

Food information to consumers

2008/0028(COD) - 25/10/2011 - Final act

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 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 cm² the minimum font size is reduced to 0.9 mm.

Also, if the largest surface of a food package is less than 25 cm², 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 10cm² 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 (l) 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).