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*Committee on the Environment, Public Health and Food Safety*

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**2008/0028(COD)**

25.2.2011

**\*\*\*II**

## **DRAFT RECOMMENDATION FOR SECOND READING**

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the proposal for the provision of food information to consumers  
(17602/1/2010 – C7-0000/2011 – 2008/0028(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Renate Sommer

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the proposal for a regulation of the provision of food information to consumers (17602/1/2010 – C7 – 2008/0028(COD))**

**(Ordinary legislative procedure: second reading)**

*The European Parliament,*

- having regard to the Council position at first reading (17602/1/2010, C7-0000/2011),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2008)0040),
  - having regard to the undertakings given by the Commission at Parliament's plenary sitting of ... March 2011 to incorporate Parliament's position at second reading, and by the Council representative by letter of ... March 2011 to approve that position, in accordance with Article 294(8)(a) of the Treaty on the Functioning of the European Union,
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 66 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A7-0000/2011),
1. Adopts its position at second reading hereinafter set out;
  2. Approves its statement annexed to this resolution;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Council position**

##### **Recital 2**

#### *Council position*

(2) The free movement of safe **and wholesome** food is an essential aspect of the internal market and contributes significantly to the health and well-being

#### *Amendment*

(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

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<sup>1</sup> OJ .....

of citizens, and to their social and economic interests.

and economic interests. ***This Regulation will both serve the interests of the internal market, by simplifying the law, ensuring legal certainty and reducing administrative burden, and benefit citizens by requiring clear, comprehensible and legible labelling of foods.***

Or. en

## Amendment 2

### Council position

#### Recital 10

##### *Council position*

(10) ***There is*** public interest 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 (the "Commission White Paper") noted that nutrition labelling is ***an important tool to inform*** consumers about the composition of foods and ***help*** them make an informed choice. The ***Commission Communication of 13 March 2007 entitled "EU consumer policy strategy 2007-2013 - Empowering consumers, enhancing welfare, effectively protecting them"*** 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.

##### *Amendment*

(10) ***The general*** public ***has an*** interest 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 (the "Commission White Paper") 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.*

Or. en

### Amendment 3

#### Council position

##### Recital 11

#### *Council position*

(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 ensures certainty for both consumers and *industry* and reduces the administrative burden.

#### *Amendment*

(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 ensures certainty for both consumers and *stakeholders* and reduces the administrative burden.

Or. en

### Amendment 4

#### Council position

##### Recital 15

#### *Council position*

(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 *handling*, serving and selling of food by private persons *at events such as* charity events, or local community fairs and meetings *should* not fall within the scope of this Regulation.

#### *Amendment*

(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, 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.

Or. en

## Amendment 5

### Council position Recital 15 a (new)

*Council position*

*Amendment*

***(15a) In order to avoid excessive burdens, small enterprises in the traditional food production sector and the food retail trade, which also include providers of mass catering services, should be excluded from the labelling requirements as well as non-prepacked products in general.***

Or. en

## Amendment 6

### Council position Recital 17

*Council position*

*Amendment*

(17) The ***prime consideration for*** requiring mandatory food information ***should be*** to enable consumers to ***identify and make appropriate use of a food and to make choices*** that suit their individual dietary needs. With this aim, operators should facilitate the accessibility of that information to the visually impaired.

(17) 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. With this aim, operators should facilitate the accessibility of that information to the visually impaired.

Or. en



**Amendment 7**

**Council position  
Recital 18**

*Council position*

(18) In order to enable food information law to adapt to consumers' changing needs for information, ***any considerations about the need for mandatory food information should also take account of the widely demonstrated interest of the majority of consumers in the disclosure of certain information.***

*Amendment*

(18) In order to enable food information law to adapt to consumers' changing needs for information ***and to avoid additional packaging waste, mandatory food labelling should be confined to basic information which is demonstrably of great interest to*** the majority of consumers.

Or. en

**Amendment 8**

**Council position  
Recital 23**

*Council position*

***(23) In order to take account of changes and developments in the field of food information, provisions should be made to empower the Commission to enable certain particulars to be made available through alternative means. Consultation with stakeholders should facilitate timely and well targeted changes of food information requirements.***

*Amendment*

*deleted*

Or. en

**Amendment 9**

**Council position  
Recital 25**

*Council position*

(25) Food labels should be clear and understandable in order to assist consumers wanting to make better-informed food and

*Amendment*

(25) Food labels should be clear and understandable in order to assist consumers wanting to make better-informed food and

dietary choices. Studies show that legibility is an important element in maximising the possibility that labelled information can influence its audience and that **small print size** is one of the main causes of consumer dissatisfaction with food labels. **However**, a comprehensive approach should be developed in order to take into account all aspects related to legibility.

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. **Therefore**, a comprehensive approach should be developed in order to take into account all aspects related to legibility, **including font, colour and contrast**.

Or. en

## Amendment 10

### Council position

#### Recital 29

*Council position*

***(29) It is necessary to treat in the same way beverages comparable to wine, aromatised wines, aromatised wine-based drinks, aromatised wine-product cocktails and spirit drinks, and to ensure the application of the same food information law requirements to those beverages. Therefore, the exemption from the obligation to list the ingredients and to provide for a nutrition declaration should also apply to beverages containing more than 1,2 % by volume of alcohol obtained from fermentation of fruit or vegetables, mead and all types of beer***

*Amendment*

***deleted***

Or. en

## Amendment 11

### Council position

#### Recital 30

*Council position*

***(30) However***, the Commission should

*Amendment*

**(30)** The Commission should produce a

produce a report within five years of the entry into force of this Regulation addressing whether *some categories of* beverages should be *exempted*, in particular, *from providing* the information on the energy value, *and stating the reasons justifying possible exemptions, taking into account the need to ensure coherence with other relevant European Union policies. The Commission may also propose, if necessary, specific requirements in the context of this Regulation.*

report within five years of the entry into force of this Regulation addressing whether *alcoholic* beverages should be *included within the scope of this Regulation*, in particular *as regards the obligation to provide* the information on the energy value.

Or. en

## Amendment 12

### Council position

#### Recital 33

##### *Council position*

(33) The indication of origin is currently mandatory for beef and beef products in the European Union following the bovine spongiform encephalopathy crisis *and it has created consumer expectations. The impact assessment of the Commission confirms that the origin of meat appears to be consumers' prime concern of consumers.* There are other meats widely consumed in the European Union, such as swine, sheep, goats and poultry. It is therefore appropriate to *impose* a mandatory declaration of origin for those products. The specific origin requirements could differ from one type of meat to another according to the characteristic of the animal species. It is appropriate to provide for the establishment through implementing rules of mandatory requirements that could vary from one type of meat to another taking into account the principle of proportionality and the administrative burden for food business operators and enforcement authorities.

##### *Amendment*

(33) The indication of origin is currently mandatory for beef and beef products in the European Union following the bovine spongiform encephalopathy crisis. There are other meats widely consumed in the European Union, such as swine, sheep, goats and poultry. It is therefore appropriate to *explore* a mandatory declaration of origin for those products. The specific origin requirements could differ from one type of meat to another according to the characteristic of the animal species. *In the case of the declaration of origin*, it is appropriate to provide for the establishment through implementing rules of mandatory requirements that could vary from one type of meat to another taking into account the principle of proportionality and the administrative burden for food business operators and enforcement authorities.

**Amendment 13****Council position****Recital 34***Council position*

(34) Mandatory origin provisions have been developed on the basis of vertical approaches for instance for honey; fruits and vegetables; fish; beef and beef products and olive oil. ***There is a need to explore*** the possibility to extend mandatory origin labelling for other foodstuffs. It is therefore appropriate to request the Commission to prepare reports covering the following foodstuffs: types of meat other than beef, swine, sheep, goat and poultry meat; milk; milk used as an ingredient in dairy products; meat used as an ingredient; unprocessed foods; single-ingredient products; and ingredients that represent more than 50 % of a food. Milk being one of the products for which an indication of origin is considered of particular interest, the Commission report on this product should be made available as soon as possible. Based on the conclusions of such reports, the Commission may submit proposals to modify the relevant Union provisions or may take new initiatives, where appropriate, on a sectoral basis.

*Amendment*

(34) Mandatory origin provisions have been developed on the basis of vertical approaches for instance for honey; fruits and vegetables; fish; beef and beef products and olive oil. The possibility to extend mandatory origin labelling for other foodstuffs ***should be explored***. It is therefore appropriate to request the Commission to prepare a reports covering the following foodstuffs: types of meat other than beef, swine, sheep, goat and poultry meat; milk; milk used as an ingredient in dairy products; meat used as an ingredient; unprocessed foods; single-ingredient products; and ingredients that represent more than 50 % of a food. Milk being one of the products for which an indication of origin is considered of particular interest, the Commission report on this product should be made available as soon as possible. Based on the conclusions of such reports, the Commission may submit proposals to modify the relevant Union provisions or may take new initiatives, where appropriate, on a sectoral basis.

Or. en

**Amendment 14****Council position****Recital 36***Council position*

(36) The nutrition declaration for a food concerns information on the presence of

*Amendment*

(36) The nutrition declaration for a food concerns information on the presence of

energy and certain nutrients in foods. The mandatory provision of nutrition information should ***assist action in the area of*** nutrition education for the public and support informed food choice.

energy and certain nutrients ***and ingredients*** in foods. The mandatory provision of nutrition information ***on 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.

Or. en

## Amendment 15

### Council position Recital 36 a (new)

*Council position*

*Amendment*

***(36a) 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, the Commission should adopt rules to standardise portion sizes throughout the Union by means of a consultation process.***

Or. en

## Amendment 16

### Council position

#### Recital 41

#### *Council position*

(41) To avoid unnecessary burdens on **industry**, it is appropriate to exempt certain categories of foods that are unprocessed or for which nutrition information is not a determining factor for **consumer choice** from the mandatory inclusion of a nutrition declaration, unless the obligation to provide such information is provided for under other Union **rules**.

#### *Amendment*

(41) 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 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 for under other Union **legislation**.

Or. en

## Amendment 17

### Council position

#### Recital 49

#### *Council position*

(49) **Member States should retain the right, depending on local practical conditions and circumstances, to lay down rules in respect of the provision of information concerning not-prepacked foods. Although in such cases the consumer demand for other information is limited, information on potential allergens is considered very important. Evidence suggests that most food allergy incidents can be traced back to non-prepacked food.** Therefore information on potential allergens should always be **provided** to the consumer.

#### *Amendment*

(49) **Information concerning potential allergens is also very important for allergic persons in connection with food which is not-prepacked and mass catering services.** Therefore, information on potential allergens should always be **available** to the consumer.

Or. en

## Amendment 18

### Council position

#### Recital 50

##### *Council position*

(50) As regards the matters specifically harmonised by this Regulation, Member States should not be able to adopt national provisions unless authorised by Union law. ***This Regulation should not prevent Member States from adopting national provisions concerning matters not specifically harmonised herein.***

##### *Amendment*

(50) As regards the matters specifically harmonised by this Regulation, Member States should not be able to adopt national provisions unless authorised by Union law. ***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.***

Or. en

## Amendment 19

### Council position

#### Recital 55 a (new)

##### *Council position*

##### *Amendment*

***(55a) 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. Because, however, it is precisely non-prepacked products which are sold personally to the customer, the corresponding information should be provided, for example, through dialogue at the time of sale, by means of a clearly visible sign in the sales area or by means of information material on display.***

Or. en

## Amendment 20

### Council position

#### Article 1 - paragraph 3

*Council position*

3. This Regulation ***shall apply to food business operators at*** all stages of the food chain, where ***their activities concern*** the provision of food information to ***consumers***. It shall apply to all foods intended for the final consumer, ***including foods delivered by mass caterers***, and foods intended for supply to mass caterers.

*Amendment*

3. 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.

***Without prejudice to Article 42, this Regulation shall not apply to foods which are packaged directly at the place of sale before delivery to the final consumer for immediate consumption.***

Or. en

## Amendment 21

### Council position

#### Article 1 - paragraph 3 a (new)

*Council position*

*Amendment*

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

Or. en



## Amendment 22

### Council position

#### Article 2 - paragraph 2 - point d

*Council position*

(d) 'mass caterer' means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools and hospitals, *where*, in the course of a business, food is prepared *for delivery to the final consumer and is ready for consumption without further preparation;*

*Amendment*

(d) 'mass caterers' means any establishment (including, 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;*

Or. en

## Amendment 23

### Council position

#### Article 2 - paragraph 2 - point e

*Council position*

(e) 'prepacked food' means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food *and the packaging into which it was put before being offered for sale*, 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;

*Amendment*

(e) '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. *'Prepacked food' does not cover food that is packaged freshly at the place of sale;*

Or. en

## Amendment 24

### Council position

#### Article 2 - paragraph 2 - point k a (new)

*Council position*

*Amendment*

*(ka)"Principal field of vision" or "front-*

*of-pack" is the field of vision of a package which is most likely to be seen at first glance by the consumer at the time of purchase and that enables the consumer to immediately identify a product in its character or nature and, if applicable, its brand name. If a package has several identical principal fields of vision or "fronts -of-pack", all of these are to be considered as "front-of-pack";*

Or. en

## **Amendment 25**

### **Council position**

#### **Article 2 - paragraph 2 - point k b (new)**

*Council position*

*Amendment*

*(kb) 'legibility' means texts inter alia written, printed, embossed, marked, engraved or stamped in such a way that a normally sighted consumer can understand. 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;*

Or. en

## **Amendment 26**

### **Council position**

#### **Article 2 - paragraph 2 - point o a (new)**

*Council position*

*Amendment*

*(oa) 'single-ingredient product' means any food which, except for salt, sugar, spices, water, additives, flavourings or enzymes, contains only one ingredient;*

Or. en

## Amendment 27

### Council position

#### Article 2 - paragraph 2 - point p a (new)

*Council position*

*Amendment*

***(pa) ‘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;***

Or. en

## Amendment 28

### Council position

#### Article 3 - paragraph 1

*Council position*

*Amendment*

1. The provision of food information shall pursue a high level of protection of ***consumers’ health and interests by providing a basis for final consumers to make*** informed choices and ***to make*** safe use of food, ***with particular regard to health, economic, environmental, social and ethical considerations.***

1. The provision of food information shall pursue a high level of protection of health, ***transparency and comparability of products, in the interests of consumers, and shall provide a basis for*** informed choices and safe use of food.

Or. en

## Amendment 29

### Council position

#### Article 3 - paragraph 1 a (new)

*Council position*

*Amendment*

***1a. Food labelling must be easily recognisable, legible and understandable for the average consumer.***

Or. en

## Amendment 30

### Council position

#### Article 4 - paragraph 1 - point b

##### *Council position*

(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 and safe use;

***(iii) the health impact, including the risks and consequences related to harmful and hazardous consumption of a food;***

##### *Amendment*

(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;

Or. en

## Amendment 31

### Council position

#### Article 4 - paragraph 2

##### *Council position*

2. When considering the need for mandatory food information ***and to enable consumers to make informed choices***, account shall be taken of ***a 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.***

##### *Amendment*

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.

Or. en

## Amendment 32

### Council position

#### Article 7 - paragraph 1

##### *Council position*

1. Food information shall not be misleading, particularly:

(a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production;

(b) by attributing to the food effects or properties which it does not possess;

(c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics;

**(d)** by suggesting *in* the description or pictorial representations the presence of a particular food or an ingredient while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.

##### *Amendment*

1. Food information shall not be misleading, particularly:

(a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production;

(b) by attributing to the food effects or properties which it does not possess;

(c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics;

***(ca) by specifically emphasising the absence of certain ingredients and/or nutrients which the food in question does not contain as a matter of course***

***(d)*** by suggesting *by the appearance*, the description or pictorial representations the presence of a particular food or an ingredient while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.

***(da) by explicitly advertising a substantial reduction in sugar and/or fat content, without a corresponding reduction in the energy content of the food in question;***

Or. en

### Amendment 33

#### Council position

#### Article 8 - paragraph 1

##### *Council position*

1. The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed *or, if that operator is not established in the Union, the importer into the Union market.*

##### *Amendment*

1. The food business operator 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.

Or. en

### Amendment 34

#### Council position

#### Article 8 - paragraph 2

##### *Council position*

2. The food business operator responsible for the food information shall ensure the presence and accuracy of the ***food information in accordance with the applicable food information law and requirements of relevant national provisions.***

##### *Amendment*

2. The food business operator responsible for the food information shall ensure the presence and accuracy of the ***particulars given. 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.***

Or. en

### Amendment 35

#### Council position

#### Article 8 - paragraph 3

##### *Council position*

3. Food business operators which do not affect food information shall ***not supply***

##### *Amendment*

3. Food business operators ***responsible for retail or distribution activities*** which do

food which they know or presume, on the basis of the information in their possession as professionals, ***to be non-compliant with the applicable food information law and requirements of relevant national provisions.***

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.***

Or. en

### Amendment 36

#### Council position Article 8 - paragraph 4

*Council position*

*Amendment*

***4. Food business operators, within the businesses under their control, shall not modify the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices. Food business operators are responsible for any changes they make to food information accompanying a food.***

***deleted***

Or. en

### Amendment 37

#### Council position Article 8 - paragraph 5

*Council position*

*Amendment*

***5. Without prejudice to paragraphs 2 to 4, food business operators, within the businesses under their control, shall ensure compliance with the requirements of food information law and relevant***

***deleted***

*national provisions which are relevant to their activities and shall verify that such requirements are met.*

Or. en

### **Amendment 38**

#### **Council position**

#### **Article 9 - paragraph 1- point f a (new)**

*Council position*

*Amendment*

*(fa) the date of freezing;*

Or. en

### **Amendment 39**

#### **Council position**

#### **Article 9 - paragraph 2**

*Council position*

*Amendment*

2. The particulars referred to in paragraph 1 shall be indicated with words and numbers. *They may alternatively be expressed by means of pictograms or symbols instead of words or numbers where the Commission has adopted implementing measures under paragraph 3, and in accordance with such implementing measures.*

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

Or. en

### **Amendment 40**

#### **Council position**

#### **Article 9 - paragraph 3**

*Council position*

*Amendment*

*3. The Commission may, in accordance*

*deleted*



*with the regulatory procedure referred to in Article 46(2), adopt detailed rules on the modalities of expression of one or more particulars by means of pictograms or symbols instead of words or numbers taking into account evidence of uniform consumer understanding.*

Or. en

#### **Amendment 41**

##### **Council position**

##### **Article 12 - paragraph 3**

*Council position*

*Amendment*

*3. In order to ensure that the consumer may benefit from other means of provision of mandatory food information better adapted for certain mandatory particulars, the Commission may provide for rules, by means of delegated acts, in accordance with Article 49 and subject to the conditions laid down in Articles 50 and 51, on the availability of certain mandatory particulars by means other than on the package or on the label.*

*deleted*

Or. en

#### **Amendment 42**

##### **Council position**

##### **Article 13 - paragraph 1**

*Council position*

*Amendment*

1. Without prejudice to the rules adopted under Article 42(2), 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, detracted from or interrupted by any other written or pictorial matter or any other intervening

1. Without prejudice to the rules adopted under Article 4(2), 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, detracted from or interrupted by any other written or pictorial matter or any other intervening material,

material.

*for example by parts of the food packaging itself.*

Or. en

#### Amendment 43

##### Council position

##### Article 13 - paragraph 2

*Council position*

2. Without prejudice to specific Union provisions applicable to particular foods as regards to the requirements referred to in points (a) to (k) 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 characters using a font size where the x-height, as defined in Annex IV, is equal to or greater than 1.2 mm. ***The mandatory particulars shall be presented in such a way as to ensure a significant contrast between the print and the background.***

*Amendment*

2. Without prejudice to specific Union provisions applicable to particular foods as regards to the requirements referred to in points (a) to (k) 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 characters using a font size where the x-height, as defined in Annex IV, is equal to or greater than 1.2 mm.

Or. en

#### Amendment 44

##### Council position

##### Article 13 - paragraph 4

*Council position*

4. For the purpose ***of ensuring a uniform implementation*** of paragraph 2 of this Article, the Commission ***may, in accordance with the regulatory procedure referred to in Article 46(2), adopt detailed rules on contrast between the print and the background.***

*Amendment*

4. For the purpose ***of achieving the objectives*** of paragraph 1 of this Article, the Commission ***shall, by means of delegated acts in accordance with Article 49 and subject to the conditions laid down in Articles 50 and 51, draw up binding rules for legibility, as defined in Article 2, of consumer information on food together with the stakeholders concerned, including consumer organisations.***

## Amendment 45

### Council position

#### Article 13 - paragraph 5

*Council position*

*Amendment*

***5. For the purpose of achieving the objectives of this Regulation, the Commission shall establish, by means of delegated acts, in accordance with Article 49 and subject to the conditions laid down in Articles 50 and 51, criteria on legibility additional to those specified under paragraph 2 of this Article.***

For the *same* purpose *as referred to in the first subparagraph*, the Commission may, by means of delegated acts in accordance with Article 49 and subject to the conditions laid down in Articles 50 and 51, extend the requirements under paragraph 6 of this Article to additional mandatory particulars for specific types or categories of foods.

For the purpose *of achieving the objectives of this Regulation*, the Commission may, by means of delegated acts in accordance with Article 49 and subject to the conditions laid down in Articles 50 and 51, extend the requirements under paragraph 6 of this Article to additional mandatory particulars for specific types or categories of foods.

Or. en

## Amendment 46

### Council position

#### Article 13 - paragraph 6

*Council position*

*Amendment*

6. The particulars listed in points (a), (e), **(f)** and (k) of Article 9(1) shall appear in the same field of vision.

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

Or. en

## Amendment 47

### Council position

#### Article 13 - paragraph 7

*Council position*

7. Paragraph 6 of this Article shall not apply in the cases specified in Article 16(1) and (2).

*Amendment*

7. Paragraph 6 of this Article shall not apply in the cases specified in Article 16(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.***

Or. en

## Amendment 48

### Council position

#### Article 15 - paragraph 2 a (new)

*Council position*

*Amendment*

***2a. Foods sold in a duty-free zone may be placed on the market presented solely in English.***

Or. en

## Amendment 49

### Council position

#### Article 16 - paragraph 2

*Council position*

*Amendment*

2. In the case of packaging or containers the largest surface of which has an area of less than **10 cm<sup>2</sup>** only the particulars listed in points (a), (c), (e) and (f) of Article 9(1) shall be mandatory on the package or on the label. The particulars referred to in point (b) of Article 9(1) shall be provided through other means or shall be made available at the request of the consumer.

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 points (a), (c), (e) and (f) of Article 9(1) **and in point (a) of the first subparagraph of Article 29(1)** shall be mandatory on the package or on the label. The particulars referred to in point (b) of Article 9(1) shall be provided through other means or shall be made

available at the request of the consumer.

Or. en

## Amendment 50

### Council position

#### Article 16 - paragraph 4 - subparagraph 1

*Council position*

4. Without prejudice to other Union provisions requiring a list of ingredients or a mandatory nutrition declaration, the particulars referred to in points (b) and (l) of Article 9(1) shall not be mandatory for:

*(a) wines covered by Annex XIb of Regulation (EC) No 1234/2007;*

*(b) products covered by Regulation (EEC) No 1601/91;*

*(c) beverages similar to those mentioned under points (a) and (b) of this paragraph, containing more than 1,2 % by volume of alcohol obtained from fermentation of fruits or vegetables;*

*(d) mead;*

*(e) all types of beer; and*

*f) spirit drinks, as defined in Article 2(1) of Regulation (EC) No 110/2008.*

*Amendment*

4. Without prejudice to other Union provisions requiring a list of ingredients or a mandatory nutrition declaration, the particulars referred to in points (b) and (l) of Article 9(1) shall not be mandatory for ***beverages containing alcohol.***

Or. en

## Amendment 51

### Council position

#### Article 16 - paragraph 4 - subparagraphs 2 and 3

*Council position*

*By ...*, the Commission shall produce a report concerning the application of

*Amendment*

The Commission shall produce a report ***after ..., including a definition of***

Article 18 and Article 29(1) to *the products referred to in this paragraph, and addressing whether some categories of beverages should be exempted, in particular, from the requirement to provide the information on the energy value, and the reasons justifying possible exemptions, taking into account the need to ensure coherence with other relevant Union policies.*

The Commission may accompany this report by *a legislative proposal* determining the rules for *a list of ingredients or a mandatory nutrition declaration for those products*

*"alcopops", concerning the application of Article 18 and Article 29(1) to beverages containing alcohol.*

The Commission 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 49 and subject to the conditions laid down in Articles 50 and 51.*

Or. en

## Amendment 52

### Council position

#### Article 21 - paragraph 1

*Council position*

1. Without prejudice to the rules adopted under Article 42(2), the particulars referred to in point (c) of Article 9(1) shall be indicated in the list of ingredients in accordance with the rules laid down in Article 18(1), with a clear reference to the name of the substance or product as listed in Annex II.

*In the absence of a list of ingredients*, the indication of the particulars referred to in point (c) of Article 9(1) shall comprise the word "contains" followed by the name of the substance or product as listed in Annex II.

Where several ingredients or processing aids of a food originate from a single

*Amendment*

1. Without prejudice to the rules adopted under Article 42(2), the particulars referred to in point (c) of Article 9(1) shall be indicated in the list of ingredients in accordance with the rules laid down in Article 18(1), with a clear reference to the name of the substance or product as listed in Annex II.

*In any event*, the indication of the particulars referred to in point (c) of Article 9(1) shall comprise the word "contains" followed by the name of the substance or product as listed in Annex II.

Where several ingredients or processing aids of a food originate from a single

substance or product listed in Annex II, the labelling shall make it clear for each ingredient or processing aid concerned.

*The indication of the particulars referred to in point (c) of Article 9(1) shall not be required in cases where the name of the food clearly refers to the substance or product concerned.*

substance or product listed in Annex II, the labelling shall make it clear for each ingredient or processing aid concerned.

*Where the possibility of cross-contamination cannot be excluded, the consumer shall be informed about the possible and unintentional presence in food of substances or products causing allergies or intolerances by indicating "May contain..." followed by the potential allergen as outlined in Annex II.*

Or. en

### Amendment 53

#### Council position Article 24 - title

*Council position*

Minimum durability date *and* 'use by' date

*Amendment*

Minimum durability date, 'use-by' date  
*and date of freezing*

Or. en

### Amendment 54

#### Council position Article 25 - paragraph 4

*Council position*

4. Within *five* years from the date of *application of point (b) of paragraph 2*, the Commission shall submit a report to the European Parliament and the Council to evaluate the mandatory indication of the country of origin or place of provenance for products referred to in *that point*.

*Amendment*

4. Within *two* years from the date of *adoption of this Regulation*, the Commission shall submit a report to the European Parliament and the Council to evaluate the mandatory indication of the country of origin or place of provenance for products referred to in *point (b) of paragraph 2*.

Or. en

## Amendment 55

### Council position

#### Article 25 - paragraph 6

*Council position*

6. By ..., the Commission shall adopt, *in accordance with the regulatory procedure referred to in Article 46(2)*, implementing rules concerning the application of point (b) of paragraph 2 of this Article and the application of paragraph 3 of this Article.

*Amendment*

6. By ..., the Commission shall, *by means of delegated acts, in accordance with Article 49 and subject to the conditions of Articles 50 and 51*, adopt implementing rules concerning the application of point (b) of paragraph 2 of this Article and the application of paragraph 3 of this Article.

Or. en

## Amendment 56

### Council position

#### Article 26 - paragraph 1

*Council position*

1. The instructions for use of a food shall be indicated in such a way as to enable appropriate use to be made of the food.

*Amendment*

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

Or. en

## Amendment 57

### Council position

#### Article 29 - paragraph 2

*Council position*

2. The content of the mandatory nutrition declaration referred to in paragraph 1 may be supplemented with an indication of the amounts of one or more of the following:

(a) trans fats;

*Amendment*

2. The content of the mandatory nutrition declaration referred to in paragraph 1 may be supplemented with an indication of the amounts of one or more of the following, as defined in Annex I:

(a) trans fats;



- (b) mono-unsaturates;
- (c) polyunsaturates;
- (d) polyols;
- (e) starch;
- (f) fibre;

(g) 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.

- (b) mono-unsaturates;
- (c) polyunsaturates;
- (d) polyols;
- (e) starch;
- (f) fibre;

**(fa) cholesterol**

**(fb) novel sugars**

(g) 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.

Or. en

## Amendment 58

### Council position

#### Article 29 - paragraph 3

*Council position*

*Amendment*

**3. Where the labelling of a prepacked food provides the mandatory nutrition declaration referred to in paragraph 1, the information on energy value and the amounts of fat, saturates, sugars, and salt may be repeated thereon.**

*deleted*

Or. en

## Amendment 59

### Council position

#### Article 29 - paragraph 4

*Council position*

*Amendment*

**4. By way of derogation from Article 35(1), where the labelling of the products referred to in Article 16(4) provides a nutrition declaration, the content of the declaration may be limited to the energy value only.**

*deleted*

**Amendment 60**

**Council position**

**Article 29 - paragraph 5**

*Council position*

*Amendment*

**5. Without prejudice to Article 42 and by way of derogation from Article 35(1), where the labelling of the products referred to in Article 42(1) provides a nutrition declaration, the content of that declaration may be limited only to:**

**(a) the energy value; or**

**(b) the energy value and the amounts of fat, saturates, sugars, and salt.**

*deleted*

**Amendment 61**

**Council position**

**Article 29 - paragraph 6**

*Council position*

*Amendment*

**6. In order to take account of the relevance of particulars referred to in paragraphs 2 to 5 of this Article for the information of consumers, the Commission may, by means of delegated acts, in accordance with Article 49 and subject to the conditions laid down in Articles 50 and 51, amend the lists in paragraphs 2 to 5 of this Article, by adding or removing particulars.**

*deleted*

## **Amendment 62**

### **Council position**

#### **Article 30 - paragraph 3**

*Council position*

3. The energy value and the amounts of nutrients referred to in Article 29(1) *to (5)* 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.

*Amendment*

3. The energy value and the amounts of 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.

Or. en

## **Amendment 63**

### **Council position**

#### **Article 31 - paragraph 1**

*Council position*

1. The energy value and the amount of nutrients referred to in Article 29(1) *to (5)* shall be expressed using the measurement units listed in Annex XV.

*Amendment*

1. The energy value and the amount of nutrients referred to in Article 29(1) *and (2)* shall be expressed using the measurement units listed in Annex XV.

Or. en

## **Amendment 64**

### **Council position**

#### **Article 31 - paragraph 2**

*Council position*

2. The energy value and the amount of nutrients referred to in Article 29(1) *to (5)* shall be expressed per 100 g or per 100 ml.

*Amendment*

2. The energy value and the amount of nutrients referred to in Article 29(1) *and (2)* shall be expressed per 100 g or per 100 ml.

Or. en

## Amendment 65

### Council position

#### Article 31 - paragraph 4

*Council position*

4. In addition to the form of expression referred to in paragraph 2 of this Article, the energy value and the amounts of nutrients referred to in Article 29(1), **(3), (4) and (5)** may be expressed, as appropriate, as a percentage of the reference intakes set out in Part B of Annex XIII in relation to per 100 g or per 100 ml.

*Amendment*

4. In addition to the form of expression referred to in paragraph 2 of this Article, the energy value and the amounts of nutrients referred to in Article 29(1) **and (2)** may be expressed, as appropriate, as a percentage of the reference intakes set out in Part B of Annex XIII in relation to per 100 g or per 100 ml.

Or. en

## Amendment 66

### Council position

#### Article 31 - paragraph 4 a (new)

*Council position*

*Amendment*

***4a. If indications pursuant to paragraph 4 are provided, the following additional information must be indicated in close proximity: "Reference intake of a middle-aged woman. Your daily requirement may differ."***

Or. en

## Amendment 67

### Council position

#### Article 32 - paragraph 1

*Council position*

*Amendment*

1. In the following cases, the energy value and the amounts of nutrients referred to in Article 29(1) **to (5)** may be expressed per portion and/or per consumption unit, easily recognisable by the consumer, provided

1. In the following cases, the energy value and the amounts of nutrients referred to in Article 29(1) **and (2)** may be expressed per portion and/or per consumption unit, easily recognisable by the consumer, provided

that the portion or the unit used is quantified on the label and that the number of portions or units contained in the package is stated:

- (a) in addition to the form of expression per 100 g or per 100 ml referred to in Article 31(2);
- (b) in addition to the form of expression per 100 g or per 100 ml referred to in Article 31(3) regarding the amounts of vitamins and minerals;
- (c) in addition to *or instead of* the form of expression per 100 g or per 100 ml referred to in Article 31(4).

that the portion or the unit used is quantified on the label and that the number of portions or units contained in the package is stated:

- (a) in addition to the form of expression per 100 g or per 100 ml referred to in Article 31(2);
- (b) in addition to the form of expression per 100 g or per 100 ml referred to in Article 31(3) regarding the amounts of vitamins and minerals;
- (c) in addition to the form of expression per 100 g or per 100 ml referred to in Article 31(4).

Or. en

## Amendment 68

### Council position

#### Article 32 - paragraph 2

*Council position*

*2. By way of derogation from Article 31(2), in the cases referred to in Article 29(3), (4) and (5) the energy value and the amount of nutrients and/or the percentage of the reference intakes set out in Part B of Annex XIII may be expressed on the basis of per portion or per consumption unit alone.*

*Amendment*

*deleted*

Or. en

## Amendment 69

### Council position

#### Article 32 - paragraph 4

*Council position*

4. In order to ensure the uniform implementation of the expression of the nutrition declaration per portion or per unit

*Amendment*

4. In order to ensure the uniform implementation of the expression of the nutrition declaration per portion or per unit

of consumption and to provide for a uniform basis of comparison for the consumer, the Commission *may*, taking into account actual consumption behaviour of consumers as well as dietary recommendations, adopt rules on the expression per portion or per consumption unit for specific categories of foods, in accordance with the regulatory procedure referred to in Article 46(2).

of consumption and to provide for a uniform basis of comparison for the consumer, the Commission *shall*, taking into account actual consumption behaviour of consumers as well as dietary recommendations, adopt rules on the expression per portion or per consumption unit for specific categories of foods, in accordance with the regulatory procedure referred to in Article 46(2).

Or. en

## **Amendment 70**

### **Council position**

#### **Article 33 - paragraph 2 a (new)**

*Council position*

*Amendment*

***2a. The energy content, expressed in kcal per 100g or 100ml, shall be repeated in the bottom right-hand corner of the front-of-pack, in a font size of 3mm and surrounded by a border.***

Or. en

## **Amendment 71**

### **Council position**

#### **Article 33 - paragraph 2b (new)**

*Council position*

*Amendment*

***2b. Paragraph 2a of this Article shall not apply to gift packaging.***

Or. en

## Amendment 72

### Council position

#### Article 33 - paragraph 3

*Council position*

**3. The particulars referred to in Article 29(3) may be presented together:**

- (a) in a field of vision different from the one referred to in paragraph 1 of this Article; and
- (b) in a format different from that specified in paragraph 2 of this Article.

*Amendment*

**3. Where the labelling of a prepacked food provides the mandatory nutrition declaration referred to in Article 29(1), the information on energy value and the amounts of fat, saturates, sugars, salt maybe repeated thereon:**

- (a) in a field of vision different from the one referred to in paragraph 1 of this Article; and
- (b) in a format different from that specified in paragraph 2 of this Article.

Or. en

## Amendment 73

### Council position

#### Article 33 - paragraph 4

*Council position*

**4. The particulars referred to in Article 29(4) and (5) may be presented in a format different from that specified in paragraph 2 of this Article.**

*Amendment*

**4. Without prejudice to Article 42 and by way of derogation from Article 35(1), where the labelling of the products referred to in Article 42(1) provides a nutrition declaration, the content of that declaration may be limited only to:**

- (a) the energy value; or**
- (b) the energy value and the amounts of fat, saturates, sugars, and salt.**

Or. en

## Amendment 74

### Council position

#### Article 33 - paragraph 5

*Council position*

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

In order to ensure the uniform implementation of this paragraph, the Commission may, in accordance with the regulatory procedure referred to in Article 46(2), adopt rules regarding the energy value and amounts of nutrients referred to in Article 29(1) *to (5)* which can be regarded as negligible.

*Amendment*

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

In order to ensure the uniform implementation of this paragraph, the Commission may, in accordance with the regulatory procedure referred to in Article 46(2), adopt rules regarding the energy value and amounts of nutrients referred to in Article 29(1) *and (2)* which can be regarded as negligible.

Or. en

## Amendment 75

### Council position

#### Article 33 - paragraph 6

*Council position*

***6. In order to ensure a uniform application of the manner of presenting the nutrition declaration under the formats referred to in paragraphs 1 to 4 of this Article, the Commission may adopt, in accordance with regulatory procedure referred to in Article 46(2), implementing rules in this regard.***

*Amendment*

*deleted*

Or. en



## Amendment 76

### Council position

#### Article 34 - paragraph 1

*Council position*

1. In addition to the forms of expression referred to in Article 31(2) and (4) and Article 32 and to the presentation referred to in Article 33(2), the energy value and the amount of nutrients referred to in Article 29(1) **to (5)** may be given by other forms of expression and/or presented using graphical forms or symbols in addition to words or numbers provided that the following requirements are met:

- (a) they do not mislead the consumer as referred to in Article 7;
- (b) they aim to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
- (c) they are supported by evidence of understanding of such forms of expression or presentation by the average consumer; and
- (d) in the case of other forms of expression, they are based, either on harmonised reference intakes, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients.

*Amendment*

1. In addition to the forms of expression referred to in Article 31(2) and (4) and Article 32 and to the presentation referred to in Article 33(2), the energy value and the amount of nutrients referred to in Article 29(1) **and (2)** may be given by other forms of expression and/or presented using graphical forms or symbols in addition to words or numbers provided that the following requirements are met:

- (a) they do not mislead the consumer as referred to in Article 7;
- (b) they aim to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
- (c) they are supported by **scientific** evidence of understanding of such forms of expression or presentation by the average consumer; and
- (d) in the case of other forms of expression, they are based, either on **the** harmonised reference intakes **in Part B of Annex XIII**, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients.

Or. en

## Amendment 77

### Council position

#### Article 34 - paragraph 2

*Council position*

***2. Member States may recommend to food business operators the use of one or more additional forms of expression or presentation of the nutrition declaration***

*Amendment*

***deleted***

*that they consider as best fulfilling the requirements laid down in points (a) to (d) of paragraph 1. Member States shall provide the Commission with the details of such additional forms of expression and presentation.*

Or. en

#### **Amendment 78**

##### **Council position**

##### **Article 35 - paragraph 3**

*Council position*

*Amendment*

*3. The Commission may adopt, in accordance with regulatory procedure referred to in Article 46(2), implementing rules on the application of the requirements referred to in paragraph 2 of this Article for voluntary food information on the possible and unintentional presence in food of substances or products causing allergies or intolerances.*

*deleted*

Or. en

#### **Amendment 79**

##### **Council position**

##### **Article 35 - paragraph 4**

*Council position*

*Amendment*

*4. In order to ensure that consumers are appropriately informed, where voluntary food information is provided by food business operators on a divergent basis which might mislead or confuse the consumer, the Commission may, by means of delegated acts, in accordance with Article 49 and subject to the conditions laid down in Articles 50 and 51, provide for additional cases of provision of voluntary food information to*

*deleted*

*the one referred to in paragraph 3 of this Article.*

Or. en

## **Amendment80**

### **Council position**

#### **Article 37 - paragraph 1**

*Council position*

1. As regards the matters specifically harmonised by this Regulation, Member States may not adopt nor maintain national measures unless authorised by Union law. Those national measures shall not give rise to obstacles to free movement of goods.

*Amendment*

1. As regards the matters specifically harmonised by this Regulation, Member States may not adopt nor maintain national measures unless authorised by Union law. Those national measures shall not give rise to obstacles to free movement of goods *or to discrimination as regards food products from other Member States.*

Or. en

## **Amendment 81**

### **Council position**

#### **Article 37 - paragraph 2**

*Council position*

*2. Without prejudice to Article 38, Member States may adopt national measures concerning matters not specifically harmonised by this Regulation provided that they do not prohibit, impede or restrict the free movement of goods that are in conformity with this Regulation.*

*Amendment*

*delete*

Or. en

## Amendment 82

### Council position

#### Article 38 - paragraph 2

*Council position*

*Amendment*

**2. By means of paragraph 1, Member States may introduce measures concerning the mandatory indication of the country of origin or place of provenance of foods only where there is a proven link between certain qualities of the food and its origin or provenance. When notifying such measures to the Commission, Member States shall provide evidence that the majority of consumers attach significant value to the provision of that information.**

*deleted*

Or. en

## Amendment 83

### Council position

#### Article 42 - title

*Council position*

*Amendment*

**National measures for non-prepacked food**

Non-prepacked food

Or. en

## Amendment 84

### Council position

#### Article 42 - paragraph 1 - point b

*Council position*

*Amendment*

(b) the provision of other particulars referred to in Articles 9 and 10 is not mandatory **unless Member States adopt measures requiring the provision of some or all of those particulars or elements of those particulars.**

(b) the provision of other particulars referred to in Articles 9 and 10 is not mandatory.

### Amendment 85

#### Council position

#### Article 42 - paragraph 3

*Council position*

3. Member States shall communicate to the Commission the text of the measures referred to ***in point (b) of paragraph 1 and*** in paragraph 2 without delay.

*Amendment*

3. Member States shall communicate to the Commission the text of the measures referred to in paragraph 2 without delay.

Or. en

### Amendment 86

#### Council position

#### Annex I - point 8

*Council position*

8. 'sugars' means all monosaccharides and disaccharides present in food, but excludes polyols;

*Amendment*

8. 'sugars' means all monosaccharides and disaccharides present in food, but excludes polyols ***and novel sugars with specific characteristics such as Isomaltulose, D-Tagatose and Galaktofructose.***

Or. en

### Amendment 87

#### Council position

#### Annex I - point 10

*Council position*

10. 'protein' means the protein content calculated using the formula: protein = total Kjeldahl nitrogen  $\times$  6,25;

*Amendment*

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;***

**Amendment 88**

**Council position**

**Annex III - Table - point 2.3 - right-hand column**

*Council position*

*Amendment*

'contains a source of phenylalanine'.

'contains a source of phenylalanine'  
**(aspartame)**

Or. en

**Amendment 89**

**Council position**

**Annex III - Table - point 3 a (new)**

*Council position*

*Amendment*

**3a. MEAT CONSISTING OF COMBINED MEAT PARTS**

**3a. Meat consisting of  
combined meat parts,  
which may give the  
impression it is made of a  
whole piece.**

**'formed meat' this statement  
shall accompany the name of  
the food.**

Or. en

**Amendment90**

**Council position**

**Annex III - Table - point 4.1 - right-hand column**

*Council position*

*Amendment*

'High caffeine content. Not recommended for children or pregnant women' in the same field of vision as the name of the beverage, followed by a reference in brackets and in accordance with Article 13(1) of this Regulation to the caffeine content expressed in mg per

'High caffeine content. Not recommended for children or pregnant **or breast-feeding women' and "Do not mix with alcohol"** in the same field of vision as the name of the beverage, followed by a reference in brackets and in accordance with Article 13(1) of this Regulation to the

100 ml.

caffeine content expressed in mg per  
100 ml.

Or. en

**Amendment 91**

**Council position  
Annex V - point 2**

*Council position*

2. Processed products which the only processing they have been subjected to is maturing and that comprise a single ingredient or category of ingredients;

*Amendment*

2. 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;

Or. en

**Amendment 92**

**Council position  
Annex V - point 4**

*Council position*

4. *A herb, a spice or* mixtures thereof;

*Amendment*

4. **Herbs, spices, seasonings and** mixtures thereof;

Or. en

**Amendment 93**

**Council position  
Annex V - point 5 a (new)**

*Council position*

*Amendment*

**5a. novel sugars as defined in point 8 of Annex I.**

Or. en

## Amendment 94

### Council position

Annex V - point 17 a (new)

*Council position*

*Amendment*

- *food items with a seasonal, luxury and gift design or packaging;*
- *seasonal confectionery and sugar and chocolate figures;*
- *mixed multi-packs;*
- *assortments;*

Or. en

## Amendment 95

### Council position

Annex V - point 18

*Council position*

*Amendment*

18. Food in packaging or containers the largest surface of which has an area of less than **25 cm<sup>2</sup>**;

18. 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 point (a) of the first subparagraph of Article 29(1) shall still be provided in the principal field of vision;*

Or. en

## Amendment 96

### Council position

Annex V - point 18a (new)

*Council position*

*Amendment*

*18a. non-prepacked food, including mass catering products, intended for immediate consumption;*

Or. en



## Amendment 97

### Council position

#### Annex V - point 19

*Council position*

19. Food directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer.

*Amendment*

19. Food directly supplied by the manufacturer of small quantities of products, ***including handcrafted products produced by micro-enterprises***, to the final consumer or to local retail establishments directly supplying the final consumer.

Or. en

## Amendment 98

### Council position

#### Annex VI - Part A - paragraph 4

*Council position*

4. In the case of foods in which a component or ingredient that consumers expect to be normally used or naturally present has been substituted with a different component or ingredient, the labelling shall bear – in addition to the list of ingredients – a clear indication of the component or the ingredient that has been used for the partial or whole substitution.

*Amendment*

4. In the case of foods in which a component or ingredient that consumers expect to be normally used or naturally present has been substituted with a different component or ingredient, the labelling shall bear – in addition to the list of ingredients, ***in close proximity to the brand name and in 3mm font size*** – a clear indication of the component or the ingredient that has been used for the partial or whole substitution.

Or. en

## Amendment 99

### Council position

#### Annex VI - Part B - paragraph 2

*Council position*

2. ***In addition to*** the requirements laid

*Amendment*

2. ***By way of derogation from*** the

down in Chapter IV of Section V of Annex III to Regulation (EC) No 853/2004, the following **expressions** shall appear on the labelling:

- 'percentage of fat **content** ≤ ...%';
- '**collagen** / meat protein ratio ≤ ...%'.

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...**'.

Or. en

### Amendment 100

#### Council position

#### Annex VII - Part A - Table - Row 5 - left-hand column

*Council position*

Mixtures of spices or herbs, where none significantly predominates in proportion by weight

*Amendment*

Mixtures **or preparations** of spices or herbs, where none significantly predominates in proportion by weight

Or. en

### Amendment 101

#### Council position

#### Annex X - Title

*Council position*

DATE OF MINIMUM DURABILITY  
**AND** 'USE BY' DATE

*Amendment*

DATE OF MINIMUM DURABILITY,  
'USE BY' DATE **AND DATE OF FREEZING**

Or. en

## **Amendment 102**

### **Council position**

**Annex X - paragraph 1 - point c a (new)**

*Council position*

*Amendment*

***(ca) the date of minimum durability shall be indicated on each individual prepacked portion***

Or. en

## **Amendment 103**

### **Council position**

**Annex X - paragraph 2 a (new)**

*Council position*

*Amendment*

***2.a The date of freezing shall be indicated as follows:***

***(a) It shall be preceded by the words 'Frozen on ...';***

***(b) The words in point (a) 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.***

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

Or. en

## Amendment 104

### Council position

#### Annex XIII - Part B - Table - Row 1

*Council position*

Energy		<b>8400 kJ</b> <b>(2000 kcal)</b>
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*Amendment*

Energy		<b>2000 kcal</b> <b>(8400kJ)</b>
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Or. en

## Amendment 105

### Council position

#### Annex XIII - Part B - Table - Row 5 a (new)

*Council position*

<b>Protein</b>		<b>80g</b>
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*Amendment*

Or. en

## Amendment 106

### Council position

#### Annex XIV

*Council position*

carbohydrate (except polyols)		4 kcal/g — 17 kJ/g
polyols		2,4 kcal/g — 10 kJ/g
protein		4 kcal/g — 17 kJ/g
fat		9 kcal/g — 37 kJ/g
salatrim		6 kcal/g — 25 kJ/g
alcohol (ethanol)		7 kcal/g — 29 kJ/g

*Amendment*

carbohydrate (except polyols)		4 kcal/g (17 kJ/g)
polyols		2,4 kcal/g (10 kJ/g)
protein		4 kcal/g (17 kJ/g)
fat		9 kcal/g (37 kJ/g)
salatrim		6 kcal/g (25 kJ/g)
alcohol (ethanol)		7 kcal/g (29 kJ/g)

organic acid	3 kcal/g — 13 kJ/g	organic acid	3 kcal/g (13 kJ/g)
fibre	2 kcal/g — 8 kJ/g	fibre	2 kcal/g (8 kJ/g)
erythritol	0 kcal/g — 0 kJ/g	erythritol	0 kcal/g (0 kJ/g)

Or. en

**Amendment 107**

**Council position**

**Annex XV - Table - Row 1**

*Council position*

*Amendment*

energy	<i><b>kJ and kcal</b></i>	energy	<i><b>kcal (kJ)</b></i>
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Or. en