

Food information to consumers

2008/0028(COD) - 06/07/2011 - Text adopted by Parliament, 2nd reading

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 cm², 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.