements relating to alcoholic beverages in the context of this Regulation.

**Engineered nanomaterials:** for the purposes of achieving the objectives of this Regulation, the Commission shall, by means of delegated acts, adjust and adapt the definition of engineered nanomaterials to the technical and scientific progress or to definitions agreed at international level.

**Labelling of certain substances or products causing allergies or intolerances:** the name of the substance or product causing allergies or intolerances shall be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example, by means of the font, style or background colour.

**Storage conditions or conditions of use:** in cases where foods require special storage conditions and/or conditions for use, those conditions shall be indicated. To enable appropriate storage or use of the food after opening the package, the storage conditions and/or time limit for consumption shall be indicated, where appropriate.

**Country of origin or place of provenance:** the indication of the country of origin or place of provenance is mandatory for meat of swine, sheep, goats, and poultry fresh, chilled or frozen. The application of this point is subject to the adoption of implementing acts two years after the entry into force of the regulation, and following an impact assessment.

**Three years after the entry into force of the Regulation:** there is a need to explore the possibility to extend mandatory origin labelling for other foodstuffs. It is therefore appropriate to request the Commission to prepare reports covering the following foodstuffs: types of meat other than beef, swine, sheep, goat and poultry meat; milk; milk used as an ingredient in dairy products; unprocessed foods; single-ingredient products; and ingredients that represent more than 50 % of a food.

By two years following the entry into force of the Regulation, the Commission shall submit a report to the European Parliament and the Council regarding the mandatory indication of the country of origin or place of provenance for meat used as an ingredient.

The reports shall take into account the need for the consumer to be informed, the feasibility of providing the mandatory indication of the country of origin or place of provenance and an analysis of the costs and benefits of the introduction of such measures.

In the case of meat and poultry, the reports and the impact assessments under this Article shall consider, inter alia, the options for the modalities of expressing the country of origin or place of provenance of those foods, in particular with respect to each of the following determining points in the life of the animal: (a) place of birth; (b) place of rearing; (c) place of slaughtering.

**Nutrition declaration:** the text states that where the labelling of a prepacked food provides the mandatory nutrition declaration, the following information may be repeated thereon: (a) the energy value; or (b) the energy value together with the amounts of fat, saturates, sugars, and salt.

By three years for the entry into force of the Regulation, the Commission, taking into account scientific evidence and experience acquired in Member States, shall submit a report on the presence of trans fats in foods and in the overall diet of the European population. The Commission shall accompany this report with a legislative proposal, if appropriate.

**Additional portion-based declarations:** to facilitate the comparison of products in different package sizes, it is appropriate to retain the requirement that the mandatory nutrition declaration should refer to 100g/100ml amounts and, if appropriate, to allow additional portion-based declarations. Therefore, where food is pre-packed and individual portions or consumption units are identified, a nutrition declaration per portion or consumption unit, in addition to the expression per 100g/100ml, should be allowed.

**Delegated acts:** the amended text sets out the conditions as regards the power to adopt delegated acts conferred on the Commission. The delegation of power will be conferred on the Commission for a period of five years following the entry into force. It may be revoked at any time by the European Parliament or the Council.

## Food information to consumers

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The European Parliament voted in second reading a consolidated text which contains a number of amendments to the text of the Council Position at first reading. The text is the result of negotiations between the Parliament, the Council and the Commission. The Commission accepts all the amendments voted by the Parliament, which are the result of interinstitutional negotiations which allowed a second reading agreement.

## Food information to consumers

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**PURPOSE:** to establish the general principles, requirements and responsibilities governing food information, and in particular food labelling.

**LEGISLATIVE ACT:** Regulation (EU) No 1169/2011 of the European Parliament and of the Council 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.

**CONTENT:** following an agreement at second reading with the European Parliament, the Council adopted this Regulation aimed at ensuring that food labels carry essential information in a clear and legible way. The main objective of the new regulation is to enable consumers to make balanced and healthier dietary choices.

Subject matter and scope: the Regulation provides the basis for the assurance of a high level of consumer protection in relation to food information, taking into account the differences in the perception of consumers and their information needs whilst ensuring the smooth functioning of the internal market. It establishes the general principles, requirements and responsibilities governing food information, and in particular food labelling. It lays down the means to guarantee the right of consumers to information and procedures for the provision of food information, taking into account the need to provide sufficient flexibility to respond to future developments and new information requirements.

The Regulation applies to food business operators at all stages of the food chain, where their activities concern the provision of food information to consumers. It applies to all foods intended for the final consumer, including foods delivered by mass caterers, and foods intended for supply to mass caterers. It also applies to catering services provided by transport undertakings when the departure takes place on the territories of the Member States to which the Treaties apply.

The Regulation shall apply without prejudice to labelling requirements provided for in specific Union provisions applicable to particular foods.

It should be noted that foods sold by private persons, for example at charity events or local community fairs, fall outside the scope of the new Regulation.

Mandatory nutrition declaration: prepacked food must in future be labelled with the energy value and the quantities of fat, saturates, carbohydrates, protein, sugars and salt. As a general principle, the energy value and the amounts of these nutrients (which together form the "mandatory nutrition declaration") will have to be expressed per 100g or per 100ml, but can additionally be indicated on a per portion basis. When the four nutrients are repeated with the energy value, their amounts can be expressed per portion alone. In this case, the energy value must be expressed both per portion and per 100g/ml.

Furthermore, they can also be indicated as a percentage of reference intakes, better known as GDA (Guidelines Daily Amounts). The mandatory nutrition declaration can be supplemented voluntarily with the values of other nutrients (mono-unsaturates; polyunsaturates; polyols; starch; fibre; vitamins or minerals) and must be presented in tabular format or, where space does not permit, in linear format.

Food operators may indicate the energy value and the amounts of the nutrients additionally by other forms of expression (e.g. graphics or symbols, such as the traffic light system) as long as they comply with certain criteria (e.g. they are understandable for the consumers and do not create obstacles to the free movement of goods). The energy value may be repeated in the principal field of vision alone or together with the amounts of fat, saturates, sugars and salt.

All elements of the nutrition declaration should appear together in the same field of vision but some of them may be repeated on the front of a pack.

Trans fats: the European Parliament and the Council agreed that further information, in particular on the impact of possible actions is necessary before taking any measures. Accordingly, by 13 December 2014, the Commission, taking into account scientific evidence and experience acquired in Member States, shall submit a report on the presence of trans fats in foods and in the overall diet of the Union population. The aim is to assess the impact of appropriate means that could enable consumers to make healthier food and overall dietary choices or that could promote the provision of healthier food options to consumers, including, among others, the provision of information on trans fats to consumers or restrictions on their use. The Commission shall accompany this report with a legislative proposal, if appropriate.

Labelling: the Regulation requires labelling to be clear and legible. In order to improve legibility, it establishes a minimum font size for the mandatory information of 1.2 mm for the x-height. If the largest surface of a food package is less than 80 cm<sup>2</sup> the minimum font size is reduced to 0.9 mm.

Also, if the largest surface of a food package is less than 25 cm<sup>2</sup>, the nutrition declaration is not required. In line with the internationally agreed standards within the Codex Alimentarius, food packages whose largest surface is less than 10cm<sup>2</sup> do not need to bear a nutrition declaration nor a list of ingredients. However, the name of the food, possible allergens, the net quantity and the date of minimum durability must always be indicated, independently of the package size.

Prohibition on misleading information: the Regulation strengthens the prohibition of misleading information (for example, suggesting the presence of a particular ingredient, while in reality an ingredient normally used has been substituted). It requires information to be accurate, clear, and easy to understand for the consumer. In the case of foods in which a component or ingredient that consumers expect to be normally used or naturally present has been substituted with a different component or ingredient, the label shall bear - in addition to the list of ingredients - a clear indication of the component or the ingredient that has been used for the partial or whole substitution.

Country of origin: the Regulation extends the compulsory country of origin labelling to fresh meat of pork, lamb and poultry. Currently, the indication of the country of origin is compulsory notably for fresh beef (for which a separate piece of legislation was introduced during the BSE crisis), fruits and vegetables, honey, olive oil and where the failure to do so misleads consumers. The Commission must examine within two years after the entry into force of the new Regulation the possible extension of the compulsory labelling of the country of origin to meat used as an ingredient. One year later, the Commission must examine the same question with regard to other types of meat (than beef, pork, lamb and poultry), milk, milk used as an ingredient, unprocessed foods, single-ingredient products and ingredients that represent more than 50% of a food.

Vegetable oils: under the new rules, oils of vegetable origin may be grouped together in the list of ingredients under the designation "vegetable oils", followed by the indication of the specific vegetable origin. It will be possible to state that the proportions of the oils may vary.

Imitation foods: in the case of foods in which a component or ingredient that consumers expect to be normally used or naturally present has been substituted with a different component or ingredient, the labelling shall bear - in addition to the list of ingredients - a clear indication of the component or the ingredient that has been used for the partial or whole substitution. In addition, the Regulation strengthens the requirement for all food information to be accurate, clear, and easy to understand for the consumer.

Alcoholic beverages (including alcopops): such beverages containing more than 1.2 % by volume of alcohol are, for the time being, exempted from the obligation to bear a nutrition declaration and a list of ingredients. The Commission must, however, examine within three years after the entry into force of the new Regulation whether alcoholic beverages should in future be covered, in particular, by the requirement to indicate the energy value, and make legislative proposals, if appropriate. At the same occasion, the Commission must consider the need to propose a definition of alcopops.

Non-prepacked food: these are exempted from nutrition labelling (except in the case of allergens) unless Member States decide otherwise at national level.

Allergens: under the Regulation, allergens have, as currently, to be indicated in the list of ingredients, but in the future they will have to be emphasised through a typeset that clearly distinguishes them from the rest of the list of ingredients. Allergens will also always have to be indicated for non-prepacked foods that are sold to the final consumer.

Nanomaterials: in order to inform consumers of the presence of engineered nanomaterials in food, it is appropriate to provide for a definition of engineered nanomaterials. Taking into account the possibility of food containing or consisting of engineered nanomaterials being a novel food, the appropriate legislative framework for that definition should be considered in the context of the upcoming review of Regulation (EC) No 258/97 on novel foods.

DELEGATED ACTS: the power to adopt delegated acts in accordance with Article 290 TFEU is delegated to the Commission in respect of, inter alia, the availability of certain mandatory particulars by means other than on the package or on the label, the list of foods not required to bear a list of ingredients, the re-examination of the list of substances or products causing allergies or intolerances, or the list of nutrients that may be declared on a voluntary basis.

The power is conferred on the Commission for a period of 5 years after 12 December 2011 (tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.) It may be revoked at any time by the European Parliament or by the Council.

ENTRY INTO FORCE: 12/12/2012.

APPLICATION: the Regulation shall apply from 13 December 2014, with the exception of point (I) of Article 9(1) (on the list of mandatory particulars), which shall apply from 13 December 2016, and Part B of Annex VI (specific requirements regarding the designation of minced meat, which shall apply from 1 January 2014).

## Food information to consumers

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In accordance with the requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers ('the FIC Regulation'), the Commission presents a report regarding the mandatory indication of the country of origin or place of provenance for meat used as an ingredient.

It is recalled that 88% of the EU-27 consumers buy pre-packed meat. The majority of meat is pig (49%), poultry (29%) and beef (19%). Generally, 30-50% of the total slaughtered meat volume is processed into meat ingredients for foodstuffs (mostly into minced meat/meat preparations/meat products). The EU meat processing industry represents more than 13,000 companies. It employs about 350,000 people and represents a turnover of EUR 85 billion.

The report covers meat of all species (e.g. beef, pigmeat, poultry, sheep and goat meat, game, rabbit meat, horse meat) used as an ingredient in pre-packed foods. Its main goals are as follows:

- to assess consumers' attitude towards mandatory origin labelling for meat used as an ingredient;
- to examine the feasibility of such labelling; and,
- to analyse the costs and benefits of the introduction of such measures, including the legal impact on the internal market and the impact on international trade.

Consumer attitudes: according to a study by the Food Chain Evaluation Consortium, the origin of food products in general is the fifth most important aspect influencing consumers' purchase decisions out of 11 aspects considered (47.4%), following taste (82%), 'best before'/'use by' dates (62%), appearance (61.3%) and price (48.3%).

The country of origin is the fourth key information aspect (out of 15) looked for by the consumers when they buy meat-related products, i.e. 48% of EU consumers, without much difference between EU15 and EU12.

The FCEC consumer survey results indicate that more than 90% of consumer respondents find it important that origin is labelled. There are significant differences between Member States regarding consumer preferences and their understanding of information on origin and the level of detail regarding this information.

However, there exists a discrepancy between consumers' interest in origin labelling and willingness to pay for that information. At the first price increase over and above the base price (+5-9% depending on the level of information required), the consumers willingness to pay falls significantly, i.e. by 60-80%, and continues falling with every further price increase.

Therefore, if mandatory origin labelling results in a price increase for consumers, the consumption of foods with meat used as an ingredient could decrease.

Feasibility of origin labelling: the feasibility and the impact of origin labelling depend largely on the nature of applicable modalities as well as on the nature of the products concerned. For the purpose of the report, three scenarios have been examined:

- Scenario 1- maintain origin labelling on voluntary basis;
- Scenario 2- introduce mandatory origin labelling based on (a) EU/non EU or (b) EU/third country;
- Scenario 3- introduce mandatory origin labelling indicating the Member State or third country.

Scenario 1 would not raise any additional operational challenges for FBOs, as operating costs, impact on EU and international trade, administrative burden, burden on public authorities, additional costs passed onto to the consumer would be kept to the minimum. However, it would not provide a fully satisfactory solution to consumer demand for origin information.

Both Scenarios 2 (to a lesser extent) and 3 would address consumer need for origin information but pose operational challenges and require radical adaptations in the food chain. Scenario 2 is considered more feasible than scenario 3. In particular:

- Scenario 2 would respond to consumer demand for origin information but may be considered as too generic and not worthy of any price increase resulting from additional operating costs for food business operators (ranging from negligible up to 25%);

- regarding competitiveness and trade, changes in the supply chain may result in market segmentation and in a decrease in the number of intermediaries and the number of meat ingredients;
- as regards international trade, this scenario is likely to change trade flows with a risk for a shift of EU food business operators towards EU suppliers and to create additional costs for third country operators;
- whilst the administrative burden for food business operators is estimated as negligible, the burden on public authorities is expected to increase by 10-30%.

Scenario 3 would:

- provide meaningful information to consumers, considering they are, by large, interested in knowing more about the origin of meat for all three meat-based product groups and at the same time
- be likely to bring extra costs for food business operators, resulting in price increases depending on the nature of the meat ingredient concerned and the final product that could affect consumption.

Under this Scenario, additional operating costs for operators are likely to range from +15 or 20% up to 50%. Additional administrative burden may result in an increase of 8 to 12% of the total production costs whilst burden on public authorities is likely to be higher than the one under scenario 2.

The Commission is of the view that all possible scenarios present advantages and disadvantages that need to be widely discussed with the Council and the European Parliament. On the basis of these discussions, the Commission will consider the next steps, which may include a legislative proposal to regulate the labelling of origin of meat used as an ingredient in foods.

## Food information to consumers

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In accordance with the requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers ('the FIC Regulation'), the Commission presents a report regarding the mandatory indication of the country of origin or place of provenance for unprocessed foods, single ingredient products and ingredients that represent more than 50% of a food.

Consumer interest: the report finds that consumer interest in origin labelling ranks behind price, taste, use by / best before date, convenience and/or appearance aspects. Even if consumer interest in origin labelling for unprocessed foods, single ingredient products and ingredients representing more than 50% of a food is claimed by two thirds to three quarters of consumers, it is lower than for food categories such as meat, meat products or dairy products. For 42.8% of EU interviewed consumers, origin labelling would be used to favour national or local production over other food origins. For 12.9% of EU consumers, origin labelling is considered to provide reassurance on the quality of the food product. Environment-related reasons drive the interest of some 12.8% of EU consumers. Origin labelling would also reassure 10.8% of EU consumers on the safety of the food they buy. The Commission notes that some of these reasons are not pertinent.

Voluntary or mandatory labelling: unprocessed foods, single ingredient products and ingredients that represent more than 50% of a food are food categories that gather very different products, for which consumer interest in origin information and economic impact of imposing a mandatory origin labelling varies greatly.

The supply chains for the three categories of foods in the scope of the report show that the origin of ingredients varies frequently to maintain low purchasing prices and to maintain the quality of the final product. Therefore, mandatory origin labelling at the EU level and even more at the level of the country is highly complex to implement in many areas of food, leading to substantial increases of costs of production, which ultimately would be passed on to consumers.

Origin labelling on a voluntary basis would be the least market disruptive scenario and would maintain product cost at current levels. It would not provide a satisfactory solution to the consumer demand for systematic origin information, but consumers could, if they so wish, opt for foods where origin information is voluntarily provided for by food business operators. Mandatory origin labelling at EU level leads to lower production cost increases, less burden for both food business operators and Member States competent authorities, but consumer satisfaction would be not as high as with mandatory origin labelling at country level.

Unlike origin labelling at EU level, origin labelling at country level would have a substantial impact on the internal market, with a possible increase of consumption of local foods for certain markets.

International aspect: both mandatory origin labelling scenarios at EU and country levels could impact on international food supplies and interfere with existing trade agreements with third countries. Additional labelling rules may lower the competitiveness of EU food business operators on the international market, while food business operators from third countries are concerned about potential additional costs of production and loss of exports to the EU because consumers would prefer foods of EU origin.

Administrative burden: mandatory origin labelling would represent an additional burden on Member States competent authorities, in particular in the current economic environment, if they had to cope with the imposition of possible new control tasks for such additional requirements.

Conclusions: in view of the Commission policies in terms of better regulation, voluntary origin labelling combined with the already existing mandatory origin labelling regimes for specific foods or categories of food appears as the suitable option. It maintains selling prices at current levels and still allows consumers to choose products with specific origins if they want to, while it does not affect the competitiveness of food business operators and does not impact internal market and international trade.

## Food information to consumers

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In accordance with the requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers ('the FIC Regulation'), the Commission presents a report regarding the mandatory indication of the country of origin or place of provenance for milk, milk used as an ingredient in dairy products and types of meat other than beef, swine, sheep, goat and poultry meat.



This report takes into account:

- the need for the consumer to be informed;
- the feasibility of providing the mandatory indication of the country of origin or place of provenance for the different products and
- an analysis of the costs and benefits of the introduction of such requirements on both food business operators and administrations as well as their impact on the internal market and on international trade.

Consumer interest: consumer surveys reveal that the origin is an important purchase factor for milk, dairy and meat products but only after price, taste, and best before/use by dates. Nonetheless, most of them also show that there are significant differences in consumer preferences between Member States and discrepancy between consumers' interest in origin labelling and their willingness to pay for that information. Therefore, in spite of their interest to be informed, consumers are not necessarily ready to buy products at a higher cost to have that information. Varying methodologies show that there are difficulties in estimating the real willingness to pay either because of a methodological bias or because consumer replies to surveys do not always correspond to their purchasing behaviour. In the 2013 Eurobarometer report, only around half of consumers declared their willingness to pay 1-2% more to have origin information for the products under the remit of this report.

Findings:

- Mandatory origin labelling indicating the Member States or third country where the milk was milked seems more meaningful for consumers than an EU/non EU label. The preference of dairies is to indicate the place of processing, which is much simpler to implement.
- Although the cost of labelling the origin of milk could be generally modest, its impact among operators will be uneven with some of them having to introduce additional traceability systems with substantial increases of costs, particularly those located in border regions or in areas non-self-sufficient in milk. In general, smaller dairies dependant on local supplies would be less affected than collector centres of large companies.
- Smaller slaughterhouses and cutting plants that source generally animals locally would be not obliged to adjust considerably their sourcing practices and this would not entail high additional costs. Therefore, the bulk of the burden would concern dairies/abattoirs operating in border regions and those located in areas non self-sufficient on raw milk/meat.
- The additional burden may be significant if the Member State of origin has to be labelled for highly processed and composite products such as yoghourts and milk based desserts. A heavy control burden on food manufacturers would push them to source their milk from fewer countries, to the detriment of the single market.
- There will be additional operational costs in imposing mandatory origin labelling for the meats under the remit of this report.

Conclusions: Mandatory origin labelling would entail higher regulatory burden for most of the products assessed in the report and therefore, the question at stake is to assess whether the balance between costs and benefits is such that it would justify its mandatory indication. The report notes that consumers may, if they so wish, opt for milk or meat products where food business operators voluntarily provide origin information. This can be a suitable option without imposing additional burden on the industry and the authorities.

## Food information to consumers

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In accordance with Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, Commission presents a report on the presence of trans fats in foods and in the overall diet of the Union population.

This report builds upon data gathered by the Joint Research Centre and:

- reports on the presence of trans fatty acids (TFA) in foods and in the overall diet of the Union population;
- presents the current approaches to limiting TFA consumption worldwide and their effectiveness; and
- outlines some of the possible consequences of introducing such approaches in the European Union.

Societal implications of TFA consumption: heart disease is the leading cause of death in the Union and a high intake of TFA - a particular type of unsaturated fatty acids - seriously increases the risk for heart disease - more than any other nutrient on a per calorie basis. The risk of dying from heart disease is higher when 2% of the daily energy intake is consumed as TFA.

There is evidence that Denmark's introduction of legal limits for industrial TFA, which nearly eliminated those TFA from the Danish food supply, reduced deaths caused by cardiovascular disease.

TFA intake in the EU: the European Food Safety Authority concluded that TFA intakes should be as low as is possible within the context of a nutritionally adequate diet, while the World Health Organization recommends not consuming more than 1% (other organisations say not more than 2%) of daily energy as TFA.

Despite limited availability of EU-wide data, a recent study compiled data from only 9 EU countries and reports that population average daily TFA intakes are below 1% of daily energy but higher intakes exist for specific sub-populations of some of those Member States (citizens from lower income groups or students aged between 18 and 30).

TFA content of foods in Europe: food products with high industrial TFA content (e.g. biscuits or popcorn with values in the order of 40-50 g TFA/100 g fat), including non-pre-packed foods such as bakery products that contain TFA (> 2 g of TFA per 100 g fat). There are public health gains to be reaped by reducing intake.

Four Member States Austria, Denmark, Latvia and Hungary - have already introduced national legal limits and several others have signalled their preference for a EU level decision, while highlighting their readiness to go ahead with national TFA-related measures to reduce population exposure in the absence of a decision at EU level. Further fragmentation in the market may result from this. Should no action be taken at EU level, difficulties might also arise for EU producers who are interested in access to the US market.

Possible means to address TFA consumption in the EU: in the context of this report, a preliminary analysis of the potential effectiveness of the measures that could be adopted at EU level was carried out, each resulting in different potential health benefits but also different potential burden on producers.

The key means to reduce TFA consumption in the EU could be:

1) the introduction of a EU mandatory TFA content declaration: mandatory TFA labelling would serve two purposes: provide incentives to the industry towards reducing TFA from food products and enable consumers to make informed food choices.

However, the effectiveness of this option would seem to depend on three key factors: (i) the contribution to the average TFA intake from the products for which a label would be required, (ii) consumers capacity to appropriately use the information provided by a label, and (iii) their readiness to pay more for healthier food. Low-income populations would be more likely to consume the cheaper products (with high TFA contents); this could widen health inequalities;

2) a EU legal limit on the TFA content of food: the assessment suggests that a legal limit for industrial TFA content would be the most effective measure in terms of public health, consumer protection and compatibility with the internal market. Introducing a legal limit would be expected to achieve the biggest reductions in industrial TFA intake as the phasing out of products containing high levels of industrial TFA- from the market would be potentially complete, applying to all products, pre-packaged and non-packaged. Consumers would be systematically provided with healthier food options without needing to distinguish products with lower TFA levels.

The Commission considers that the way in which this option could be technically put into practice would require further investigation. Any such limit would also most likely need to be designed so as to minimise the risks of unintended consequences and impacts on specific producers and products. Also needing consideration are the possible costs that such a measure could imply for consumers, the producers and suppliers of different type of foods;

3) voluntary agreements towards reducing TFA in foods and diets at EU level: the case of the Netherlands is often cited as a success in voluntary and self-regulated TFA reduction by food business operators. The success of this approach appears to depend on the country and the degree of public engagement and corporate social responsibility of food business operators.

4) EU guidance for national legal limits on the TFA content of food: consequences can be expected to be similar as in the case of no further action at EU level, with the exception that the risk of an increasingly fragmented internal market would be possibly mitigated.

Conclusion: in the light of these points, the report notes the clear need to continue and expedite work in this area by collecting more information and by developing a fuller analysis of the magnitude of the problem to be addressed and the different possible solutions, in particular the option of legal limits for industrial TFA. Accordingly, in accordance with its Better Regulation principles, the Commission intends to rapidly launch a public consultation and carry out a fully-fledged impact assessment. This will allow it to take an informed policy decision in the near future.

## Food information to consumers

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In accordance with Regulation (EU) No 1169/2011 on the provision of food information to consumers, the Commission submitted a report on the mandatory listing of the ingredients list and nutrition declaration on the labeling of alcoholic beverages.

The report examines the issue of reference to the list of ingredients and the nutrition declaration on the labeling of alcoholic beverages in terms of informing consumers about the identity and properties of a food. It is based on the views expressed by the various interested parties with regard to the labeling of alcoholic beverages.

Current legal framework: Regulation (EU) No 1169/2011 provides for the obligation to mention the list of ingredients and introduces the obligation to issue a nutrition declaration (mentioning the energy value and quantity of fats, saturated fatty acids, carbohydrates, sugars, proteins and salt) from 16 December 2016. However, alcoholic beverages are exempt from these provisions. European consumers therefore have restricted access to the nutrition declaration and to the list of ingredients, with the exception of ingredients liable to have an allergenic effect.

The Regulation encourages food business operators to voluntarily provide information on the nutrition declaration for products such as alcoholic beverages while limiting the voluntary nutrition declaration for alcoholic beverages to the sole reference to the energy value.

Certain Member States (Austria, Croatia, Finland, Greece, Hungary, Ireland, Lithuania, Luxembourg, Portugal, Romania and the Czech Republic) have adopted national measures imposing labeling requirements for the ingredients of alcoholic beverages. These national initiatives contribute to the increased risk of market fragmentation.

New expectations: according to a study conducted in 2014 and commissioned by a brewers' association, consumers are interested in receiving the same information on ingredients and nutritional values for all foods and beverages, whether or not they contain alcohol.

The European Parliament, in the context of a [resolution](#) adopted on 29 April 2015), but also the World Health Organization and consumer and public health organisations, are now asking for new rules for the labeling of beverages particularly with respect to the labeling of energy value.

Experts from the Member States expressed certain expectations, in particular with regard to the nutrition declaration, and more particularly the mandatory mention of energy value on labeling.

As regards the definition of 'alcopops' (considered as pre-mixes of alcoholic and non-alcoholic products), several experts consider it inconsistent not to indicate the ingredients on the label of sodas mixed with alcohol, whereas this must be done for soft drinks.

At this stage, however, the Commission considers that a specific definition of the concept of 'alcopops' for labeling purposes is not necessary and does not provide real added value.

Strengthening sectorial initiatives: the report shows that the sector is increasingly willing to meet the expectations of consumers who want to be better informed about what they are drinking. It also notes that an increasing number of alcoholic beverages on the Union market already include the complete nutrition declaration.

In the light of these recent developments, the Commission suggests, as a first step, that the current voluntary initiatives to provide the list of ingredients and the nutrition declaration should be strengthened. It therefore invites the industry to present, in the year following the adoption of this report, a proposal for self-regulation covering the entire alcoholic beverages sector. The Commission will evaluate the proposal submitted by the sector.

If the proposed self-regulatory approach were to prove inadequate, the Commission would then launch an impact assessment in order to

examine the other options available, taking into account regulatory and non-regulatory options, including the provision of information on the energy value of alcoholic beverages.