Food information to consumers

2008/0028(COD) - 28/02/2011 - Council position

The Council incorporated 75 of the European Parliament's amendments in its Position. The Council agrees in principle with a number of amendments already covered by the Commission proposal. In the total, **92 amendments of the European Parliament** are in accordance at least with the spirit of the Position of the Council.

In its first reading position, the Council introduced a **number of changes to the Commission proposal**, in particular regarding:

The scope of the draft Regulation: the Council specified explicitly that the draft Regulation applies to the activities of the food business operators.

Imitation food: the Council introduced provisions aimed at preventing that food information would mislead the consumer by suggesting the presence of a particular food or of an ingredient although in reality the food is a food in which a component naturally present or an ingredient normally used has been substituted with a different component or a different ingredient. Furthermore, the Council requires the labelling of the component or ingredient used for the substitution.

The name on the label: the Council clarified that it is mandatory to mention on the labelling the name and address of the food business operator responsible for the food information; additional names and addresses might be included on a voluntary basis in order to identify other food business operators involved in the food production process.

Distance selling: it is required that for prepacked food, all the mandatory food information, except the date of minimum durability or "use by date", must be provided before the conclusion of the purchase; anyway, all mandatory particulars must be provided at the moment of delivery.

Alcoholic beverages: the Council set out in further detail the objectives of the report on the exemption of the alcoholic beverages that shall be submitted by the Commission within five years of the entry into force of the draft Regulation.

Country of origin or place of provenance: labelling of the country of origin or place of provenance is mandatory: a) where the absence of any indication might mislead the consumer; b) for swine, sheep, goat and poultry meat, in addition to products for which it is already compulsory by virtue of vertical legislation, subject to a report to be submitted by the Commission within 5 years from the date of application of the mandatory labelling.

For other products, the Commission is required to submit a report within three years of the entry into force of the Regulation to evaluate the feasibility, cost-benefit analysis including the legal aspects regarding the internal market and the consequences for international trade of the indication of the country of origin or place of provenance for these products. The Council further requires an indication of the origin of the primary ingredient if it is not the same as the origin of the food product.

Nutrition declaration: the elements of the mandatory nutrition declaration are energy, fat, saturates, carbohydrates, sugars, protein and salt; they may be voluntarily supplemented by the element defined in Article 29(2); all these elements should be presented in the same field of vision (front of pack or elsewhere). Furthermore, part of the information may be repeated in any field of vision (front of pack or elsewhere).

Expression "per 100g or per 100ml": in the Council's position, the expression per 100g or per 100ml, which allows comparison between similar products, is obligatory in all cases. The expression "per portion" is permitted in addition to the expression above.

Non-prepacked foods: as a principle, for non-prepacked foods, only the information on allergens is mandatory. However, Member States may, at national level, establish that other particulars listed in Article 9 or Annex III are mandatory. They also can determine the means and forms under which the information is to be made available.

Additional forms of expression or presentation: in line with the amendments of the European Parliament, the Council also deleted the Chapter of the Commission proposal on "national schemes". However, the intention of the Council was to allow the use by food business operators of additional forms of expression or presentation, subject to the respect of legal requirements. The Council settled a minimum frame at European Union level for additional forms of expression or presentation.

Implementing powers and delegated acts: the legal basis has been aligned with the Treaty; moreover, the terminology has been adapted and new rules concerning the powers given to the Commission to implement the Regulation have been inserted in the text.

Transitional measures for implementing measures or delegated acts: the draft Regulation establishes that measures adopted by the Commission shall include transitional period to allow for the exhaustion of stocks of the labelled food.

The draft Regulation shall apply three years after its entry into force except in what concerns Articles 29 to 34 (Nutrition Declaration), which shall apply 5 years after the entry into force. However, the application of the rules may be anticipated.