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The Council took note of a Presidency progress report (doc. [16594/09](#)) outlining the state of play in the negotiations on a Commission proposal for a regulation on the provision of food information to consumers.

The examination by the Working Party on Foodstuffs of the draft regulation should continue during the incoming Spanish Presidency.

The first reading opinion of the European Parliament is expected in June 2010.

Concerning the main issues dealt with by the Swedish Presidency, the results attained may be summed up as follows:

Responsibilities: the issue of the responsibility for the provision of food information of each actor involved in the distribution chain is one of the most difficult issues to be resolved by the Working Party. The regime currently applicable (Regulation (EC) No 178/2002) establishes that food business operators, at all stages of the supply chain, within the business under their control, are obliged to comply with the requirements relevant to their activities.

At the present stage there are three different positions, each of them supported by equivalent number of Member States:

(1) The first takes the view that the General Food Law is sufficient and that, therefore, the provisions of Article 8 of the Commission proposal specifying the regime of the responsibilities could be deleted.

(2) The second supports the Commission proposal.

(3) The third group of Member States which represents an intermediate position, would integrate in Article 8 the approach of the General Food Law ? equal distribution of the responsibility by each stage of the supply chain ? but restrict the responsibility of the operators to the limit of their activities. The delegations were not yet ready to conclude on this issue, but significant progress has been made in the analysis of the consequences of this Article.

Legibility of labels: the current legislation already requires labels to be legible. However, as it does not provide for a measurable criterion of legibility. Therefore, the Commission has decided to propose an objective and measurable criterion applicable to the size of the letters of the labels. The obligatory minimum font size, supplemented by the requirement for a significant contrast between the print and background received quasi-unanimous support from the Working Party.

Presentation/Field of vision: one of the innovations of the Commission's proposal is to require that some mandatory nutrients should appear in the principal field of vision of the pack. The vast majority of the delegations considered it more important for all the elements of the nutrition declaration to appear together in a tabular form in the same field of vision, rather than allowing for presentation of the nutrition declaration in different fields of vision in order to highlight some mandatory particulars.

Mandatory nutrition declaration: one of the main new features of the proposal is the mandatory nature of the nutrition declaration. Generally accepted by the delegations, this proposal still raises doubts for a few delegations whose concern is the increased administrative burden, especially for SMEs.

The Working Group also focused on issues such as:

- exemptions for alcoholic beverages:
- voluntary schemes:
- compatibility between the Regulation and the national legislation:
- transitional period:
- relations with health/nutrition claims.

Next steps: given the number of issues yet to be resolved, the complexity of the file and the interdependence among the different issues, the examination of the proposal could not be completed under the Swedish Presidency. There is still work to do at Working Party experts level with a view to enabling the Council to reach a political agreement on the proposed Regulation. A first reading agreement with the European Parliament seemed, since the beginning, impracticable. Work should be continued so as to pave the way for a possible second reading agreement.