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Αθήνα 30.1.2008

Πρός  
ΟΛΑ ΤΑ ΜΕΛΗ

Κε Συνάδελφε,

Παραθέτουμε Ερωτηματολόγιο με Απαντήσεις Διευκρινίσεις στα αγγλικά της Ευρ. Ένωσης σχετικά με την **Επισήμανση Τροφίμων**, προς ενημέρωσή σας

Ο Πρόεδρος  
Γ Φραγκίστας

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Brussels, 30 January 2008

## Questions and Answers on Food Labelling

### How is food labelling currently regulated in the EU?

Currently, EU general labelling requirements for all foodstuffs are set out in Directive 2000/13/EC. This Directive sets the compulsory information that has to be included on all labels, such as the name of the product, the list of ingredients, the use-by date and any special conditions of use. In addition to the general legislation, there are certain labelling rules for certain food groups (e.g. meat), and specific measures including labelling provisions for certain foods and substances (e.g. beef, fish, chocolate, dietetic foods, food supplements, fortified foods etc). Nutrition labelling on foods is regulated by Directive 90/496/EEC. At the moment, under EU legislation, nutrition labelling is optional, although it becomes compulsory when a nutrition or health claim is made in the labelling, presentation or advertising of a foodstuff or when vitamins or minerals are voluntarily added to foods.

### Why is the Commission proposing new legislation on food labelling?

#### Updating the rules to reflect the modern market

The current legislation on general food labelling dates back to 1978 and nutrition labelling rules were adopted in 1990. Consumer demands and marketing practices have changed significantly since then. EU labelling legislation needs to be updated to reflect the new ways in which food is packaged and sold. Given the amount of information presented to consumers today and the ever more innovative and complex styles of labels, there is a need for a system that allows consumers easy access to the most important and relevant information on food labels, while still encouraging innovation on the part of industry. EU rules also need to take into account the different purchasing habits of the modern consumer. For example, many consumers now buy their food via the internet. These consumers have the same need for clear, essential information as those who shop in their local supermarket. The aim is to create legislation which is flexible enough to be easily adapted as consumer trends evolve, and wide-reaching in its approach to ensure that there is consistency in the approach to providing information on food.

#### Simplifying the rules

The proposed labelling Regulation aims to simplify the rules that apply in this field, in line with the Commission's goal of better regulation. It will modernise, simplify and clarify the food labelling rules. The proposal sets out plainly and unequivocally what the requirements are, so that there can be no excuses for non-compliance. The clearer and simpler the rules, the more likely they are to be properly implemented in all Member States.



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## **Meeting the needs of consumers**

Feedback that the Commission has received from EU consumers is that they want to be better informed when purchasing foodstuffs and to have labels that are simple, legible, understandable and not likely to mislead.

This will help them to make informed decisions on the food that they buy, and could contribute to better lifestyle choices. However, at the moment, consumers do not feel that they are given the information they need in an easy to access way. Firstly, there is a wide disparity in the extent of the availability of nutrition labelling between various Member States. This means that some EU consumers are given far less information than others. In addition, the essential information is presented in a wide variety of ways, depending on the product, and is often over-shadowed by other information on packaging, such as marketing information. There is a general consensus that the current system of food labelling is not working in a way that really responds to consumers' needs, and therefore needs to be changed.

## **Meeting the needs of industry**

The new Regulation aims to create a clearer, fairer system for all food operators in Europe, by laying down clear-cut rules which are proportionate, flexible to the constantly changing market and which do not pose unnecessary burdens. Reasonable transition periods should allow industry to adapt smoothly to the new requirements laid down by the new legislation.

## **What are the key elements of the proposal?**

### **General provisions**

Overall, the general provisions for food labelling will remain the same under the new Regulation. This means that certain compulsory information has to be included on all labels, such as the name of the product, the list of ingredients, the best before or use-by date of the product, any special conditions of use and the name and address of the manufacturer. The information must be clear, easy to read and not misleading to the consumer. In addition, the Commission is proposing to make nutrition information mandatory on nearly all processed foods (see next point). By setting down general requirements which apply to all food labels, the aim is to ensure that consumers can rely on a basic uniformity in the information that they are presented with, while food operators can benefit from working in a level playing-field.

### **Front-of-pack nutrition labelling**

Under the draft Regulation, front-of-pack nutrition information would become mandatory for nearly all pre-packaged processed foods. There would be on the front of the packaging the energy, fat, saturated fat, carbohydrates with specific reference to sugars and salt content of the product, expressed in terms of per 100ml/100g or per portion. In addition, the amount of these elements in relation to the reference intakes will have to be indicated. Operators can choose to include additional nutrition information on the front of pack, on condition that it does not detrimentally affect the visibility and legibility of the mandatory information. As before and, in line with the Nutrition and Health Claims Regulation (see IP/05/668), nutrition information also has to be provided to support any nutrition or health claim made in relation to a product. Also, in line with the Regulation on the addition of vitamins and minerals and certain other substances to foods, nutrition information has to be provided if vitamins and minerals have been voluntarily added to the food.

### **Legibility**

In order to avoid the common problem of essential information being too small or hidden for the consumer to easily read on food labels, the draft Regulation states that mandatory information must be printed in a minimum size (3mm), with a significant contrast between the writing and the



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background. Voluntary information (e.g. slogans or claims) must not be presented in a way that adversely affects the presentation of mandatory information.

## **Allergen labelling**

Currently, the presence of allergens must be clearly indicated on all pre-packed food sold in the EU. However, 70% of anaphylactic shocks occur when people are eating out, and people with allergies need to have the information to protect themselves regardless of whether the food is packaged or not. Therefore, the Commission is proposing the extension of mandatory allergen labelling to non-prepacked food, including food sold in restaurants and other catering establishments, asking for allergens to be displayed or be available at the request of the consumers. There is an EU list of identified allergens which must be labelled, including peanuts, milk, fish and mustard.

## **Labelling of ingredients of alcoholic beverages**

The proposal improves and clarifies the current situation concerning the listing of ingredients of alcoholic beverages in an attempt to conciliate the consumers' needs for information with the specificities in the production of such products. To take into account the consumers' need for information, the proposal provides that ready to drink mixed alcoholic beverages, frequently referred to as alcopops, should include an ingredients list. Given the specificities of wine, spirits and beer, and with a view to ensure a consistent approach and coherence in this sector, it is foreseen that the Commission reports on the state-of-play on the Community rules regarding the ingredients list and nutrition labelling of such products with the possibility of measures to be adopted. .

## **Origin labelling**

As is currently the case, the draft Regulation proposes to keep country of origin or place of provenance labelling on food voluntary, unless its absence could mislead consumers. However, certain criteria are laid down for producers who do wish to put the country of origin or place of provenance on the label of their products. In line with international standards (WTO and Codex), the country of origin should be determined in accordance with the Community Custom Code. The country of origin or place of provenance of the main ingredients must also be listed if those ingredients originate from a different place than the finished product. For example, butter churned in Belgium from Danish milk could be labelled as "produced in Belgium from Danish milk". Producers may, if they wish to, put a "made in the EU" label on their foodstuffs, provided the food was produced in the EU. Alternatively, they can choose to indicate the Member State.

## **Why does the Commission consider mandatory front-of-pack labelling necessary, and how did it choose the elements which must be displayed?**

Following a comprehensive impact assessment carried out on this issue, the Commission decided to make nutrition labelling mandatory on the front of pack because this was seen to provide consumers with the most readily accessible information and have the greatest potential impact on consumer decisions. Requiring front-of-pack labelling avoids situations whereby mandatory essential information can be hidden or difficult to see when the food is displayed for sale.

The Commission focussed in its proposal on those nutritional elements that are relevant to public health and which can be consumed in excess of dietary recommendations. In addition, consumer research shows that energy, fat, saturates, carbohydrates and specifically sugars and salt are the nutritional components of most interest to citizens.



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Reliable information on the amount of energy and certain nutrients in food is of particular importance when trying to follow a balanced diet. Following extensive consultations, the Commission decided to limit the mandatory front-of-pack labelling to just these elements, so that consumers are not overwhelmed by too much detailed information and can focus on the key data.

## **Will producers who already display nutrition information on the front of the pack have to make any changes to their labelling under the proposed Regulation?**

Many foodstuffs across the EU already carry nutrition information in wheel form or simply as a horizontal chart on the front of the pack. No uniform system for the display of the front-of-pack information is laid down in the proposal, except for the order of the nutrients and the general requirements for legibility. Therefore, provided the mandatory elements are displayed clearly on the front of the pack, in line with the requirements set out in the Commission's proposal, producers are free to decide how they wish to display this information.

## **Are any foods and drinks exempt from the mandatory nutrition labelling requirements?**

Yes. Annex IV of the draft Regulation lists the foods which would be exempt from the required nutrition labelling. These are unprocessed foods or those which are usually not nutritionally significant in the diet overall. They include:

- Unprocessed food comprised of a single ingredient (e.g. fresh steak, apples)
- Water
- Smoked or matured food comprised of a single ingredient or category of food
- Teas and coffees
- Herbs, spices, salt and vinegars
- Flavourings, food colours and other food improvement agents or processing aids

Food sold in packaging with a surface area less than 25cm<sup>2</sup> is also exempt from the nutrition labelling requirements, as is inner packaging that is not designed for sale without the outer packaging.

## **Why does the proposal require the proportion of reference intake to be indicated as part of the nutrition information?**

Reference intake is a guidance daily intake for certain nutrients, which under current voluntary nutrition labelling schemes are often referred to as "Recommended Daily Amounts". The concept of including the % reference intake on food packaging is not new. It is already required under EU legislation for vitamins and minerals when listed, and many food manufacturers already include the reference amount for other nutrients on their labelling. Comparing the nutrient content of a foodstuff to a reference intake enables the consumer to better understand the relevance of the information provided on the label for their overall diet. The draft Regulation (Annex XI) lists the reference intakes for the main nutrients. There is also provision for the reference intake to be reviewed at any stage if it is considered necessary.

## **How are the reference intakes determined?**

The proposal sets out reference intakes for energy and for those nutrients, which must be included on the label. These reference intake figures take into account the figures that are currently used by the industry on a voluntary basis and those that are set out in the legislation of other countries. These reference intakes can be updated by the Commission at any point if necessary.



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## **Does the proposal restrict the way in which the nutrition information can be presented?**

No. The proposal lays down some requirements for the presentation of the information. For example, information should be given in relation to 100ml, 100g or per portion, and with a comparison to reference intakes for energy and certain nutrients. The presentation of nutrition information in other ways can be done through the co-regulatory procedure, whereby national authorities can encourage best practice and endorse certain developments in food labelling (*See question on nationally endorsed schemes below*).

## **What are precisely the implications on origin labelling? To which extent does the regulation help to protect origin labelling? With regard to origin labelling, can foodstuffs still carry "made in X" labels?**

Yes. Food products can still carry a label indicating the Member State from which they come, as long as the last substantial change/processing activity took place in that Member State. If the ingredients or key components of the food come from a different country of origin or place of provenance, that must also be included on the label. Separate rules on origin labelling apply for beef and veal, in the context of the EU's BSE protection measures. The draft Regulation foresees that voluntary country of origin or place of provenance indications on all other types of meat should provide information on the different locations of birth, rearing and slaughter of the animal in so far as that animal has not been born, reared and slaughtered in the same country or place.

Under existing EU legislation country of origin or place of provenance labelling is voluntary; national authorities can only make it mandatory under certain conditions. In addition, they must notify the Commission before introducing any national legislation on origin labelling for food, as it can potentially be used as a barrier to trade. The new proposal requires that when Member States notify such measures, they need to bring evidence of requests from consumers for such origin labelling, showing that information on the country of origin or place of provenance of the product will influence purchasing choices on the basis of certain qualities of the food.

## **What is the difference between origin and provenance?**

Both terms exist already under the current legislation. The proposal makes a clearer distinction between them with the aim to prevent any misunderstanding and overlapping with the concept of country of origin as determined under the Community Customs Code. Origin shall refer to the country of origin whilst provenance would cover any place where a food comes from, including a region and which is not the country of origin as referred in the Customs Code.

## **Will imported products have to adhere to the new labelling requirements?**

Yes. The proposed new rules on labelling would apply to any food or drink product sold in the EU. The proposal will be notified to other countries through the normal World Trade Organisation procedures.

## **Were EU consumers, industry and other interested parties consulted in the process of drafting the new Labelling Regulation?**

The Commission carried out a very thorough consultation process prior to finalising its proposal for new labelling rules. Broad surveys for all stakeholders were conducted, as well as more specific consultations with industry, Member States and consumer groups. An online consultation, open to all interested parties, was carried out between March and June 2006. The Commission received 175 responses to this survey, which can be found at:

[http://ec.europa.eu/food/food/labellingnutrition/betterregulation/index\\_en.htm](http://ec.europa.eu/food/food/labellingnutrition/betterregulation/index_en.htm)



## **Would self-regulation by industry, driven by market demand, not be sufficient to provide consumers with the information they need?**

Currently, some innovations have been made by many companies to respond to consumer demand for more and clearer nutrition information. However, the use of nutrition labelling varies greatly from company to company and between one Member State and another, with estimates suggesting a range of between 30% and 85% for pre-packaged foods. In addition, the way that this information is displayed by companies can be widely divergent. The aim of the proposed Regulation is to provide a more uniform situation with regard to food labelling, so that consumers can rely on key nutritional information being presented in a consistent and easy to access manner. It will also create a more level playing field for industry.

## **Will the proposed new requirements be very expensive for industry, particularly SMEs?**

The draft Regulation allows a reasonable transition period (3 years) before the new mandatory labelling requirements must be applied, with an extra 2 years given to small enterprises to adjust. Most companies would change their food packaging in such a timeframe anyway, so they would merely need to incorporate the new requirements into their new packaging.

## **What is meant in the proposal by "national schemes" for food labelling, and what is foreseen in the proposal?**

Consumers' understanding and responses to information on labels vary from one Member State to another. Therefore, the proposal allows for national non-binding schemes for food labelling to be developed, in addition to the EU labelling requirements. These schemes should be based on solid consumer research and in consultation with all interested parties, and must not undermine or detract from the mandatory EU requirements for food labelling. Examples of such schemes could be nutrition symbols or the inclusion of additional nutrition information on the front of pack. The Commission will establish and operate an exchange of information on these national initiatives and will make available the details of the schemes.

## **Will the system of nationally endorsed schemes lead to internal trade barriers?**

No. The proposal foresees that products labelled with a nationally endorsed scheme can circulate freely in all Member States.

## **When would the proposed Regulation enter into force?**

The Commission's proposal will be transmitted to Council and Parliament for consideration under the codecision procedure. Once adopted by the Council and Parliament, the Regulation would enter into force 20 days after its publication in the Official Journal. The requirement for front-of-pack mandatory information would apply 3 years after the entry into force of the Regulation, to allow industry time to adjust, while enterprises with less than 10 employees would be given a 5 year adjustment period.

## **To what extent does the regulation constitute a simplification?**

The proposed legislation uses general simplification tools to facilitate and improve the identification and understanding of the applicable legal requirements by food business operators and enforcement authorities. In particular:

- the use of a Regulation as the legal instrument supports the objective of simplification because it guarantees that all actors have to follow at the same time the same rules;
- the combination of the Directive 2000/13/EC with Directive 90/496/EEC on nutrition labelling into one instrument simplifies the regulatory framework. In addition, the proposal simplifies the



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structure of the 2000/13/EC legislation, by recasting and replacing provisions already in place under the current horizontal food labelling legislation. This is a powerful simplification method that should provide economic operators and enforcement authorities with a clearer and more streamlined regulatory framework.

- provision on the possibility to decide in the future that certain information may be available by means other than the label. This would allow for further simplification and modernisation in the field of food information.

By addressing certain specific policy issues the proposal will contribute significantly to easier compliance and greater clarity for stakeholders:

- Strengthening the rules on the legibility of the labels should simplify the way information is made available to the consumers and make it easier for operators to comply with the general requirement for readable and clear labels;
- The new rules on allergenic ingredients on non-pre-packaged food should ensure consistency in the provision of information;
- Criteria on the country of origin or place of provenance indications should simplify the current situation where due to uncertainty there is a proliferation of misleading voluntary indications of origin

### **Why were wine and all alcoholic beverages excluded? This does not help to protect children and youth from alcopops and other alcoholic drinks.**

Alcoholic beverages are not excluded from the scope of the legislation. There are only certain derogations that have been established as far as the ingredients listing and nutrition labelling is concerned. Mixed alcoholic beverages on the contrary will have to bear such information.

### **Isn't there a risk that national food information and labelling schemes become redundant due to this regulation and have to be abolished?**

It is clear that national legislation adopted in the context of the implementation of Directive 2000/13/EC should be abolished at the moment of entry into force and application of the new Regulation that will be of direct applicability in all Member States.

National voluntary schemes in the field of nutrition information may be maintained provided they are in compliance with the provisions established in the legislation. If the Commission considers that this is not the case, it may request a Member State to repeal or amend accordingly the national scheme.

### **To which extent does the regulation encourage healthier eating/drinking - in particular of children and youth?**

The availability of nutrition information should help consumers, including young people, to understand the nutrition composition of different foods. They can then consider how those foods would contribute to their diet overall and make informed choices that suit their dietary needs.

### **To which extent are the information needs of people suffering from allergies taken into account?**

The proposal strengthens the existing provisions concerning the labelling of allergens in order to inform and protect the health of allergenic consumers not only when they consume pre-packed foods but also when they consume non-prepacked foods and eat out.