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Food Information to Consumers Regulation - Key provisions

Directorate General for Health and Food Safety

These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

Unit E.1, Food information and composition, food waste

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Food Information to Consumers (FIC) - Philosophy

- From food labelling to **food information to consumers**
- **Objectives**: High level of consumer protection in relation to food information while ensuring the smooth functioning of the internal market

Overall picture of FIC

- Broad definitions
- Principles governing mandatory food information
- Larger scope:
  - All prepacked foods intended for supply
    - to the final consumer; and,
    - to mass caterers
  - Special regime for non-prepacked food
  - Covers distance selling
- Increase of mandatory information / improved legibility
- Room for modernisation and simplification – easier and faster adjustments by means of delegated/ implementing acts
- Framing voluntary information

Principles governing mandatory food information (1)

Mandatory food information when required by food information law must concern information that falls within 3 categories:

a) Information on the identity/composition/properties/ other characteristics of the food

b) Information on the protection of consumers' health and the safe use of a food. That could concern compositional attributes that may be harmful to the health of certain groups of consumers, durability, storage and safe sue as well as the health impact of a food

c) Nutrition information

Principles governing mandatory food information (2)

When considering the need for mandatory food information, account shall be taken of the **widespread need** on the part of the majority of consumers for certain information **to which** they attach **significant value** or of **any generally accepted benefits to the consumer.**

Main elements of FIC - Presentation

- Availability, placement and presentation of mandatory food information
  - On a package or label attached thereto
    - *Possibility to express certain mandatory information by other means*
  - Information shall appear in words and numbers
    - *Possibility to use pictograms or symbols instead*
  - Minimum font size
- Distance selling
    - Information before the purchase is concluded and information at the moment of delivery

Main elements of FIC

- Fair information practices – also applicable to advertising and to the presentation of foods
- Responsibilities of food business operators
- Mandatory food information
  - Maintains required information under Food Labelling Directive (2000/13/EC) and builds upon it
  - Nutritional information becomes mandatory (Dec 2016)
    - Energy, fat, saturates, carbohydrate, sugars, protein, salt
    - Additional forms of presentation and expression of nutritional information (Art. 35)

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Mandatory food information for prepacked foods

- Article 9 and 10

Mandatory food information for non-prepacked foods

- Article 44

Mandatory information – Article 9

in all cases:

- Name of the food
- Ingredient list (with allergens emphasised)
- QUID (quantity of certain ingredients)
- Net quantity for pre-packed foods
- 'Best before' and 'use by date'
- Name and address of the responsible food business operator established in the EU
- Nutrition declaration

Mandatory information –Article 9

Only in certain cases or for specific foods:

- Instructions for use
- Any special storage conditions
- Origin or provenance
- Alcoholic strength for beverages containing more than 1,2% by volume of alcohol

Non-prepacked food – Article 44

- *Only provision of information on allergens is mandatory*
- *Possibility for national measures which*
  - ***Set additional labelling requirements***
  - ***Define the way in which information is made available***

Main elements of FIC - Allergens

Allergens:

- Better and clearer presentation (emphasis by font, style or background colour)
- Extending the scope – mandatory allergen information for non-prepacked food, including restaurants
- Possibility for a harmonised approach to the adventitious presence of allergens in food ('may contain')

Main elements of FIC – Allergens – Annex II

Cereals containing gluten
Crustaceans
Eggs
Fish
Peanuts
Soybeans
Milk
Nuts
Celery
Mustard
Sesame seeds
Sulphur dioxide
Lupin
Molluscs

- Amendment through delegated acts following EFSA opinion
- Possibility for urgency procedure in cases of emerging risks to consumers' health

Main elements of FIC – Allergens – Article 21

The clear reference to the allergen must be given in the ingredients list

- Emphasised through a different typeset, e.g *font style* or colour or background colour
- For every allergen derivative, even if forms of the same allergen (e.g. '…Casein (**milk**) … Whey protein (**milk**)…')

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Main elements of FIC – Allergens – Article 21

The presence of substances causing allergy or intolerance must be indicated with the word 'contains', where no list of ingredients is required

Labelling not required when name of the food refers to the substance causing allergy/intolerance

Main elements of FIC – Allergens –Article 44

Extension of the scope

Obligation to provide information on substances causing allergy/intolerance in non prepacked foods, including food served in restaurants

Information on allergens also in case of distance selling of food before the purchase is concluded

Main elements of FIC – Origin – Article 26

- Origin labelling – what's new:

  Main principles

  - Maintains the main principle that origin is voluntary unless its omission could mislead the consumer.
  - Definitions of 'country of origin' and 'place of provenance'

  - Mandatory origin labelling for unprocessed meat from pigs, sheep, goats and poultry – Commission Implementing Regulation (EU) No 1337/2013

  - Mandatory origin labelling for primary ingredient(s) in all foods for which origin is given and where this origin is different from the origin of such primary ingredient(s) - Modalities: subject to an implementing act (Regulation (EU) 2018/775 – applicable from 1 April 2020)

Main elements of FIC – Origin – Article 26

- Origin labelling
  - Reports on the possible extension of mandatory origin labelling:
    - On meat used as an ingredient: Report adopted in December 2013
    - Milk and milk used as an ingredient in dairy products and other types of fresh meat not already covered by mandatory rules (e.g. horse, game…): Report adopted in May 2015
    - Unprocessed foods, single ingredient products and ingredients that represent more than 50% of the food:Report adopted in May 2015

All the reports can be found at: https://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation_en

Main elements of FIC

- Labelling of ingredients in the form of 'engineered nanomaterials'
- Plant source of vegetable oils and fats
- Whether food is defrosted
- Freezing date of frozen meat and fish
- Added water in meat or fishery products
- Use of proteins of a different animal origin in meat or fishery products
- Re-formed pieces of meat or fish
- 'Imitation foods' – indication of substitute ingredient

Main elements of FIC - Nutrition declaration – Articles 29-35

Mandatory elements

- Energy (kilojoules and kilcalories)
- Fat
- Saturates
- Carbohydrate
- Sugars
- Protein
- Salt

Information related to 100g or 100ml; Voluntary labelling per portion and/or per reference intake

Main elements of FIC - Nutrition declaration – Articles 29-35

Voluntary elements

- Mono-unsaturates;
- Polyunsaturates;
- Polyols;
- Starch;
- Fibre
- any of the vitamins or minerals listed in point 1 of Part A of Annex XIII, and present in significant amounts as defined in point 2 of Part A of Annex XIII

Information related to 100g or 100ml; Voluntary labelling per portion and/or per reference intake

Main elements of FIC - Nutrition declaration – Articles 29-35

Voluntary front-of-pack labelling for

- **energy alone OR**
- **energy, fat, saturates, sugars and salt**

Main elements of FIC - Nutrition declaration – Article 31

The declared values shall be average values based on:

- the analysis of the food;
- a calculation from the known or actual average values of the ingredients used; or,
- generally established and accepted data.

Main elements of FIC - Nutrition declaration – Annex V

Exemptions:

- Unprocessed foods (rice, flour)
- Salt, herbs, spices
- Table top sweeteners
- Coffee
- Food in small pack (<25cm^2)
- Handcrafted food
- Alcoholic beverages

Nutrition labelling – Articles 30-35

Front of pack nutrition schemes

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Additionnal forms of expression and presentation

- ✓ *Art 35(5) f the FIC Regulation (EU) 1169/2011*
- ✓ *Context EC report*
  - FIC Regulation recognises usefulness of FOP labelling and gives opportunity to both **food business operators and MS to develop schemes provided that criteria** are met (e.g. not misleading, scientific evidence of understanding, result of consultation,…)
  - In light of the experience gained, the EC shall submit a report on the use of additional forms of expression/ presentation, their effect on the internal market and the advisability of further harmonisation.

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✓ *Scope EC report*

- Report by 2017 was premature ☞ publication 2019
- Broad perspective
  - Additional forms of expression and/or presentation of the nutrition declaration (**Art 35 FIC Regulation**)
  - **Other FOP labels** (out of scope Art 35)
    - Voluntary information (Art 36 FIC Regulation)
    - Nutrition claims (Regulation (EU) 1924/2006)

✓ *Ongoing work at CODEX level*

- Development of guidelines on use of FOP nutrition labelling

Voluntary food information – Article 36

Voluntary food information shall:

- Not mislead the consumer
- Not be ambiguous or confusing for the consumer
- Be based on the relevant scientific data (where appropriate)
- Not be displayed to the detriment of mandatory food information

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FIC – Guidance documents

DG SANTE Webpage:
https://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation_en

COMMISSION NOTICE on Questions and Answers on the application of the Regulation (EU) No 1169/2011.

Commission Notice on the provision of information on substances or products causing allergies or intolerances.

Commission Notice on the application of the principle of quantitative ingredients declaration (QUID).

Guidance document for competent authorities, tolerances for the control of compliance of nutrient values declared on a label with EU legislation

FIC application deadlines - Useful info

- From 13 December 2014…
- …with the exception of nutrition labelling, which apply from 13 December 2016
- Voluntary nutrition labelling after 13 December 2014 shall comply with FIC
- Exhaustion of stocks

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