Food information to consumers

2008/0028(COD) - 30/01/2008 - Legislative proposal

PURPOSE: to propose a recasting of the rules on general food labelling provisions.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: the draft proposal consolidates and updates two areas of labelling legislation: the area of general food covered by Directive 2000/13/EC, and that of nutrition labelling covered by Directive 90/496 /EEC.

Directive 2000/13/EC has been amended several times and the evolution of both the food market and consumers' expectations renders its update and modernisation necessary. In 2003, the Commission, in close cooperation with stakeholders, launched an evaluation of the food labelling legislation in order to reassess its effectiveness and to identify the needs and expectations of today's consumers in terms of food information. The conclusions, published in 2004, identified the focus for a future proposal.

Regarding nutritional labelling, the consumer must have access to clear, consistent and evidence-based information. This necessity was emphasised in the White Paper on a Strategy for Europe on Nutrition, Overweight and Obesity related health issues, published in May 2007. There have been initiatives by stakeholders to encourage the inclusion of nutritional information on the front of packaging. There is divergence in the labelling systems being used, which can create barriers to trade.

The main elements of the proposal are as follows:

The provision of food information to consumers: the proposal modernises, simplifies and clarifies the current food-labelling scene by means of:

- a recasting of the different horizontal labelling provisions. The merging of those texts (directives) into a single piece of legislation (regulation) will maximise synergies and increase the clarity and consistency of Community rules;
- ensuring consistency between horizontal and vertical rules;

- a rationalisation (update, clarification) of the compulsory information required by Article 3(1) of Directive 2000/13/EC;

- the setting-up of a flexible bottom-up mechanism (through national schemes) that would enable industry to innovate, and allow for some aspects of the labelling rules to be adapted to different and continuously changing markets and consumer demands.

Moreover, the proposal introduces clear principles to draw a clearer borderline between mandatory and voluntary information. The main changes with respect to general labelling issues are:

- the clarification of the responsibilities regarding food labelling for the different food business operators along the supply chain;
- to improve the legibility of the information provided on the labelling a minimum print size for the mandatory information is introduced;
- the introduction of a requirement that information on allergenic ingredients should be available for non-prepacked foods sold through retail and catering outlets;

- given the specificities of wine, spirits and beer, the proposal provides for the Commission to report on the application of current rules on ingredient listing and mandatory nutrition labelling on these products with the possibility of specific measures to be adopted;
- with respect to the labelling of the country of origin or place of provenance of a food, the basic requirement in the legislation remains the same. Therefore, such labelling is voluntary, but if the failure to give such information might mislead the consumer, the labelling becomes mandatory. Both the mandatory or the voluntary indication of the country of origin or place of provenance of a food as a marketing tool, should not deceive the consumer and should be based on harmonised criteria;
- the country of origin should be determined in accordance with the provisions on non-preferential origin following the Community Custom Code. The place of provenance would refer to any place that is not the country of origin as determined by the Community Customs Code. Rules for determining the place of provenance will be adopted following Comitology procedure;
- criteria are introduced for the declaration of country of origin or place of provenance of multi-ingredient products and the country of origin or place of provenance of meat, other than beef and veal. These criteria would equally apply to the voluntary declaration of "EC" origin labelling;
- lastly, the proposal clarifies the conditions under which Member States may adopt national rules on origin labelling.

2) **Nutritional labelling**: the proposal makes nutrition labelling mandatory in the principal field of vision of a food label. It allows for the development of best practice in the presentation of nutrition information, including alternative forms of expression of the nutrition information in relation to overall daily nutrient requirements or graphical forms of presentation. The main new aspects of the proposal are:

- the mandatory declaration is for energy, fat, saturates, carbohydrates with specific reference to sugars and salt expressed as amounts per 100g or per 100 ml or per portion in the principal field of vision (front of pack) whilst nutrients from a defined list may be declared voluntarily;
- in the case of alcoholic drinks, derogations are provided for wine, spirits and beer, and will be subject to a future Commission report; for other alcoholic drinks, only the energy value must appear on the labelling;
- the mandatory elements must also be declared in relation to reference intakes whilst other presentation formats may be developed through voluntary national schemes.

The new proposal will amend, recast and replace provisions already in place under the current horizontal food labelling legislation leading to the repeal of the following legislation: Directives 2000/13/EC, 90/496 /EEC, 87/250/EEC, 94/54/EC, 1999/10/EC, 2002/67/EC, 2004/77/EC and Regulation (EC) No 608/2004.