

Wednesday 16 June 2010

**Food information to consumers \*\*\*I**

P7\_TA(2010)0222

**European Parliament legislative resolution of 16 June 2010 on the proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers (COM(2008)0040 – C6-0052/2008 – 2008/0028(COD))**

(2011/C 236 E/47)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Parliament and the Council (COM(2008)0040),
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0052/2008),
  - having regard to the Communication from the Commission to the European Parliament and to the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
  - having regard to Article 294(3) and Article 114 of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 18 September 2008 <sup>(1)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Agriculture and Rural Development (A7-0109/2010),
1. Adopts the position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 77, 31.3.2009, p. 81.

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**P7\_TC1-COD(2008)0028**

**Position of the European Parliament adopted at first reading on 16 June 2010 with a view to the adoption of Regulation (EU) No .../2010 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 Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directives 94/54/EC and 1999/10/EC, Directive 2000/13/EC, Commission Directives 2002/67/EC and 2004/77/EC and Commission Regulation (EC) No 608/2004**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Article 169 of the Treaty on the Functioning of the European Union (TFEU) provides that the Union is to contribute to the attainment of a high level of consumer protection through the measures it adopts pursuant to Article 114 thereof.
- (2) The free movement of safe ■ food is an essential aspect of the internal market and contributes significantly to the health and well-being of citizens, and to their social and economic interests. ***This Regulation will both serve the interests of the internal market, by simplifying the law, ensuring legal certainty and reducing red tape, and benefit citizens by requiring clear, comprehensible and legible labelling of foods.***
- (3) In order to achieve a high level of health protection for consumers and to guarantee their right to information, it should be ensured that consumers are appropriately informed as regards the food they consume. ***Purchasing decisions*** can be influenced by, *inter alia*, health, economic, environmental, social and ethical considerations.
- (4) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(3)</sup> provides that it is a general principle of food law to provide a basis for consumers to make informed choices in relation to food they consume and to prevent any practices that may mislead the consumer.
- (5) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market <sup>(4)</sup> covers certain aspects of the provision of information to consumers specifically to prevent misleading actions and omissions of information. The general principles on unfair commercial practices should be complemented by specific rules concerning the provision of food information to consumers.
- (6) Union rules on food labelling applicable to all foods are laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(5)</sup>. The majority of the provisions laid down in that Directive date back to 1978 and should therefore be updated.

<sup>(1)</sup> OJ C 77, 31.3.2009, p. 81.

<sup>(2)</sup> Position of the European Parliament of 16 June 2010.

<sup>(3)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(4)</sup> OJ L 149, 11.6.2005, p. 22.

<sup>(5)</sup> OJ L 109, 6.5.2000, p. 29.

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- (7) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(1)</sup> lays down rules on the content and presentation of nutrition information on prepacked foods. The inclusion of nutrition information is voluntary unless a nutrition related claim is made concerning the food. The majority of the provisions laid down in that Directive date back to 1990 and should therefore be updated.
- (8) The general labelling requirements are complemented by a number of provisions applicable to all foods in particular circumstances or to certain categories of foods. In addition, there are a number of specific rules which are applicable to specific foods.
- (9) While the original objectives and the core components of the current labelling legislation are still valid, it is necessary to streamline it in order to ensure easier **application** and greater **legal certainty** for stakeholders and to modernise it in order to take account of new developments in the field of food information.
- (10) There is ■ interest **amongst the general public** in the relationship between diet and health and in the choice of an appropriate diet to suit individual needs. The Commission White Paper of 30 May 2007 on a Strategy for Europe on Nutrition, Overweight and Obesity related health issues noted that nutrition labelling is **one method of informing** consumers about the composition of the foods and **of helping** them to make an informed choice. **Education and information campaigns are an important mechanism for improving consumer understanding of food information.** The Union consumer policy strategy 2007 - 2013 underlined that allowing consumers to make an informed choice is essential both to effective competition and consumer welfare. Knowledge of the basic principles of nutrition and appropriate nutrition information on foods would contribute significantly towards enabling the consumer to make such an informed choice. **In addition, it is worthwhile and right that consumers in the Member States should be able to turn to a neutral information source in order to clarify individual nutrition questions. The Member States should, therefore, establish appropriate hotlines, to the financing of which the food industry could contribute.**
- (11) In order to enhance legal certainty and ensure rationality and consistency of enforcement, it is appropriate to repeal Directives 90/496/EEC and 2000/13/EC and to replace them by a single Regulation which would ensure certainty for both consumers and the industry and reduce the administrative burden.
- (12) For the sake of clarity, it is appropriate to repeal and include in this Regulation other horizontal acts, namely Commission Directive 87/250/EEC of 15 April 1987 on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer <sup>(2)</sup>, Commission Directive 94/54/EC of 18 November 1994 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC <sup>(3)</sup>, Commission Directive 1999/10/EC of 8 March 1999 providing for derogations from the provisions of Article 7 of Council Directive 79/112/EEC as regards the labelling of foodstuffs <sup>(4)</sup>, Commission Directive 2002/67/EC of 18 July 2002 on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine <sup>(5)</sup>, Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters <sup>(6)</sup> and Commission Directive 2004/77/EC of 29 April 2004 amending Directive 94/54/EC as regards the labelling of certain foods containing glycyrrhizinic acid and its ammonium salt <sup>(7)</sup>.

<sup>(1)</sup> OJ L 276, 6.10.1990, p. 40.

<sup>(2)</sup> OJ L 113, 30.4.1987, p. 57.

<sup>(3)</sup> OJ L 300, 23.11.1994, p. 14.

<sup>(4)</sup> OJ L 69, 16.3.1999, p. 22.

<sup>(5)</sup> OJ L 191, 19.7.2002, p. 20.

<sup>(6)</sup> OJ L 97, 1.4.2004, p. 44.

<sup>(7)</sup> OJ L 162, 30.4.2004, p. 76.

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- (13) It is necessary to set common definitions, principles, requirements and procedures so as to form a clear framework and a common basis for Union and national measures governing food information.
- (14) In order to follow a comprehensive and evolutionary approach to the information provided to consumers relating to food they consume, there should be a broad definition of food information law covering rules of a general and specific nature as well as a broad definition of food information **and education** covering information provided also by means other than the label.
- (15) **Union** rules should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional **delivery of food to third parties, the serving of meals** and **the** selling of food by private persons, **for example at charity events** or local community fairs and meetings, **and the sale of food in the various forms of direct marketing by farmers**, do not fall within the scope of this Regulation. **In order to avoid excessive burden, in particular, for small and medium-sized enterprises (SMEs) in the handcrafted food production sector and the food retail trade, which also include providers of mass catering services, non-prepacked products should be excluded from the labelling requirements.**
- (16) **Catering services provided by transport undertakings should fall within the scope of this Regulation only if they are provided on routes between two points within Union territory.**
- (17) **Catering services provided by cinemas - excluding SMEs - should fall within the scope of this Regulation where the food is packed at the point of sale in standardised packages, whose capacity is pre-determined and thus the final quantity and content of food or beverages is defined and measurable.**
- (18) Food information law should **also be based on consumers'** information requirements **■** and ensure **that innovation in the food industry is not stifled. The possibility for food business operators to provide voluntary additional information allows for additional flexibility.**
- (19) The **purpose of** requiring mandatory food information **is** to enable consumers to **make well-informed purchasing decisions** that suit their individual dietary **wishes and** needs.
- (20) In order to enable food information law to adapt to changing consumers' needs for information **and to avoid unnecessary packaging waste, mandatory food labelling should be confined to basic information which is demonstrably of great interest to** the majority of consumers **■**.
- (21) New mandatory food information requirements **or new forms of presentation of food information** should however only be established if and where necessary, in accordance with the principles of subsidiarity, proportionality, **transparency** and sustainability.
- (22) **In addition to the existing rules designed to combat misleading advertising,** the rules on food information should prohibit the **indication of any particular** that would mislead the consumer, **particularly regarding the energy content, provenance or composition of the food.** To be effective, that prohibition should also apply to the advertising and presentation of foods.
- (23) **It is claimed of certain products that specific physical benefits result from their use. Such claims should be expressed in a way that ensures that the effect of using those products is measurable or verifiable.**

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- (24) In order to prevent a fragmentation of the rules concerning the responsibility of food business operators with respect to **incorrect, misleading or missing** food information it is **essential that** the responsibilities of food business operators in this area **be clearly laid down. Without prejudice to Article 19 of Regulation (EC) No 178/2002, food business operators responsible for retail or distribution activities which do not affect food information should act promptly when they learn that such information does not comply with the provisions of this Regulation.**
- (25) A list should be drawn up of all mandatory information which should **■** be provided for all foods intended for the final consumer and the mass caterers. That list should maintain the information that is already required under existing legislation given that it is generally considered as a valuable *acquis* for consumer information.
- (26) ***New information and communication technologies can play an important role in conveying additional information to consumers, as they allow information to be exchanged rapidly and inexpensively. It is possible to envisage consumers obtaining additional information via terminals placed in supermarkets. Those terminals would, by reading the barcode, furnish information about the product concerned. Likewise, it is possible to envisage consumers accessing additional information via a web page on the Internet.***
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- (27) When used in the production of foods and still present, certain ingredients or other substances **can cause** allergies or intolerances, **and in individual cases can even** constitute a danger to the health of those concerned. It is important, **therefore**, that information on the presence of food additives, processing aids and other substances with **a scientifically proven** allergenic effect **or which may increase the risk of illness** should be given to **■** consumers **so that in particular those** suffering from a food allergy or intolerance **can in a targeted manner choose foods which are safe for them. Traces of such substances should also be indicated, so that those suffering from more serious allergies can make safe choices. Common rules should be drawn up for this purpose.**
- (28) Food labels should be clear and understandable to assist consumers wanting to make **selective** food and dietary choices. Studies show that **easy** legibility is an important element in maximising the possibility that labelled information can influence its audience and that **illegible product information** is one of the main causes of consumer dissatisfaction with food labels. **Consequently, factors such as font, colour and contrast should be considered together.**
- (29) In order to ensure the provision of food information, it is necessary to **include** selling food by means of distance communication. Although it is clear that any food supplied through distant selling should meet the same information requirements as food sold in shops, it is necessary to clarify that in such cases the relevant mandatory food information **must** also be available before the purchase is concluded.
- (30) With a view to providing consumers with food information that is necessary to make an informed choice, alcoholic mixed beverages should also provide information on their ingredients.
- (31) ***In accordance with the resolution of the European Parliament of 5 September 2007 on a European Union strategy to support Member States in reducing alcohol-related harm <sup>(1)</sup>, the opinion of the European Economic and Social Committee of 18 September 2008 on the provision of food information to consumers, the work of the Commission, and the general public concern about alcohol-related harm, especially to young and vulnerable consumers, the Commission together with the Member States should establish a definition for beverages such as ‘alcopops’ specifically targeted at young people. Due to their alcoholic nature, ‘alcopops’ should have stricter labelling requirements, and be clearly separated from soft drinks in shops.***

<sup>(1)</sup> OJ C 187 E, 24.7.2008, p. 160.

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- (32) It is also important to provide consumers with information on the other alcoholic beverages. Specific Union rules already exist on the labelling of wine. Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup> provides an exhaustive set of technical standards which fully cover all oenological practices, manufacturing methods and means of presentation and labelling of wines, thus ensuring that all stages in the chain are covered and that consumers are protected and properly informed. In particular, that Regulation describes in a precise and exhaustive manner the substances likely to be used in the production process, together with the conditions for their use via a positive list of oenological practices and treatments; any practice not included in this list is prohibited. Therefore, it is appropriate to exempt wine at this stage from the obligation to list the ingredients and to provide for a nutrition declaration. As regards beer and spirits as defined in Article 2(1) of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks <sup>(2)</sup>, and in order to ensure a consistent approach and coherence with the conditions established for wine, the same kind of exemptions shall apply. However, the Commission will produce a report after five years of the entry into force of this Regulation and may propose, if necessary, specific requirements in the context of this Regulation.
- (33) The indication of the country **■** or **■** place of provenance of a food should be provided **on a mandatory basis in accordance with Article 9(1)(k) and** whenever its absence is likely to mislead consumers as to the true country **■** or place of provenance of that product. In other cases, **■** the indication of country **■** or place of provenance should be provided in a manner which does not deceive the consumer and on the basis of clearly defined criteria which ensure a level playing field for the industry and improve consumers' understanding of the information related to the country **■** or place of provenance of a food. Such criteria **shall** not apply to indications related to the name or address of the food business operator.
- (34) **If** food business operators **■** indicate that the origin of a food is the **Union** to draw the consumers' attention to the qualities of their product and to the Union's production standards, such indications **must** comply with harmonised criteria. **The same applies, where relevant, to indication of the Member State.**
- (35) The Union's non-preferential rules of origin are laid down in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(3)</sup> and its implementing provisions in Commission Regulation (EEC) No 2454/93 of 2 July 1993 <sup>(4)</sup>. Determination of the country of origin of foods will be based on those rules, which are well known to trade operators and administrations and should ease its implementation.
- (36) The nutrition declaration on a food concerns information on the presence of energy and certain nutrients **and ingredients** in foods. The mandatory provision of nutrition information **on the front and back of the packaging** should **be supported by actions by Member States, such as a nutritional action plan as part of their public health policy, which will provide specific recommendations** for nutrition education for the public and support informed food choice.
- (37) The above-mentioned Commission White Paper of 30 May 2007 highlighted certain nutritional elements of importance to public health. Therefore, it is appropriate **for** the requirements on the mandatory provision of nutrition information **to be in line with the recommendations of that White Paper.**
- (38) In general, consumers are not aware of the potential contribution of alcoholic beverages to their overall diet. **It would, therefore, be helpful if manufacturers were to provide** information on the **energy** content of **■** alcoholic beverages **■**.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(2)</sup> OJ L 39, 13.2.2008, p. 16.

<sup>(3)</sup> OJ L 302, 19.10.1993, p. 1.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1.



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- (39) In the interest of **legal certainty** and coherence of **Union** legislation the voluntary inclusion of nutrition or health claims on food labels should be in accordance with Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(1)</sup>.
- (40) To avoid unnecessary burdens on **food manufacturers and traders**, it is appropriate to exempt certain categories of foods that are unprocessed or for which nutrition information is not a determining factor for **consumers' purchasing decisions, or whose outer packaging or label is too small to permit the mandatory labelling to be performed**, from the mandatory inclusion of a nutrition declaration, unless the obligation to provide such information is provided under other **Union** legislation.
- (41) To appeal to the average consumer and to serve the informative purpose for which it is introduced, **the information should be easily understandable for the average consumer. It would be appropriate to provide the information in one field of vision**, to ensure that consumers can readily see the essential nutrition information when purchasing foods **.**
- (42) Recent developments in the expression of the nutrition declaration, other than per 100g/100ml/portion, by some Member States and organisations in the food sector suggest that consumers like such schemes as they can help them make **quick** choices. However, there is **no scientific** evidence across the **Union** on how the average consumer understands and uses the alternative expression of the information. **To facilitate comparisons of products in differing package sizes, it is therefore appropriate to retain the mandatory stipulation that the nutrition declaration should refer to 100 g/100 ml amounts and, if appropriate, to allow additional portion-based declarations. If the food is prepacked as an individual portion, a nutrition declaration per portion should, in addition, be compulsory. In order to rule out misleading indications relating to portion size, portion sizes should be standardised throughout the Union by means of a consultation process.**
- (43) The declaration in the principal field of vision of the amounts of nutritional elements and comparative indicators in an easily recognisable form to enable an assessment of the nutritional properties of a food should be considered in its entirety as part of the nutrition declaration and not be treated as a group of individual claims.
- (44) Experience shows that in many cases voluntary food information is provided to the detriment of the clarity of the mandatory food information. Therefore, criteria should be provided to help food business operators and enforcement authorities to strike a balance between the provision of mandatory and voluntary food information.
- (45) **Information concerning** potential allergens is **also** very important **for allergic persons in connection with food which is not prepacked and mass catering services**. Therefore, such information should always be **available** to the consumer.
- (46) Member States should not be able to adopt provisions other than those laid down in this Regulation in the field it harmonises, unless specifically indicated in it. **Furthermore, as national labelling requirements may give rise to obstacles to free movement in the internal market, Member States should demonstrate why such measures are necessary and set out the steps they will take to ensure that they are applied in the manner which least restricts trade.**
- (47) Food information rules should be able to adapt to a rapidly changing social, economic and technological environment.
- (48) In respect of certain aspects of food information that give rise to the development of innovative and modern commercial practices, it is necessary to allow sufficient experiments and consumer research and to provide solid evidence about the best systems. Therefore, in such cases Union food information law should restrict itself to setting out the mandatory essential requirements determining the level of consumer protection and information and leave flexibility for the fulfilment of such requirements, in a manner that is compatible with the internal market provisions.

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9.

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- (49) In order to ensure that more detailed food information requirements are designed and established in a dialectic manner and emerge from best practices, there should be flexible mechanisms at Union and national level based on an open and transparent public consultation and sustained interaction between a wide range of representative stakeholders. Such mechanisms may result in the development of national non-binding schemes on the basis of solid consumer research and wide stakeholder consultation. There should be mechanisms for consumers to be able to identify foods labelled in compliance with the national scheme such as through an identification number or symbol.
- (50) In order to ensure a level of consistency in the results achieved in the different Member States, it is necessary to promote the constant exchange and sharing of best practices and experience between Member States and with the Commission and promote the participation of stakeholders in such exchanges.
- (51) Member States should carry out official controls in order to enforce compliance with this Regulation in accordance with Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>.
- (52) References to Directive 90/496/EEC in Regulation (EC) No 1924/2006 and in Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods <sup>(2)</sup> should be updated to take this Regulation into account. Regulations (EC) No 1924/2006 and (EC) No 1925/2006 should therefore be amended accordingly.
- (53) In order to enable interested parties, especially SMEs, to provide nutrition information on their products, the application of the measures to make nutrition information mandatory should be introduced gradually through extended transition periods with an additional transition period provided for micro-businesses.
- (54) *Naturally, products of the handcrafted food production sector and fresh products of the food retail trade which are produced directly at the place of sale may contain substances which give rise to allergic or intolerance reactions in sensitive people. As, however, it is precisely non-prepacked products which are sold in direct contact with the customer, the corresponding information should be provided, for example, through dialogue at the time of sale or by means of a clearly visible sign in the sales area or by means of information material on display.*
- (55) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

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- (56) *The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU. It is of particular importance that the Commission carry out appropriate consultation during its preparatory work, including at expert level.*

<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 404, 30.12.2006, p. 26.



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- (57) *In order to ensure uniform conditions for implementation, implementing powers should be conferred on the Commission to adopt technical guidelines for the interpretation of the list of ingredients causing allergies or intolerances, to determine how to indicate the date of minimum durability and in respect of taking a position on national provisions adopted by a Member State. In accordance with Article 291 TFEU, rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers are to be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new regulation, and given the necessity to adopt as soon as possible this Regulation, control by Member States should be exercised in accordance with the provisions of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>, with the exception of the regulatory procedure with scrutiny, which is not applicable, insofar as those provisions remain compatible with the amended Treaties. References to those provisions should nevertheless be replaced with references to the rules and principles set out in the new regulation as soon as that regulation enters into force,*

HAVE ADOPTED THIS REGULATION:

#### CHAPTER I

#### GENERAL PROVISIONS

#### Article 1

#### Subject matter and scope

1. This Regulation 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.

2. This Regulation applies to all stages of the food chain, where **the provision of food information to the final consumer is concerned**.

It shall apply to all **prepacked** foods intended for **delivery to** the final consumer **and** foods intended for supply to mass caterers.

**It shall 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.**

3. **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 charities or local community fairs and meetings shall not fall within the scope of this Regulation.**

4. **Foods originating from third countries may only be distributed within the Union once they fulfil the requirements of this Regulation.**

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

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5. This Regulation shall apply without prejudice to labelling requirements provided in specific **Union** legislation applicable to particular foods. ***The Commission shall publish by ... (\*) a comprehensive and updated list of all labelling requirements provided for in specific Union legislation applicable to particular foods and shall make this list accessible on the Internet.***

***The Commission shall, not later than ... (\*\*), submit a report to the European Parliament and the Council on the compliance of those specific labelling requirements with this Regulation. The Commission shall, if appropriate, accompany that report with a relevant proposal to amend this Regulation.***

## Article 2

### Definitions

1. For the purposes of this Regulation the following definitions shall apply:
  - (a) the definitions of 'food', 'food law', 'food business', 'food business operator', 'retail', 'placing on the market' and 'final consumer' in Article 2 and in Article 3(1), (2), (3), (7), (8) and (18) of Regulation (EC) No 178/2002;
  - (b) the definition of 'processing', 'unprocessed products' and 'processed products' in points (m), (n) and (o) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(1)</sup>;
  - (c) the definitions of 'food additives' and 'processing aids' in Article 1(2) and in Article 1(3)(a) of Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foods intended for human consumption <sup>(2)</sup>;
  - (d) the definition of 'flavouring' in point (a) of Article 1(2) of Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production <sup>(3)</sup>;
  - (e) the definitions of 'meat' and 'mechanically separated meat' in points 1.1 and 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(4)</sup>;
  - (f) the definitions of 'claim', 'nutrient', 'other substance', 'nutrition claim' and 'health claim' in points 1 to 5 of Article 2(2) of Regulation (EC) No 1924/2006.
2. The following definitions shall also apply:
  - (a) 'food information' means information concerning a food made available to the final consumer by means of a label, other accompanying material, or any other means including modern ***technologies*** or verbal communication. It does not cover commercial communication as defined in Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market <sup>(5)</sup>;

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(\*) ***Date of entry into force of this Regulation.***

(\*\*) ***18 months after the date of entry into force of this Regulation.***

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 40, 11.2.1989, p. 27.

<sup>(3)</sup> OJ L 184, 15.7.1988, p. 61.

<sup>(4)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(5)</sup> OJ L 178, 17.7.2000, p. 1.

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- (b) 'mass caterers' means any establishment (including **vending machines**, a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals **and catering enterprises, in which**, in the course of a business, food is prepared **which is intended for immediate consumption by** the final consumer ■;
- (c) 'prepacked food' means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food **in** packaging ■, whether such packaging encloses the food completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging;
- (d) **'non-prepacked food' means food which is offered for sale to the final consumer without packaging and is packaged, if at all, only at the time of sale to the final consumer and food and fresh products which are prepacked at the place of sale on the day of sale for immediate sale;**
- (e) **'handcrafted food product' means a food product which is produced in a company listed in national registers, under national commercial law, as a craft enterprise, and which is produced directly for consumers;**
- (f) 'ingredient' means any substance, including food additives and food enzymes, and any **ingredient** of a compound ingredient, used in the manufacture or preparation of a food and **contained** in the finished product, even if in an altered form ■;
- (g) 'place of provenance' means **the** place, **country or region** where **the products or agricultural ingredients are wholly obtained**, in accordance with **Article 23(2)** of Regulation (EEC) No 2913/92;
- (h) 'compound ingredient' is an ingredient that is itself the product of more than one ingredient;
- (i) 'label' means any tag, brand, mark, pictorial or other descriptive matter written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food;
- (j) 'labelling' means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food;
- (k) 'field of vision' means all the surfaces of a package that can be read from a single viewing point, permitting rapid and easy access to labelling information ■;
- (l) **'legibility' means texts inter alia written, printed, embossed, marked, engraved or stamped in such a way that a normally-sighted consumer can understand the substance of food labels without using optical aids; legibility is contingent on the font size, the typeface, the stroke width, the spacing between letters, words and lines, the width-height ratio of the letters and the degree of contrast between the print and the background;**
- 
- (m) 'customary name' means a name which is **understood** as the name of the food without it needing further explanation by consumers in the Member State in which it is sold;
- (n) 'descriptive name' means a name providing a description of the food, and if necessary of its use, which is sufficiently clear to enable the consumers to know its true nature and distinguish it from other products with which it might be confused;
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- (o) *'single-ingredient product' means any food which, except for salt, sugar, spices, water, additives, flavourings or enzymes, contains only one ingredient;*
- (p) *'essential requirements' means the requirements whereby the level of consumer protection and food information is determined with respect to a given issue and which are laid down in a **Union** act* **1**;
- (q) *'date of minimum durability' means the date until which the food retains its specific properties when **1** stored **as indicated or stored in accordance with specific instructions given on the package**;*
- (r) *'use-by date' means the date by which a food must be consumed; after that date, the food may no longer be delivered to consumers or further processed;*
- (s) *'date of manufacture' means the date on which products were produced and possibly packed and deep-frozen;*
- (t) *'best practices' means standards, schemes, initiatives, or any other activities endorsed by competent authorities that have been shown through experience and research to be the most effective for the majority of consumers and are considered as models for others to follow;*
- (u) *'food imitation' means food that gives the impression of being another food in which an ingredient usually used is wholly or partly mixed with or replaced by another ingredient.*

3. For the purposes of this Regulation the country of origin of a food shall refer to the origin of a food as determined in accordance with Articles 23 to 26 of Regulation (EEC) No 2913/92.

4. The specific definitions set out in Annex I shall also apply.

## CHAPTER II

### GENERAL PRINCIPLES ON FOOD INFORMATION

#### Article 3

##### General objectives

1. The provision of food information shall pursue a high level of protection of **1** health, **transparency and comparability of products, in the interests of consumers, and shall provide a basis for** informed choices and **1** safe use of food **1**.
2. **Food labelling must be easily recognisable, legible and understandable for the average consumer.**
3. Food information law shall aim to achieve in the Union free movement of food legally produced and marketed **1**.
4. When food information law establishes new requirements, **unless such requirements relate to the protection of human health**, a transitory period **shall be granted** after the entry into force of the new requirements, during which foods bearing labels not complying with the new requirements can be placed on the market and for stocks of such foods that have been placed on the market before the end of the transitory period to continue to be sold until exhausted. **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.**

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## Article 4

## Principles governing mandatory food information

1. Where **the law makes food information mandatory, the information concerned shall be that which** falls, in particular, into one of the following categories:

- (a) information on the identity and composition, **quantities**, properties or other characteristics of the food;
- (b) information on the protection of consumers' health and the safe use of a food. In particular, it shall concern information on:
  - (i) compositional attributes that may be harmful to the health of certain groups of consumers,
  - (ii) durability, storage, **conservation requirements once the product is opened, if applicable**, and safe use;

■

- (c) information on nutritional characteristics so as to enable consumers, including those with special dietary requirements, to make informed choices.

2. 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 ■.

## Article 5

## Consultation of the European Food Safety Authority

Any food information law measures likely to have an effect on public health shall be adopted after consultation of the European Food Safety Authority (the 'Authority').

## CHAPTER III

## GENERAL FOOD INFORMATION REQUIREMENTS AND RESPONSIBILITIES OF FOOD BUSINESS OPERATORS

## Article 6

## Basic requirement

Any food intended for supply to the final consumer or to mass caterers shall be accompanied by food information in accordance with this Regulation.

## Article 7

## Fair information practices

1. Food information shall not be misleading ■, particularly:
- (a) **in that the description and/or pictorial representation of the food could mislead the consumers with regard** to its nature, identity, properties, composition, **individual ingredients and their quantity in the product**, durability, country of origin or place of provenance, method of manufacture or production;
  - (b) **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)';**

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- (c) *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';*
  - (d) by attributing to the food effects or properties which it does not possess;
  - (e) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics *or by specifically emphasising the absence of certain ingredients and/or nutrients which the food in question does not contain as a matter of course;*
  - (f) *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;*
  - (g) *by 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;*
  - (h) *for milk, by denoting milk as 'fresh' when its use-by-date is more than seven days after the filling date.*
2. Food information shall be accurate, clear, and easy to understand for the consumer.
3. Subject to derogations provided for by **Union** legislation applicable to natural mineral waters and foods for particular nutritional uses, food information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.
4. **Paragraphs 1 and 3** shall also apply to:
- (a) advertising;
  - (b) the presentation of foods in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed.

## Article 8

### Responsibilities

1. *The person responsible for food information shall ensure the presence and substantive accuracy of the particulars given.*
2. *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.*
3. *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 this Regulation.*
4. Food business operators responsible for retail or distribution activities which do not affect food information shall act with due care to **help** ensure, within the limits of their respective activities, **compliance with** the **■** food information requirements, in particular by **refraining from** supplying **food** which they know or presume **■**, on the basis of the information in their possession **and** as professionals, **does not comply with those requirements.**



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5. Food business operators within the business under their control shall ensure that information relating to non-prepacked food **is made available** to the operator **handling** the food **for further sale or further processing** in order to enable **him or her, when asked, to provide the final consumer with** the mandatory food information specified in **points (a) to (c), (f) and (h) of Article 9(1)**.

6. In the following cases, food business operators, within the businesses under their control shall ensure that the mandatory particulars required under Article 9 appear on the external packaging in which the food is presented for marketing, or on the commercial documents referring to the foods where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery:

- (a) where prepacked food is intended for the final consumer but marketed at a stage prior to sale to the final consumer and where sale to a mass caterer is not involved at that stage;
- (b) where prepacked food is intended for supply to mass caterers for preparation, processing, splitting or cutting up.

Notwithstanding the first subparagraph, food business operators shall ensure that the particulars referred to in **points (a), (e), (f), (h) and (j) of Article 9(1)** also appear on the external packaging in which the food is presented for marketing.

#### CHAPTER IV

#### MANDATORY FOOD INFORMATION

#### SECTION 1

#### CONTENT AND PRESENTATION

#### Article 9

#### List of mandatory particulars

1. In accordance with Articles 11 to 33 and subject to the exceptions contained in this Chapter, indication of the following particulars shall be mandatory:

- (a) the name **under which the product is sold**;
- (b) the list of ingredients;
- (c) **the ingredients** listed in Annex II causing allergies or intolerances, and any substance derived therefrom, **with due respect to specific provisions for non-prepacked foods**;
- (d) the quantity of certain ingredients or categories of ingredients, **in accordance with Annex VII**;
- (e) the net quantity of the food, **at the moment of packaging**;
- (f) the date of minimum durability or, **in the case of foodstuffs which, from the microbiological point of view, are perishable**, the 'use by' date;
- (g) **the date of manufacture in the case of frozen products**;
- (h) 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**;

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- (i) *instructions for use when it would be impossible to make appropriate use of the food in the absence of such instructions;*
- (j) *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;*
- (k) *the country ■ or place of provenance in the case of the following products:*
  - *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'.*

*For all other foods, the country or place of provenance where failure to indicate this might mislead the consumer to a material degree as to the true country ■ or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country or place of provenance; in such cases the indication shall be **adopted by means of delegated acts**, in accordance with the rules laid down in **Article 42 and subject to conditions laid down in Articles 43 and 44;***

■

- (l) *with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;*
- (m) *a nutrition declaration.*

2. The particulars referred to in paragraph 1 shall be indicated with words and numbers ■.

■

## Article 10

### *Derogations for micro-enterprises*

*Handcrafted products produced by micro-enterprises shall be exempted from the requirement laid down in point (m) of Article 9(1). Those products may also be exempted from the information requirements laid down in points (a) to (l) of Article 9(1) if they are sold on the site of production and the sales staff is able to provide the information on request. Alternatively, the information may be given via labels on the shelves.*

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## Article 11

Additional mandatory particulars for specific types or categories of food

1. In addition to the particulars listed in Article 9(1), additional mandatory particulars for specific types or categories of food are laid down in Annex III.
2. The Commission may amend Annex III **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

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## Article 12

Weights and measures

Article 9 shall be without prejudice to more specific Union provisions regarding weights and measures. **The provisions of Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products <sup>(1)</sup> shall be complied with.**

## Article 13

Availability and placement of mandatory food information

1. Mandatory food information shall be available and shall be easily accessible, in accordance with this Regulation, for all foods.
2. In the case of prepacked food, mandatory food information shall appear on the package ■.

## ■

## Article 14

Presentation of mandatory particulars

1. Without prejudice to specific **Union** legislation applicable to particular foods as regards to the requirements referred to in points (a) to (l) of Article 9(1), when appearing on the package or on the label attached thereto, the mandatory particulars listed in Article 9(1) shall be printed on the package or on the label **in such a way as to ensure their 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, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44, a binding concept together with the stakeholders concerned, including consumer organisations, specifying guidelines for legibility of consumer information on food.**

2. **In the case of products intended for particular nutritional uses, as defined in Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes <sup>(2)</sup> and infant formulae, follow-on formulae and diversification foods intended for infants and young children, which fall within the scope of Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae <sup>(3)</sup> and Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children <sup>(4)</sup>, which are subject to mandatory labelling requirements under Union legislation in addition to those particulars referred to in Article 9(1) of this Regulation, the font size should be such that it meets the need for information for consumers to be legible and for additional information related to the particular use of those foods.**

<sup>(1)</sup> OJ L 247, 21.9.2007, p. 17.

<sup>(2)</sup> OJ L 91, 7.4.1999, p. 29.

<sup>(3)</sup> OJ L 401, 30.12.2006, p. 1.

<sup>(4)</sup> OJ L 339, 6.12.2006, p. 16.

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3. The particulars listed in Article 9(1) (a), (e) and (l) shall appear in the same field of vision.

■

4. Paragraph 3 shall not apply in the case of foods specified in Article 17(1) and (2). ***Specific national provisions may be adopted for such packaging or containers in the case of Member States which have more than one official language.***

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

6. 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. It shall not in any way be hidden, obscured, ■ or interrupted by any other written or pictorial matter, any other intervening material ***or the food packaging itself, for example an adhesive hinge.***

7. ***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.***

#### Article 15

##### Distance selling

Without prejudice to the information requirements laid down in Article 9, in the case of foods offered for sale by means of distance communication as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts <sup>(1)</sup>:

- (a) ***the*** food information ***stipulated in Articles 9 and 29*** shall be available ***at the request of consumers*** before the purchase is concluded and ***may*** appear on the material supporting the distance selling or be provided through other appropriate means;
- (b) the particulars provided in ***Article 9(1)(f) and (i)*** shall be mandatory only at the moment of delivery.

#### Article 16

##### Language requirements

1. Without prejudice to Article 9(2), mandatory food information shall appear in a language easily understood by the consumers of the Member States where a food is marketed.
2. Within their own territory, the Member States in which a food is marketed may stipulate that the particulars shall be given in one or more languages from among the official languages of the Union.
3. ***Foods sold in a duty-free zone may be placed on the market presented solely in English.***
4. Paragraphs 1 and 2 shall not preclude the particulars from being indicated in several languages.

#### Article 17

##### ***Derogations from the requirement to provide*** certain mandatory particulars

1. In the case of glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar only the particulars listed in ***Article 9(1)(a), (c), (e) and (f)*** shall be mandatory.

<sup>(1)</sup> OJ L 144, 4.6.1997, p. 19.

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2. In the case of packaging or containers the largest **printable** surface of which has an area of less than **80 cm<sup>2</sup>** only the particulars listed in Article 9(1) (a), (c), (e) and (f) **and in Article 29(1)(a)** shall be mandatory on the package or on the label. **Provision of further particulars on the package shall be possible on a voluntary basis.** The particulars referred to in Article 9(1)(b) shall be provided through other means or shall be available at the request of the consumer.

3. Without prejudice to other Union legislation requiring mandatory nutrition declaration, the **nutrition** declaration referred to in Article 9(l)(m) shall not be mandatory for the foods listed in Annex IV.

**The particulars listed in Articles 9 and 29 shall not be mandatory for non-prepacked products, including those provided by mass caterers within the meaning of Article 2(2)(b).**

## SECTION 2

### DETAILED PROVISIONS ON MANDATORY PARTICULARS

#### Article 18

##### Name of the food

1. The name of the food shall be its **name as provided for in the relevant legislation**. In the absence of such **a** name, the name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided.

2. Specific provisions on the use of the name of the food and particulars that shall accompany it are laid down in Annex V.

#### Article 19

##### List of ingredients

1. The list of ingredients shall be headed or preceded by a suitable heading which consists of or includes the word 'ingredients'. It shall include all the ingredients of the food, in descending order of weight, as recorded at the time of their use in the manufacture of the food.

**2. For products containing nanomaterials, this must be clearly indicated, using the word 'nano', in the list of ingredients.**

3. Ingredients shall be designated by their specific name, where applicable, in accordance with the rules laid down in Article 18 and in Annex V.

4. Technical rules for applying paragraphs 1 and 3 are laid down in Annex VI.

#### Article 20

##### **General derogations from the requirement to list ingredients**

The following foods shall not be required to bear a list of ingredients:

- (a) fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated;
- (b) carbonated water, the description of which indicates that it has been carbonated;
- (c) fermentation vinegars derived exclusively from a single basic product, provided that no other ingredient has been added;

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- (d) cheese, butter, fermented milk and cream, to which no ingredient has been added other than lactic products, enzymes and micro-organism cultures essential to manufacture, or in the case of cheese other than fresh cheese and processed cheese the salt needed for its manufacture;
- (e) **drinks that contain alcohol**; the Commission shall produce a report after ... (\*) concerning the application **of this paragraph** on these products and may accompany this report by specific measures determining the rules for **providing consumers with nutritional information on these products**. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44**;
- (f) foods consisting of a single ingredient, where:
  - (i) the name of the food is identical with the ingredient name; or
  - (ii) the name of the food enables the nature of the ingredient to be clearly identified.

#### Article 21

■

The following **shall not be regarded as ingredients** of a food ■:

- (a) the constituents of an ingredient which have been temporarily separated during the manufacturing process and later reintroduced but not in excess of their original proportions;
- (b) food additives and enzymes:
  - (i) whose presence in a given food is solely due to the fact that they were contained in one or more ingredients of that food, provided that they serve no technological function in the finished product, or
  - (ii) which are used as processing aids;
- (c) substances used in the quantities strictly necessary as solvents or media for nutritional substances, food additives, **enzymes** or flavouring;
- (d) substances which are not food additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in an altered form;
- (e) water:
  - (i) where the water is used during the manufacturing process solely for the reconstitution of an ingredient used in concentrated or dehydrated form, or
  - (ii) in the case of a liquid medium which is not normally consumed.

#### Article 22

##### Labelling of certain substances causing allergies or intolerances

1. Any ingredient listed in Annex II or any substance originating from an ingredient listed in that Annex, subject to the exceptions **thereto** provided for in that Annex, shall **always** be indicated **in the list of ingredients in such a way that the potential for allergy or intolerance is immediately clearly recognisable**.

(\*) Five years after the date of entry into force of this Regulation.



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That indication shall not be required in cases where:

- (a) the name of the food clearly refers to the ingredient concerned;
- (b) the ingredient listed in Annex II from which a substance originates is already included in the list of ingredients; or
- (c) ***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.***

2. The list in Annex II shall be systematically re-examined and, where necessary, updated by the Commission on the basis of the most recent scientific and technical knowledge ***by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.***

3. Where necessary, technical guidelines may be issued for the interpretation of the list in Annex II, in accordance with the regulatory procedure referred to in Article 41(2).

#### Article 23

##### Quantitative indication of ingredients

1. The indication of the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a food shall be required where:

- (a) the ingredient or category of ingredients concerned appears in the name ***under which*** the food ***is sold*** or is usually associated with that name by the consumer; or
- (b) the ingredient or category of ingredients concerned is emphasised on the labelling in words, pictures or graphics; or
- (c) the ingredient or category of ingredients concerned is essential to characterise a food and to distinguish it from products with which it might be confused because of its name or appearance.

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2. Technical rules for applying paragraph 1, including specific cases where the quantitative indication shall not be required in respect of certain ingredients, are laid down in Annex VII.

#### Article 24

##### Net quantity

1. The net quantity of a food shall be expressed, using litres, centilitres, millilitres, kilograms or grams, as appropriate:

- (a) in units of liquid in the case of liquids ***within the meaning of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption*** <sup>(1)</sup>;

<sup>(1)</sup> OJ L 176, 6.7.1985, p. 18.

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(b) in units of mass in the case of other products.

2. The expression of the net quantity for certain specified foods in a different manner than the one described in paragraph 1 may be established by the Commission **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

3. Technical rules for applying paragraph 1, including specific cases where the indication of the net quantity shall not be required, are laid down in Annex VIII.

#### Article 25

##### Minimum durability date, 'use-by' date **and date of manufacture**

1. In the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the 'use by' date.

2. The appropriate date **shall be easy to find and shall not be hidden. It** shall be expressed **as follows:**

(a) **date of minimum durability:**

(i) **the date shall be preceded by the words:**

- **'Best before ...' when the date includes an indication of the day; or**
- **'Best before end ...' in other cases;**

(ii) **the words referred to in point (i) shall be accompanied by either:**

- **the date itself; or**
- **a reference to where the date is given on the labelling.**

**If necessary, those particulars shall be followed by a description of the storage conditions which must be observed if the product is to keep for the specified period;**

(iii) **the date shall consist of the day, month and year, uncoded, in that order.**

**However, in the case of foods:**

- **which will keep for less than three months, the day and month shall be stated,**
- **which will keep for more than three but no more than 18 months, the month and year shall be stated,**
- **which will keep for more than 18 months, an indication of the year will suffice.**

**Detailed rules for the indication of the date of minimum durability under this point (iii) can be adopted pursuant to the regulatory procedure referred to in Article 41(2),**

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- (iv) *the date of minimum durability shall be indicated on each individual prepackaged portion,*
- (v) *subject to Union provisions imposing other types of date indication, an indication of the date of minimum durability shall not be required for:*
- fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated; this derogation shall not apply to sprouting seeds and similar products such as legume sprouts,*
  - wines, liqueur wines, sparkling wines, aromatised wines and similar products obtained from fruits other than grapes, and beverages falling within CN codes 2206 00 91, 2206 00 93 and 2206 00 99 and manufactured from grapes or grape musts,*
  - beverages containing 10 % or more by volume of alcohol,*
  - soft drinks, fruit juices, fruit nectars and alcoholic beverages containing more than 1,2 % by volume of alcohol in individual containers of more than five litres, intended for supply to mass caterers,*
  - bakers' or pastry cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture,*
  - vinegar,*
  - cooking salt,*
  - solid sugar,*
  - confectionery products consisting almost solely of flavoured and/or coloured sugars,*
  - chewing gums and similar chewing products;*
- (b) *'use-by' date:*
- (i) the date shall be preceded by the words 'use by ...',*
  - (ii) the words in point (i) shall be accompanied by:*
    - either the date itself; or*
    - a reference to where the date is given on the labelling.*
- Those particulars shall be followed by a description of the storage conditions which must be observed,*
- (iii) the date shall consist of the day, the month and, possibly, the year, in that order and in uncoded form;*

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(c) *date of manufacture:*

(i) *the date shall be preceded by the words: 'Manufactured on',*

(ii) *the words referred to in point (i) shall be accompanied by either:*

— *the date itself; or*

— *a reference to where the date is given on the labelling,*

(iii) *the date shall consist of the day, the month and, possibly, the year, in that order and in uncoded form.*

■

#### Article 26

##### Instructions for use

1. The instructions for use of a food shall be indicated in such a way as to enable appropriate use to be made thereof. **Where appropriate, instructions shall be provided on refrigeration and storage conditions and on the time limit for consumption after opening the packaging.**

2. The Commission may lay down **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44,** rules as regards the way in which those instructions shall be indicated in the case of certain foods. ■

#### Article 27

##### Alcoholic strength

1. The rules concerning indication of the alcoholic strength by volume shall, in the case of products classified under the Common Customs Tariff headings 22.04 and 22.05, be those laid down in the specific Union provisions applicable to such products.

2. The actual alcoholic strength by volume of beverages containing more than 1,2 % by volume of alcohol other than those referred to in paragraph 1 shall be indicated in accordance with Annex IX.

### SECTION 3

#### NUTRITION **LABELLING**

#### Article 28

##### Relation with other legislation

1. The provisions of this Section shall not apply to foods within the scope of the following legislation:

- (a) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements <sup>(1)</sup>;
- (b) Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters <sup>(2)</sup>.

<sup>(1)</sup> OJ L 183, 12.7.2002, p. 51.

<sup>(2)</sup> OJ L 229, 30.8.1980, p. 1.

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2. The provisions of this Section apply without prejudice to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses <sup>(1)</sup> and specific Directives as referred to in Article 4(1) of that Directive.

## Article 29

### Content

1. The nutrition declaration shall include the following (hereinafter referred to as 'mandatory nutrition declaration'):

- (a) energy value;
- (b) the amounts of fat, saturates, ■ sugars, and salt;
- (c) *the amounts of protein, carbohydrates, fibre, natural and artificial trans fats.*

This paragraph shall not apply to **beverages containing alcohol**. The Commission shall produce a report after ... (\*) concerning the application of this paragraph on these products and may accompany this report by specific measures determining the rules for **providing consumers with nutritional information on** these products, **adopted by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

2. The nutrition declaration may also **additionally** include the amounts of one or more of the following:

- (a) mono-unsaturates;
- (b) polyunsaturates;
- (c) polyols;
- (d) **cholesterol;**
- (e) starch;
- 
- (f) any of the minerals or vitamins **present in significant amounts pursuant to** point 1 of Part A of Annex X, **in accordance with the values indicated** in point 2 of Part A of Annex X;
- (g) **other substances within the meaning of Part A of Annex XII and constituents of those nutrients;**
- (h) **other substances as defined in Regulation (EC) No 1925/2006.**

3. The declaration of the amount of substances which belong to or are components of one of the categories of nutrients referred to in paragraph 2 shall be required where a nutrition and/or health claim is made.

■

## Article 30

### Calculation

1. The amount of energy shall be calculated using the conversion factors in Annex XI.

<sup>(1)</sup> OJ L 186, 30.6.1989, p. 27.

(\*) Five years after the date of entry into force of this Regulation.

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2. Conversion factors for the vitamins and minerals mentioned in point 1 of Part A of Annex X, in order to calculate more precisely their content in foods, **shall** be set and included in Annex XI by the Commission **by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

3. The amounts of energy and nutrients referred to in Article 29(1) and (2) shall be those of the food as sold.

Where appropriate, the information may relate to the food after preparation, provided that sufficiently detailed preparation instructions are given and the information relates to the food as prepared for consumption.

4. The declared values shall, according to the individual case, be average values **at the end of the minimum durability period taking account of appropriate tolerances and shall be** based on:

(a) the manufacturer's analysis of the food; or

(b) a calculation from the known or actual average values of the ingredients used; or

(c) a calculation from generally established and accepted data.

The rules for implementing the declaration of energy and nutrients with regard to the precision of the declared values such as the differences between the declared values and those established in the course of official checks **shall be adopted, after the Authority has given its opinion, by means of delegated acts, in accordance with Article 42 and subject to the conditions laid down in Articles 43 and 44.**

#### Article 31

##### Forms of expression

1. The amount of energy and nutrients or their components referred to in Article 29(1) and (2) shall be expressed using the measurement units listed in **■** Annex XII.

2. **The 'front of pack mandatory nutrition declaration' shall include the amount of energy in kcal as set out in Article 29(1)(a) and the mandatory nutrients in Article 29(1)(b) expressed in grams.**

**It shall be presented in a clear format in the following order: energy, fat, saturates, sugars, and salt.**

3. **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 XII, both per 100 g/ml and per portion.**

**It shall be presented in tabular form, with the numbers aligned.**

4. The mandatory nutrition declaration shall be expressed, as appropriate, as a percentage of the reference intakes set out in Part B of Annex X in relation to per 100 g or per 100 ml or per portion. When provided, the declaration on vitamins and minerals shall also be expressed as a percentage of the reference intakes set out in point 1 of Part A of Annex X.



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5. *If indications pursuant to paragraph 4 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.'*

6. The declaration of polyols and/or starch and the declaration of type of fatty acids, other than the mandatory declaration of saturates **and trans fats** referred to in Article 29(1)(b), shall be presented in accordance with Annex XII **■**.

**■**

## Article 32

## Additional forms of expression

In addition to the forms of expression referred to in Article 31(2) to (4), the nutrition declaration may be **repeated in** other forms of expression **and, where appropriate, elsewhere on the packaging, for example by means of graphic representations or symbols**, provided that **they meet the following requirements**:

- (a) **such forms of expression shall not mislead the consumer or divert attention from the mandatory nutrition declaration;**
- (b) they are based either on **the** reference intakes **in Part B of Annex X**, or **■** on **valid** scientific **findings** on intakes of energy or nutrients;
- (c) they are supported by **scientific** evidence of understanding of and use of the presentation of the information by the average consumer; **and**
- (d) **they are supported by independent consumer research evidence which shows that the average consumer understands the form of expression.**

**■**

## Article 33

## Presentation

1. **In addition to the presentation of nutrition declaration pursuant to Articles 29 and 31, the energy content labelling required pursuant to Article 29(1)(a) and Annex X, Part B, 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.**

2. **Gift packaging is exempt from the requirement to repeat the energy content on the front of the packaging as provided for in paragraph 1.**

3. The **voluntarily expanded** nutrition declaration in relation to the nutrients referred to in Article 29(2) shall appear **■**, as appropriate, in the order of presentation provided in **■** Annex XII. **Paragraph 1 shall apply mutatis mutandis.**

4. **If the nutrition declaration for foods listed in Annex IV is mandatory because a nutrition or health claim is made, the nutrition declaration shall not be required to appear in the principal field of vision.**

5. **Paragraph 1 shall not apply to foods defined in Directive 89/398/EEC and in the specific directives referred to in Article 4(1) of that Directive.**

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6. In cases where the amount of energy or nutrient(s) in a product is negligible, the nutrition declaration on those elements may be replaced by a statement such as 'Contains negligible amounts of ...' in close proximity to the nutrition declaration when present.

■

7. Rules relating to other aspects of presentation of nutrition declaration ■ may be established by the Commission *by means of delegated acts* in accordance with **Article 42 and subject to the conditions laid down in Articles 43 and 44.**

**8. The Commission shall present by ... (\*) an evaluation report on the form of presentation described in paragraphs 1 to 7.**

## CHAPTER V

### VOLUNTARY FOOD INFORMATION

#### Article 34

#### ■ Requirements

**1. Voluntary information shall not be displayed to the detriment of the space available for mandatory information.**

**2. All relevant information regarding voluntary food information schemes, such as the underlying criteria and scientific studies, shall be made available to the public.**

**3. 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 requirements laid down in this Regulation.**

4. Without prejudice to labelling in accordance with specific Union legislation, paragraph 5 shall apply where the country of origin or the place of provenance of a food is voluntarily indicated to inform consumers that a food originates or comes from the Union or a given country or place.

■

5. For meat, other than beef and veal, the indication on the country of origin or place of provenance may be given as a single place only where 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.

■

**6. 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.**

## ■ CHAPTER VI

### NATIONAL PROVISIONS

#### Article 35

#### Principle

Member States may only adopt provisions in the field of food information where this is provided for by this Regulation.

(\*) *Five years after the date of entry into force of this Regulation.*

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## Article 36

## National provisions on additional mandatory particulars

In addition to the mandatory particulars referred to in Article 9(1) and in Article 11, Member States may, in accordance with the procedure laid down in Article 39, require additional mandatory particulars for specific types or categories of foods, justified on grounds of:

- (a) the protection of public health;
- (b) the protection of consumers;
- (c) the prevention of fraud;
- (d) the protection of industrial and commercial property rights, indications of **regional** provenance, registered designations of origin and the prevention of unfair competition.

***Such measures shall not give rise to obstacles to the free movement of goods in the internal market.***

## Article 37

## Milk and milk products

Member States may adopt measures derogating from Article 9(1) and Article 11(2) in the case of milk and milk products presented in glass bottles intended for reuse.

They shall communicate to the Commission the text of those measures without delay.



## Article 38

## ■ Non-prepacked food

1. ***With regard to the non-prepacked foods, the particulars in Article 9(1)(c) shall be provided.***
2. ***The provision of other particulars referred to in Articles 9 and 11 is not obligatory.***
3. ***Member States may adopt detailed rules concerning the manner in which the information referred to in paragraphs 1 and 2 is to be made available.***
4. Member States shall communicate to the Commission the text of the measures referred to in paragraphs 1 and 3 without delay.

## Article 39

## Notification procedure

1. When reference is made to this Article, the Member State which deems it necessary to adopt new food information legislation shall notify in advance the Commission and the other Member States of the measures envisaged and give the reasons justifying them.
2. The Commission shall consult the Standing Committee on the Food Chain and Animal Health set up by Article 58(1) of Regulation (EC) No 178/2002 if it considers such consultation to be useful or if a Member State so requests. ***The Commission shall also introduce a formal notification procedure for all stakeholders in accordance with the provisions of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services*** <sup>(1)</sup>.

<sup>(1)</sup> OJ L 204, 21.7.1998, p. 37.

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3. The Member State concerned may take the envisaged measures only three months after the notification referred to in paragraph 1, provided that it has not received a negative opinion from the Commission.

4. If the Commission's opinion is negative, it shall initiate the regulatory procedure referred to in Article 41(2) before the expiry of that three-month period in order to determine whether the envisaged measures may be implemented. The Commission may require certain amendments to be made to the envisaged measures. The Member State concerned may take the envisaged measures only after the Commission has adopted its final decision.

■

## CHAPTER VII

### IMPLEMENTING, AMENDING AND FINAL PROVISIONS

#### Article 40

##### Technical adaptations

Subject to the provisions relating to the amendments to Annexes II and III referred to in Article 11(2) and Article 22(2), the Annexes may be amended by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it shall be adopted **by means of delegated acts**, in accordance with **Article 42 and subject to the conditions laid down in Articles 43 and 44**.

#### Article 41

##### Committee

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

■

#### Article 42

##### Exercise of the delegation

1. *The power to adopt the delegated acts referred to in Articles 9(1)(k), 11(2), 14(1), 20(e), 22(2), 24(2), 26(2), 29(1), 30(2) and (4), 33(7) and 40 shall be conferred on the Commission for a period of five years from ... (\*). The Commission shall make a report in respect of the delegated powers not later than six months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 43.*

2. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

3. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 43 and 44.*

(\*) Date of entry into force of this Regulation.

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**Article 43****Revocation of the delegation**

1. *The delegation of powers referred to in Articles 9(1)(k), 11(2), 14(1), 20(e), 22(2), 24(2), 26(2), 29(1), 30(2) and (4), 33(7) and 40 may be revoked at any time by the European Parliament or by the Council.*
2. *The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.*
3. *The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

**Article 44****Objections to delegated acts**

1. *The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.*

*At the initiative of the European Parliament or the Council this period shall be extended by two months.*

2. *If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.*

*The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.*

3. *If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.*

**Article 45****Amendments to Regulation (EC) No 1924/2006**

In Article 7 of Regulation (EC) No 1924/2006, the first and second paragraphs are replaced by the following:

*'The obligation and the modalities for providing information pursuant to Chapter IV, Section 3 of Regulation (EU) No .../... of the European Parliament and of the Council of ... on the provision of food information to consumers (\*) where a nutrition and/or health claim is made shall apply *mutatis mutandis*, with the exception of generic advertising.*

*In addition, and as the case may be, the amount(s) of the substance(s) to which a nutrition or health claim relates that does not appear in the nutrition labelling shall also be stated in the same field of vision as the nutrition declaration and be expressed in accordance with Articles 30 and 31 of Regulation (EU) No .../... [on the provision of food information to consumers].*

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(\*) OJ L ...'.

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Article 46

Amendments to Regulation (EC) No 1925/2006

Regulation (EC) No 1925/2006 is amended as follows:

1. In Article 6 paragraph 6 is replaced by the following:

‘6. The addition of a vitamin or a mineral to a food shall result in the presence of that vitamin or mineral in the food in at least a significant amount where this is defined according to point 2 of Part A of Annex X of Regulation (EU) No .../... of the European Parliament and of the Council of ... on the provision of food information to consumers (\*). The minimum amounts, including any lower amounts, by derogation from the significant amounts mentioned above, for specific foods or categories of foods shall be adopted in accordance with the procedure referred to in Article 14(2).

(\*) OJ L ...’;

2. In Article 7 paragraph 3 is replaced by the following:

‘3. Nutrition labelling of products to which vitamins and minerals have been added and which are covered by this Regulation shall be compulsory. The information to be provided shall consist of that specified in Article 29(1) of Regulation (EU) No .../... [on the provision of food information to consumers] and of the total amounts present of the vitamins and minerals when added to the food.’.

Article 47

Repeal

1. Directives 87/250/EEC, 94/54/EC, 1999/10/EC, 2000/13/EC, 2002/67/EC and 2004/77/EC and Regulation (EC) No 608/2004 are repealed with effect from ... (\*).
2. Directive 90/496/EEC is repealed from ... (\*\*).
3. References to the repealed acts shall be construed as references to this Regulation.

Article 48

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 14(1) shall apply from ... (\*\*).

Articles 29 to 33 shall apply from ... (\*\*\*) except in the case of foods labelled by food business operators with, on ... (\*\*\*\*), less than **100 employees** and whose annual turnover and/or annual balance sheet total does not exceed **EUR 5 million** where they shall apply ... (\*\*\*\*\*).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament  
The President

For the Council  
The President

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(\*) Date of entry into force of this Regulation.

(\*\*) Five years after the date of entry into force of this Regulation.

(\*\*\*) Date of the first day of the month 36 months after the date of entry into force of this Regulation.

(\*\*\*\*) Date of entry into force of this Regulation.

(\*\*\*\*\*) Date of the first day of the month 60 months after the date of entry into force of this Regulation.



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## ANNEX I

## SPECIFIC DEFINITIONS

As referred to in Article 2(4)

1. 'nutrition declaration' or 'nutrition labelling' means information **stating**:
    - (a) energy value; or
    - (b) energy value and one or more of the following nutrients **and their components**:
      - fat,
      - carbohydrate,
      - fibre,
      - protein,
      - salt,
      - vitamins and minerals listed in Annex X, Part A, point 1 and present in significant amounts as defined in Annex X, Part A, point 2;
  2. 'fat' means total lipids, and includes phospholipids;
  3. 'saturates' means fatty acids without double bond;
  4. 'trans fat' means fatty acids with at least one non-conjugated (namely interrupted by at least one methylene group) carbon-carbon double bond in the trans configuration;
  5. 'mono-unsaturates' means fatty acids with one cis double bond;
  6. 'polyunsaturates' means fatty acids with cis, cis-methylene interrupted double bonds;
  7. 'carbohydrate' means any carbohydrate which is metabolized in man, and includes polyols;
  8. 'sugars' means all monosaccharides and disaccharides present in food, but excludes polyols, **isomaltulose and D-tagatose**;
  9. 'polyols' means alcohols containing more than two hydroxyl groups;
  10. 'protein' means the protein content calculated using the formula: protein = total Kjeldahl nitrogen  $\times$  6,25 **and, in the case of milk protein, total Kjeldahl nitrogen  $\times$  6,38**;
  11. 'salt' means the salt content calculated using the formula: salt = sodium  $\times$  2,5;
  12. **'culinary gold leaf' means an edible decoration for food or beverages consisting of gold leaf with a thickness of approximately 0,000125 mm in flake or powder form;**
  13. 'average value' means the value which best represents the amount of the nutrient which a given food contains, and reflects allowances for seasonal variability, patterns of consumption and other factors which may cause the actual value to vary;
  14. **'front of the package'** means **the side or surface of the food packaging** that is most likely to be displayed or visible under normal or customary conditions of sale or use.
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## ANNEX II

INGREDIENTS **WHICH MAY CAUSE** ALLERGIES OR INTOLERANCES

1. Cereals containing gluten (namely wheat, rye, barley, oats, spelt, kamut or their hybridised strains) and products thereof, except:
  - (a) wheat based glucose syrups including dextrose <sup>(1)</sup>;
  - (b) wheat based maltodextrins <sup>(1)</sup>;
  - (c) glucose syrups based on barley;
  - (d) cereals used for making **alcoholic** distillates **■**.
2. Crustaceans and products thereof.
3. Eggs and products thereof.
4. Fish and products thereof, except:
  - (a) fish gelatine used as carrier for vitamin or carotenoid preparations;
  - (b) fish gelatine or Isinglass used as fining agent in beer and wine.
5. Peanuts and products thereof.
6. Soybeans and products thereof, except:
  - (a) fully refined soybean oil and fat <sup>(1)</sup>;
  - (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources;
  - (c) vegetable oils derived phytosterols and phytosterol esters from soybean sources;
  - (d) plant stanol ester produced from vegetable oil sterols from soybean sources.
7. Milk and products thereof (including lactose), except:
  - (a) whey used for making **alcoholic** distillates **■**;
  - (b) lactitol.
8. Nuts, namely almonds (*Amygdalus communis* L.), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia nuts and Queensland nuts (*Macadamia ternifolia*), and products thereof, except:
  - (a) nuts used for making **alcoholic** distillates **■**.
9. Celery and products thereof.
10. Mustard and products thereof.
11. Sesame seeds and products thereof.
12. Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>, **in the product as intended for consumption**.
13. Lupin and products thereof.
14. Molluscs and products thereof.

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<sup>(1)</sup> And the products thereof, in so far as the process that they have undergone is not likely to increase the level of allergenicity assessed by the Authority for the relevant product from which they originated.

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## ANNEX III

## FOODS FOR WHICH THE LABELLING MUST INCLUDE ONE OR MORE ADDITIONAL PARTICULARS

TYPE OR CATEGORY OF FOOD	PARTICULARS
<b>1. FOODS PACKAGED IN CERTAIN GASES</b>	
1.1 Foods whose durability has been extended by means of packaging gases authorised pursuant to Directive 89/107/EEC	'Packaged in a protective atmosphere'
<b>2. MEAT PRODUCTS FROM SPECIAL SLAUGHTER</b>	
2.1 <i>Meat and meat products derived from animals that have not been stunned prior to slaughter, i.e. have been ritually slaughtered</i>	<i>'Meat from slaughter without stunning'</i>
<b>3. FOODS CONTAINING SWEETENERS</b>	
3.1 Foods containing a sweetener or sweeteners authorised pursuant to Directive 89/107/EEC	'with sweetener(s)' this statement shall accompany the name of the food <b>in the principal field of vision</b> .
3.2 Foods containing both an added sugar or sugars and a sweetener or sweeteners authorised pursuant to Directive 89/107/EEC	'with sugar(s) and sweetener(s)' this statement shall accompany the name of the food.
3.3 Foods containing aspartame authorised pursuant to Directive 89/107/EEC	'contains <b>aspartame</b> '
3.4 Foods containing more than 10 % added polyols authorised pursuant to Directive 89/107/EEC	'excessive consumption may produce laxative effects'
<b>4. FOODS CONTAINING GLYCYRRHIZINIC ACID OR ITS AMMONIUM SALT</b>	
4.1 Confectionery or beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> , at concentration of 100 mg/kg or 10 mg/l or above.	'contains liquorice' shall be added immediately after the list of ingredients, unless the term 'liquorice' is already included in the list of ingredients or in the name of the food. In absence of a list of ingredients, the statement shall accompany the name of the food.
4.2 Confectionary containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> at concentrations of 4 g/kg or above.	'contains liquorice - people suffering from hypertension should avoid excessive consumption' shall be added immediately after the list of ingredients. In absence of list of ingredients, the statement shall accompany the name of the food.
4.3 Beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> at concentrations of 50 mg/l or above, or of 300 mg/l or above in the case of beverages containing more than 1,2 % by volume of alcohol <sup>(1)</sup> .	'contains liquorice - people suffering from hypertension should avoid excessive consumption' shall be added immediately after the list of ingredients. In absence of list of ingredients, the statement shall accompany the name of the food.
<b>5. FOODS CONTAINING GLUTAMIC ACIDS OR ITS SALTS</b>	
5.1 <i>Foods containing one or more of the food additives E620, E621, E622, E623, E624 and E625</i>	<i>'contains appetite-enhancing ingredients'</i>

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TYPE OR CATEGORY OF FOOD	PARTICULARS
<b>6. MEAT CONSISTING OF COMBINED MEAT PARTS</b>	
<b>6.1 Meat consisting of combined meat parts, which may give the impression it is made of a whole piece</b>	<b>'with combined meat parts' this statement shall accompany the name of the food</b>
<b>7. BEVERAGES WITH HIGH CAFFEINE CONTENT</b>	
<p>7.1 Beverages, with the exception of those based on coffee, tea or coffee or tea extract where the name of the food includes the term 'coffee' or 'tea', which:</p> <ul style="list-style-type: none"> <li>— are intended for consumption without modification and contain caffeine, from whatever source, in a proportion in excess of 150 mg/l, or</li> <li>— are in concentrated or dried form and after reconstitution contain caffeine, from whatever source, in a proportion in excess of 150 mg/l</li> </ul>	'High caffeine content' in the same field of vision as the name of the beverage, followed by a reference in brackets and in accordance with Article 14(4) of this Regulation to the caffeine content expressed in mg/100 ml.
<b>8. FOODS WITH ADDED PHYTOSTEROLS, PHYTOSTEROL ESTERS, PHYTOSTANOLS OR PHYTOSTANOL ESTERS</b>	
8.1 Foods or food ingredients with added phytosterols, phytosterol esters, phytostanols or phytostanol esters	<p>(1) 'with added plant sterols' or 'with added plant stanols' in the same field of vision as the name of the food;</p> <p>(2) the amount of added phytosterols, phytosterol esters, phytostanols or phytostanol esters content (expressed in % or as g of free plant sterols/plant stanols per 100 g or 100 ml of the food) shall be stated in the list of ingredients;</p> <p>(3) a statement that the food is intended exclusively for people who want to lower their blood cholesterol level;</p> <p>(4) a statement that patients on cholesterol lowering medication should only consume the product under medical supervision;</p> <p>(5) an easily visible statement that the food may not be nutritionally appropriate for pregnant or breastfeeding women and children under the age of five years;</p> <p>(6) advice that the food is to be used as part of a balanced and varied diet, including regular consumption of fruit and vegetables to help maintain carotenoid levels;</p> <p>(7) in the same field of vision as the statement required under point (3), a statement that the consumption of more than 3 g/day of added plant sterols/plant stanols should be avoided;</p> <p>(8) a definition of a portion of the food or food ingredient concerned (preferably in g or ml) with the amount of the plant sterol/plant stanol that each portion contains.</p>
<b>9. MEAT AND POULTRY PRODUCTS</b>	
<b>9.1 Poultry products in the production of which beef or pork proteins have been used.</b>	<b>The use of beef or pork proteins shall always be clearly labelled on the packaging.</b>
<p>(<sup>1</sup>) The level shall apply to the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers.</p>	

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## ANNEX IV

FOODS WHICH ARE EXEMPTED FROM THE REQUIREMENT FOR **MANDATORY NUTRITION LABELLING**

- **fresh fruit and vegetables and** unprocessed products that comprise a single ingredient or category of ingredients;
- processed products which the only processing they have been subjected to is smoking or maturing and that comprise a single ingredient or category of ingredients;
- **natural mineral waters or other** waters intended for human consumption, including those where the only added ingredients are carbon dioxide and/or flavourings;
- **herbs, a flavouring, spices, seasonings and** mixtures thereof;
- salt and salt substitutes;
- **sugars and novel sugars;**
- **varieties of flour;**
- products covered by Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts <sup>(1)</sup>, whole or milled coffee beans and whole or milled decaffeinated coffee beans;
- herbal infusion, tea, decaffeinated tea, instant or soluble tea or tea extract, decaffeinated instant or soluble tea or tea extract, which do not contain added ingredients;
- fermented vinegars and substitutes for vinegar, including those where the only added ingredients are flavourings;
- flavourings;
- food additives;
- processing aids;
- food enzymes;
- **colouring foods;**
- **culinary gold leaf;**
- gelatine;
- jam setting compounds;
- yeast;
- **chewing gum products;**
- **food items with a seasonal, luxury and gift design or packaging;**
- **seasonal confectionery and sugar and chocolate figures;**
- **mixed multi-packs;**
- **assortments;**
- food in packaging or containers the largest surface of which has an area of less than **75 cm<sup>2</sup>; the energy content as set out in Article 29(1)(a) shall still be provided in the principal field of vision;**
- food sold by private persons in the context of occasional activities, and not as part of an undertaking that would imply a certain continuity of activities and a certain degree of organisation;
- **non-prepacked food, including mass catering products, intended for immediate consumption;**
- **handcrafted products;**

<sup>(1)</sup> OJ L 66, 13.3.1999, p. 26.

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- *foods directly marketed by farmers;*
- food directly supplied by **small undertakings in** small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer;
- food in inner package not designed for sale without the outer package (nutrition information shall be provided on the outer package unless it belongs to the categories of foods that are exempted under this Annex);
- *food in a quantity of less than 5 g/ml;*
- *indelibly marked glass bottles.*

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## ANNEX V

### NAME OF THE FOOD AND SPECIFIC ACCOMPANYING PARTICULARS

#### PART A – NAME OF THE FOOD

1. The use in the Member State of marketing of the name of the food under which the product is legally manufactured and marketed in the Member State of production shall be allowed.

However, where the application of the other provisions of this Regulation, in particular those set out in Article 9, would not enable consumers in the Member State of marketing to know the true nature of the food and to distinguish it from foods with which they could confuse it, the name of the food shall be accompanied by other descriptive information which shall appear **in the same field of vision adjacent** to the name of the food **and be written in a clear and easily legible font**.

2. In exceptional cases, the name of the food of the Member State of production shall not be used in the Member State of marketing when the food which it designates is so different, as regards its composition or manufacture, from the food known under that name that the provisions of point 1 are not sufficient to ensure, in the Member State of marketing, correct information for purchaser.
3. No name protected as intellectual property, brand name or fancy name may be substituted for the name of the food.

#### PART B – MANDATORY PARTICULARS ACCOMPANYING THE NAME OF THE FOOD

1. The name of the food shall include or be accompanied by particulars as to the physical condition of the food or the specific treatment which it has undergone (for example, powdered, **refrozen**, freeze-dried, deep-frozen, quick-frozen, **defrosted**, concentrated, smoked) in all cases where omission of such information could mislead the purchaser.

2. Foods treated with ionising radiation shall bear one of the following indications:

‘irradiated’ or ‘treated with ionising radiation’.

3. **The name of the food shall indicate any added ingredients from a different animal origin to the primary animal, for meat products that have the appearance of a cut, joint, slice, portion or carcass and for fish products.**

4. **The name of the food in the labelling of any meat product which has the appearance of a cut, joint, slice, portion or carcass of meat, or of cured meat shall include an indication of:**

(a) **any added ingredient of a different animal origin to the rest of the meat; and**

(b) **any added water in the following circumstances:**

- **in the case of cooked and uncooked meat, or cooked cured meat, any added water making up more than 5 % of the weight of the product,**
- **in the case of uncooked cured meat, any added water making up more than 10 % of the weight of the product.**

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5. *The name of the food in the labelling of any fish product which has the appearance of a cut, fillet, slice, or portion of fish shall include an indication of:*

*(a) any added ingredient of vegetable origin, and of an animal origin other than fish; and*

*(b) any added water making up more than 5 % of the weight of the product.*

#### PART C – SPECIFIC REQUIREMENTS CONCERNING THE DESIGNATION OF ‘MINCED MEAT’

1. Composition criteria checked on the basis of a daily average:

	Fat content	Connective tissue: meat protein ratio
— lean minced meat	≤ 7 %	≤ 12
— minced pure beef	≤ 20 %	≤ 15
— minced meat containing pigmeat	≤ 30 %	≤ 18
— minced meat of other species	≤ 25 %	≤ 15

2. By way of derogation from the requirements laid down in Chapter IV of Section V of Annex III to Regulation (EC) No 853/2004, the following words shall appear on the labelling:

‘percentage of fat under ...’,

‘connective tissue: meat protein ratio under ...’.

3. The Member States may allow the placing on their national market of minced meat which does not comply with the criteria laid down in point 1 of this Part under a national mark that cannot be confused with the marks provided for in Article 5(1) of Regulation (EC) No 853/2004.

#### PART D – SPECIFIC REQUIREMENTS CONCERNING THE DESIGNATION OF ‘SAUSAGE CASINGS’

*Sausage casings shall be indicated as follows in the list of ingredients:*

— ‘natural casing’ if the casing used in sausage production is derived from the intestinal tract of even-toed ungulates;

— ‘artificial casing’ in other cases.

*If an artificial casing is not edible, this must be indicated.*

#### PART E – OFFICIAL DESIGNATION OF FOODS WHICH GIVE THE IMPRESSION OF BEING A DIFFERENT FOOD (THE FOLLOWING LIST CONTAINS EXAMPLES)

*Foods which give the impression of being a different food or in which an ingredient has been replaced by an imitation shall be labelled as follows:*

Divergence in terms of type, quality and composition	Official designation
As compared with cheese, full or partial replacement of milk fat with vegetable fat	‘Imitation cheese’
As compared with ham, altered composition consisting of chopped-up ingredients with a much lower meat content	‘Imitation ham’



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## ANNEX VI

## INDICATION AND DESIGNATION OF INGREDIENTS

## PART A – SPECIFIC PROVISIONS CONCERNING THE INDICATION OF INGREDIENTS BY DESCENDING ORDER OF WEIGHT

Category of ingredient	Provision concerning indication by weight
1. Added water and volatile products	Shall be listed in order of their weight in the finished product. The amount of water added as an ingredient in a food shall be calculated by deducting from the total amount of the finished product the total amount of the other ingredients used. This amount shall not be required to be taken into consideration if it does not exceed 5 % by weight of the finished product.
2. Ingredients used in concentrated or dehydrated form and reconstituted at the time of manufacture	May be listed in order of weight as recorded before their concentration or dehydration.
3. Ingredients used in concentrated or dehydrated foods, which are intended to be reconstituted by the addition of water	May be listed in order of proportion in the reconstituted product provided that the list of ingredients is accompanied by an expression, such as 'ingredients of the reconstituted product', or 'ingredients of the ready-to-use product'.
4. Fruit, vegetables or mushrooms, none of which significantly predominates in terms of weight and which are used in proportions that are likely to vary, used in a mixture as ingredients of a food	May be grouped together in the list of ingredients under the designation 'fruit', 'vegetables' or 'mushrooms' followed by the phrase 'in varying proportions', immediately followed by a list of the fruit, vegetables or mushrooms present. In such cases, the mixture shall be included in the list of ingredients in accordance with Article 19(1), on the basis of the total weight of the fruit, vegetables or mushrooms present.
5. Mixtures <i>or preparations</i> of spices or herbs, where none significantly predominates in proportion by weight	May be listed in another order provided that that list of ingredients is accompanied by an expression such as 'in variable proportion'.
6. Ingredients constituting less than 2 % of the finished product	May be listed in a different order after the other ingredients.
7. Ingredients which are similar or mutually substitutable, likely to be used in the manufacture or preparation of a food without altering its composition, its nature or its perceived value, and in so far as they constitute less than 2 % of the finished product	May be referred to in the list of ingredients by means of the phrase 'contains ... and/or ...', where at least one of no more than two ingredients is present in the finished product. This provision shall not apply to food additives or to ingredients listed in Part C of this Annex.

## PART B – DESIGNATION OF CERTAIN INGREDIENTS BY THE NAME OF A CATEGORY RATHER THAN A SPECIFIC NAME

Ingredients which belong to one of the categories of foods listed below and are constituents of another food shall only be required to be named by the designation of that category.

Definition of category of food	Designation
1. Refined oils other than olive oil	<p>'Oil' together with either the adjective <b>■</b> 'animal' (<i>or the indication of their specific animal origin</i>) <i>or</i>, as appropriate, an indication of their specific vegetable <b>■</b> origin.</p> <p><i>In cases where certain vegetable oils cannot be guaranteed not to be present, the use of 'May contain...' is required.</i></p> <p>The adjective 'hydrogenated' must accompany the indication of a hydrogenated oil <b>■</b>.</p>

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Definition of category of food	Designation
2. Refined fats	'Fat', together with ■ an indication of their specific vegetable or animal origin.  The adjective 'hydrogenated' must accompany the indication of a hydrogenated fat unless the amount of saturates and trans fats are included in the nutrition declaration
3. Mixtures of flour obtained from two or more cereal species	'Flour', followed by a list of the cereals from which it has been obtained, in descending order by weight
4. Starches, ■ starches modified by physical means or by enzymes, <b>roasted or dextrinated starches, starches modified by acid or alkali treatment and bleached starches</b>	'Starch'
5. All species of fish where the fish constitutes an ingredient of another food and provided that the name and presentation of such food does not refer to a specific species of fish	'Fish'
6. All types of cheese where the cheese or mixture of cheeses constitutes an ingredient of another food and provided that the name and presentation of such food does not refer to a specific type of cheese	'Cheese'
7. All spices not exceeding 2 % by weight of the food	'Spice(s)' or 'mixed spices'
8. All herbs or parts of herbs not exceeding 2 % by weight of the food	'Herb(s)' or 'mixed herbs'
9. All types of gum preparations used in the manufacture of gum base for chewing gum	'Gum base'
10. All types of crumbed baked cereal products	'Crumbs' or 'rusks' as appropriate
11. All types of sucrose	'Sugar'
12. Anhydrous dextrose or dextrose monohydrate	'Dextrose'
13. Glucose syrup and anhydrous glucose syrup	'Glucose syrup'
14. All types of milk protein (caseins, caseinates and whey proteins) and mixtures thereof	'Milk proteins'
15. Press, expeller or refined cocoa butter	'Cocoa butter'
16. <b>Natural extracts from fruit, vegetables and edible plants or parts of plants obtained by means of mechanical/physical procedures and used in concentrated form to colour food.</b>	'Colouring food'
17. All types of wine as defined in Regulation (EC) No 1493/1999	'Wine'
18. Skeletal muscles <sup>(1)</sup> of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue, where the total fat and connective tissue content does not exceed the values indicated below and where the meat constitutes an ingredient of another food.  <b><i>This definition includes meat obtained from flesh-bearing bones by mechanical means and which is not covered by the definition of mechanically separated meat within the meaning of Regulation (EC) No 853/2004.</i></b>  Maximum fat and connective tissue contents for ingredients designated by the term '... meat'	'... meat' and the name(s) <sup>(2)</sup> of the animal species from which it comes

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Definition of category of food			Designation
Species	Fat (%)	Connective tissue <sup>(1)</sup> (%)	
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25	
Porcines	30	25	
Birds and rabbits	15	10	
<sup>(1)</sup> The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8.			
If these maximum limits are exceeded, but all other criteria for the definition of 'meat' are satisfied, the '... meat' content must be adjusted downwards accordingly and the list of ingredients must mention, in addition to the term '... meat', the presence of fat and/or connective tissue.			
19. All types of products covered by the definition of 'mechanically separated meat'.			'mechanically separated meat' and the name(s) <sup>(2)</sup> of the animal species from which it comes
<sup>(1)</sup> The diaphragm and the masseters are part of the skeletal muscles, while the heart, tongue, the muscles of the head (other than the masseters), the muscles of the carpus, the tarsus and the tail are excluded.			
<sup>(2)</sup> For labelling in English, this designation may be replaced by the generic name of the ingredient for the animal species concerned.			

PART C – DESIGNATION OF CERTAIN INGREDIENTS BY THE NAME OF THEIR CATEGORY FOLLOWED BY THEIR SPECIFIC NAME OR EC NUMBER

Food additives and enzymes other than those specified in Article 21(b) belonging to one of the categories listed in this Part must be designated by the name of that category, followed by their specific name or, if appropriate, EC number. If an ingredient belongs to more than one of the categories, the category appropriate to the principal function in the case of the food in question shall be indicated. However, the designation 'modified starch' must always be accompanied by the indication of its specific vegetable origin, when that ingredient may contain gluten.

Acid  
 Acidity regulator  
 Anti-caking agent  
 Anti-foaming agent  
 Antioxidant  
 Bulking agent  
 Colour  
 Emulsifier  
 Emulsifying salts <sup>(1)</sup>  
**Enzymes** <sup>(2)</sup>  
 Firming agent  
 Flavour enhancer  
 Flour treatment agent  
 Gelling agent  
 Glazing agent  
 Humectant  
 Modified starch <sup>(2)</sup>  
**Cellulose extract** <sup>(2)</sup>

<sup>(1)</sup> Only for processed cheeses and products based on processed cheeses.

<sup>(2)</sup> The specific name or EC number shall not be required to be indicated.

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Preservative  
Propellant gas  
Raising agent  
Stabiliser  
Sweetener  
Thickener

#### PART D – DESIGNATION OF FLAVOURINGS IN THE LIST OF INGREDIENTS

1. Flavourings shall be designated either by the word 'flavouring(s)' or by a more specific name or description of the flavouring.
2. Quinine and/or caffeine used as a flavouring in the production or preparation of a food shall be mentioned by name in the list of ingredients immediately after the term 'flavouring(s)'.
3. The word 'natural' or any other word having substantially the same meaning may be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1(2)(b)(i) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1(2)(c) of that Directive.
4. If the name of the flavouring contains a reference to the vegetable or animal nature or origin of the incorporated substances, the word 'natural' or any other word having substantially the same meaning may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the food or the flavouring source concerned.

#### PART E – DESIGNATION OF COMPOUND INGREDIENTS

1. A compound ingredient may be included in the list of ingredients, under its own designation in so far as this is laid down by law or established by custom, in terms of its overall weight, and immediately followed by a list of its ingredients.
2. The list of ingredients for compound ingredients shall not be compulsory:
  - (a) where the composition of the compound ingredient is defined in current Union legislation, and in so far as the compound ingredient constitutes less than 2 % of the finished product; however, this provision shall not apply to food additives, subject to the provisions of Article 21(a) to (d); or
  - (b) for compound ingredients consisting of mixtures of spices and/or herbs that constitute less than 2 % of the finished product, with the exception of food additives, subject to the provisions of Article 21(a) to (d); or
  - (c) where the compound ingredient is a food for which a list of ingredients is not required under Union legislation.

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#### ANNEX VII

##### QUANTITATIVE INDICATION OF INGREDIENTS

1. The quantitative indication shall not be required:
  - (a) in respect of an ingredient or category of ingredients:
    - (i) the drained net weight of which is indicated in accordance with point 5 of Annex VIII; or
    - (ii) the quantities of which are already mandatory on the labelling under Union provisions; or
    - (iii) which is used in small quantities for the purposes of flavouring; or

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- (iv) which, while appearing in the name of the food, is not such as to govern the choice of the consumer in the country of marketing because the variation in quantity is not essential to characterise the food or does not distinguish it from similar foods; or
  - (b) where specific Union provisions stipulate precisely the quantity of an ingredient or of a category of ingredients without providing for the indication thereof on the labelling; or
  - (c) in the cases referred to in points 4 and 5 of Part A of Annex VI.
2. Article 23(1)(a) and (b) shall not apply in the case of:
- (a) any ingredient or category of ingredients covered by the indication 'with sweetener(s)' or 'with sugar(s) and sweetener(s)' if that indication accompanies the name of the food, pursuant Annex III; or
  - (b) any added vitamin and mineral if that substance is subject to a nutrition declaration.
3. The indication of quantity of an ingredient or category of ingredients shall:
- (a) be expressed as a percentage, which shall correspond to the quantity of the ingredient or ingredients at the time of its/their use; and
  - (b) appear either in or immediately next to the name of the food or in the list of ingredients in connection with the ingredient or category of ingredients in question.
4. By way of derogation from point 3,
- (a) where foods have lost moisture following heat treatment or other treatment, the quantity shall be expressed as a percentage which shall correspond to the quantity of the ingredient(s) used, related to the finished product, unless that quantity or the total quantity of all the ingredients indicated on the labelling exceeds 100 %, in which case the quantity shall be indicated on the basis of the weight of the ingredient(s) used to prepare 100 g of finished product;
  - (b) the quantity of volatile ingredients shall be indicated on the basis of their proportion by weight in the finished product;
  - (c) the quantity of ingredients used in concentrated or dehydrated form and reconstituted during manufacture may be indicated on the basis of their proportion by weight as recorded before their concentration or dehydration;
  - (d) in the case of concentrated or dehydrated foods which are intended to be reconstituted by the addition of water, the quantity of the ingredients may be indicated on the basis of their proportion by weight in the reconstituted product.

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#### ANNEX VIII

##### NET QUANTITY DECLARATION

1. The net quantity shall not be mandatory in the case of foods:
- (a) which are subject to considerable losses in their volume or mass **or** which are **non-prepacked and** sold by number or weighed in the presence of the purchaser; or
  - (b) the net quantity of which is less than 5 g or 5 ml; however, this provision shall not apply to spices and herbs; or
  - (c) **for which exemptions are laid down in other legal provisions.**

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2. Where the indication of a certain type of quantity (such as the nominal quantity, minimum quantity, average quantity) is required by Union provisions or, where there are none, by national provisions, this quantity shall be regarded as the net quantity for the purposes of this Regulation.
3. Where a prepacked item consists of two or more individual prepacked items containing the same quantity of the same product, the net quantity shall be indicated by mentioning the net quantity contained in each individual package and the total number of such packages. The indication of those particulars shall not, however, be mandatory where the total number of individual packages can be clearly seen and easily counted from the outside and where at least one indication of the net quantity contained in each individual package can be clearly seen from the outside.
4. Where a prepacked item consists of two or more individual packages which are not regarded as units of sale, the net quantity shall be given by indicating the total net quantity and the total number of individual packages.
5. Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated.

For the purposes of this point, 'liquid medium' shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.

# I

## ANNEX IX

### ALCOHOLIC STRENGTH

The actual alcoholic strength by volume of beverages containing more than 1,2 % by volume of alcohol shall be indicated by a figure to not more than one decimal place. It shall be followed by the symbol '% vol.' and may be preceded by the word 'alcohol' or the abbreviation 'alc'.

The alcoholic strength shall be determined at 20 °C.

Positive and negative allowed tolerances in respect of the indication of the alcoholic strength by volume and expressed in absolute values shall be as listed in the following table. They shall apply without prejudice to the tolerances deriving from the method of analysis used for determining the alcoholic strength.

Description of beverage	Positive or negative tolerance
1. Beers having an alcoholic strength not exceeding 5,5 % vol.; beverages classified under subheading 22.07 B II of the Common Customs Tariff and made from grapes	0,5 % vol.
2. Beers having an alcoholic strength exceeding 5,5 % vol.; beverages classified under subheading 22.07 B I of the Common Customs Tariff and made from grapes; ciders, perries, fruit wines and the like, obtained from fruits other than grapes, whether or not semi-sparkling or sparkling; beverages based on fermented honey	1 % vol.
3. Beverages containing macerated fruit or parts of plants	1,5 % vol.
4. Any other beverages containing more than 1,2 % by volume of alcohol	0,3 % vol.

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## ANNEX X

## REFERENCE INTAKES

PART A – **DAILY** REFERENCE INTAKES FOR VITAMINS AND MINERALS (ADULTS)

## 1. Vitamins and minerals which may be declared and their recommended daily allowances (RDAs)

Vitamin A (µg)	800	<b>Chloride (mg)</b>	<b>800</b>
Vitamin D (µg)	5	Calcium (mg)	800
Vitamin E (mg)	12	Phosphorus (mg)	700
<b>Vitamin K (µg)</b>	75	Iron (mg)	14
Vitamin C (mg)	80	Magnesium (mg)	375
Thiamin ( <b>Vitamin B1</b> ) (mg)	1,1	Zinc (mg)	10
Riboflavin (mg)	1,4	<b>Copper (mg)</b>	1
Niacin (mg)	16	<b>Manganese (mg)</b>	2
Vitamin B6 (mg)	1,4	<b>Fluoride (mg)</b>	3,5
<b>Folic acid (µg)</b>	200	<b>Selenium (µg)</b>	55
Vitamin B12 (µg)	2,5	<b>Chromium (µg)</b>	40
Biotin (µg)	50	<b>Molybdenum (µg)</b>	50
Pantothenic acid (mg)	6	Iodine (µg)	150
<b>Potassium (mg)</b>	2 000		

## 2. Significant amount of vitamins and minerals

As a rule, 15 % of the recommended allowance specified in point 1 supplied by 100 g or 100 ml or per package if the package contains only a single portion should be taken into consideration in deciding what constitutes a significant amount.

PART B – **DAILY** REFERENCE INTAKES FOR ENERGY AND SELECTED NUTRIENTS OTHER THAN VITAMINS AND MINERALS (ADULTS) <sup>(1)</sup>

Energy or nutrient	Reference Intake
Energy	<b>■ 2 000 kcal ■</b>
<b>Protein</b>	<b>80 g</b>
Total fat	70 g
Saturates	20 g
Carbohydrate	230 g
Sugars	90 g
Salt	6 g

<sup>(1)</sup> The reference intakes are indicative values; they will be laid down more precisely by the European Food Safety Authority.



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## ANNEX XI

## CONVERSION FACTORS

## CONVERSION FACTORS FOR THE CALCULATION OF ENERGY

The energy value to be declared shall be calculated using the following conversion factors:

— carbohydrate (except polyols)	4 kcal/g ■
— polyols	2,4 kcal/g ■
— protein	4 kcal/g ■
— fat	9 kcal/g ■
— salatrims	6 kcal/g ■
— alcohol (ethanol)	7 kcal/g ■
— organic acid	3 kcal/g ■

## ANNEX XII

## EXPRESSION AND PRESENTATION OF NUTRITION DECLARATION

## PART A – EXPRESSION OF THE NUTRITION DECLARATION

The units to be used in the nutrition declaration shall be the following:

— energy	kJ and kcal
— fat	grams (g)
— carbohydrate	
— fibre	
— protein	
— salt	
— vitamins and minerals	the units specified in point 1 of Part A of Annex X
— other substances	units as appropriate for the individual substances concerned

## PART B – ORDER OF PRESENTATION OF NUTRITION DECLARATION ON COMPONENTS OF CARBOHYDRATE AND FAT

1. Where polyols and/or starch are declared, this declaration shall be included in the following order:

carbohydrate	g
of which:	
— sugars	g
— polyols	g
— starch	g

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2. Where the amount and/or type of fatty acid is declared, this declaration shall be included in the following order:

fat	g
of which:	
— saturates	g
— trans fats	g
— mono-unsaturates	g
— polyunsaturates	g

#### PART C – ORDER OF PRESENTATION OF ENERGY AND NUTRIENTS APPEARING IN A NUTRITION DECLARATION

The order of presentation of the information on the energy and nutrients, as appropriate, shall be the following:

energy	■ kcal
fat	g
■	
saturates	g
<b>sugar</b>	<b>g</b>
<b>salt</b>	<b>g</b>
<b>protein</b>	<b>g</b>
carbohydrate	g
■	
<b>fibre</b>	<b>g</b>
<b>natural transfats</b>	<b>g</b>
<b>artificial transfats</b>	<b>g</b>
<b>mono-unsaturates</b>	<b>g</b>
<b>polyunsaturates</b>	<b>g</b>
<b>polyols</b>	<b>g</b>
<b>cholesterol</b>	<b>g</b>
<b>starch</b>	<b>g</b>
vitamins and minerals	the units specified in point 1 of Part A of Annex X
<b>other substances</b>	<b>units as appropriate for the individual substances concerned</b>