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OPINION

of the Committee on Agriculture and Rural Development

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

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

Rapporteur: Giovanna Corda

PA_Legam

SHORT JUSTIFICATION

Introduction

This new regulation will repeal two directives:
Directive 2000/13/EC on food labelling,
Directive 90/496/EC on nutrition labelling.

The purpose of the regulation is to establish a legal framework regulating the information appearing on foodstuffs. A general awareness of the importance of eating healthier food provides the context. European consumers are becoming more and more conscious of the contents of food products as a result of the information campaigns run both by the Commission and by Member States. Moreover, several industrial groups have already begun to improve their labelling in response to consumer demand.

This regulation should lead to consumers having clear, legible and easily understood information allowing them to make fully informed choices regarding food.

Guidelines

1/ Directive 2000/13/EC

This regulation will repeal Directive 2000/13/EC on the labelling of foodstuffs in general. Article 9 lists all the mandatory particulars that must figure on a product. I would like, as far as is possible, to see the country of origin of the main agricultural raw material shown to provide greater transparency and traceability. Where stating the country of origin is not possible, then the words 'European Union' should appear on the product.

In those cases envisaged by the Commission where mandatory information may be omitted, notably recyclable glass bottles or products with a surface area of less than 10 cm², I would like consumers to have fuller information advising them on the best choices. This is why I propose adding certain items to the lists of information envisaged by the Commission.

As regards presentation, mandatory information must appear in the principal field of vision, and must be clear, legible and easily understood so as to avoid any likelihood that consumers may be confused.

Moreover, new information and communication technologies may be employed in cases where the Commission authorises transmission of some mandatory information by a means other than labelling. It is possible to envisage consumers being able to obtain all mandatory information at the moment of purchase through the use of electronic terminals placed in supermarkets.

2/ Directive 90/496/EC

This regulation will also repeal Directive 90/496/EC on nutrition labelling. Article 29 sets out which nutrient values must be declared. To meet the needs of consumers who, for health reasons, must follow a particular diet, it is important that all the nutrients present are declared and that this information is given in a clear and easily understood fashion.

This is why two indispensable items of information must appear on the front of the packet: recommended daily intake and the five principal nutrients, namely energy, fats, hydrogenated fats, sugar and salt (the latter must stand out).

The other nutrients must appear on the back of the packet. All nutrients, whether appearing on the front or the back of the packet, must be expressed per 100 gr or 100 ml and per individual portion.

3/ National legislation

The Commission envisages that Member States will retain their national legislation on non-mandatory information. It is important to check that such information does not mislead consumers. Therefore, Member States must consult the European Food Safety Authority whenever they add information or symbols.

Conclusion

Information and training programmes should be set up across Europe to ensure labels are understood and to improve the effectiveness of this regulation. European consumers need to have greater in-depth knowledge if they are to make informed choices.

Some countries now run adult education programmes, through evening classes for example, and have also started educational programmes for children at a very young age. Secondary schools in Belgium have 'Health Committees' made up of teachers and other members of the teaching staff and cooks, who work to promote healthy food and a balanced diet.

It is vital that these programmes be encouraged throughout Europe so that consumers are given the tools they need for a healthier and more balanced diet. Associations working to this end are a vital means of making EU citizens more aware of these matters and must be supported and strengthened.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation Recital 10

Text proposed by the Commission

(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 on a Strategy for Europe on Nutrition, Overweight and Obesity related health issues noted that nutrition labelling is ***an important tool to inform*** consumers about the composition of the foods and ***help*** them make an informed choice. The EU consumer policy strategy 2007 – 2013 underlined that allowing consumers to make 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) 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 on a Strategy for Europe on Nutrition, Overweight and Obesity related health issues noted that nutrition labelling is ***one method of informing*** consumers about the composition of the foods and ***helping*** them make an informed choice. ***Education and information campaigns run by Member States are an important mechanism for improving consumer understanding of food information.*** The EU consumer policy strategy 2007 – 2013 underlined that allowing consumers to make 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. ***To this end, training programmes should be funded which would enable European citizens to acquire or enhance knowledge of this subject. This could also be achieved by means of on-line information and education programmes. In this way, consumers would be endowed with a maximum number of tools allowing them to make a fully informed choice.***

Amendment 2

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) *Food information law should provide sufficient flexibility to be able to keep up to date with new information requirements from consumers* and ensure *a balance* between the protection of the internal market and the differences in the perception of consumers in the Member States.

Amendment

(16) *Food information law should also be based upon consumers' information requirements* and ensure *coherence* between the protection of the internal market and the differences in the perception of consumers in the Member States.

Amendment 3

Proposal for a regulation Recital 17

Text proposed by the Commission

(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.

Amendment

(17) The prime consideration for requiring *a mandatory list of* 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.

Amendment 4

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) New mandatory food information requirements should however only be established if and where necessary, in accordance with the principles of subsidiarity, proportionality and sustainability.

Amendment

(19) New mandatory food information requirements should however only be established if and where necessary, in accordance with the principles of subsidiarity, proportionality, *transparency* and sustainability.

Justification

To remain in line with current EU objectives for a fully functioning internal market it is crucial that any new requirements are notified and thoroughly examined by all stakeholders to ensure they are justified and will not impede the free movement of goods.

Amendment 5

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) The rules on food information should prohibit ***the use of*** information that would mislead the consumer or attribute medicinal properties to foods. To be effective, this prohibition should also apply to the advertising and presentation of foods.

Amendment

(20) The rules on food information should prohibit ***any*** information that would mislead the consumer or attribute medicinal properties to foods. To be effective, this prohibition should also apply to the advertising and presentation of foods.

Amendment 6

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) A list should be drawn up of all mandatory information which should ***in principle*** be provided for all foods intended for the final consumer and the mass caterers. That list should maintain the information that is already required under existing legislation given that it is generally considered as a valuable *acquis* for consumer information.

Amendment

(22) A list should be drawn up of all mandatory information which should be provided for all foods intended for the final consumer and the mass caterers. That list should maintain the information that is already required under existing legislation given that it is generally considered as a valuable *acquis* for consumer information.

Amendment 7

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) New information and communication technologies can play an important role in the transmission of additional information to consumers, as they allow information to be exchanged rapidly and at little cost. It is possible to envisage consumers obtaining additional information via terminals placed in supermarkets. These terminals would, by reading the barcode, furnish information on the product. Likewise, it is possible to envisage consumers accessing additional information via a webpage on the Internet.

Amendment 8

Proposal for a regulation Recital 23

Text proposed by the Commission

Amendment

(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 amend the list of mandatory information by adding or removing particulars and for enabling the availability of certain particulars through alternative means. Consultation with stakeholders should facilitate timely and well targeted changes of food information requirements.

(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 amend the list of mandatory information by adding or removing particulars and for enabling the availability of certain particulars through alternative means. **Public** consultation with **all** stakeholders should facilitate timely and well targeted changes of food information requirements.

Justification

Any change to the mandatory labelling requirements has a significant impact on the food and drink industry. It is therefore important that the legislation makes it clear that all stakeholders must be consulted when new labelling requirements are being considered, thereby ensuring that the procedure is transparent and all parties able to voice their opinions.

Amendment 9

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Food labels should be clear and understandable 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 the small print size is one of the main causes of** consumer **dissatisfaction** with food labels.

Amendment

(25) Food labels should be clear and understandable 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, **consequently, factors such as print size, font, colour and contrast should be considered together to ensure** consumer **satisfaction** with food labels.

Justification

DG SANCO asked for a study on legibility of labels and this study has been presented by TEEC in October 2003 (BUDG-02-01 L29): 'No conclusions are drawn on the need to standardise font sizes used on the label. However, there was strong convergence that the legibility of indications on the label is not determined by font size alone. Legibility is also affected by a number of elements, including use of type-face, contrast, and colour.'

Amendment 10

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) With a view to **provide** consumers with food information **that is necessary** to make an informed choice, **alcoholic mixed beverages** should **also provide** information **on their ingredients. It is also important to provide consumers with** information **on the other alcoholic beverages.**

Amendment

(27) With a view to **providing** consumers with food information **on alcoholic beverages and enabling them** to make an informed choice, **the Commission and the relevant stakeholders** should **carry out research during the exemption period to establish what** information **would be most useful for the consumer, as well as the most effective way to present such** information.

Justification

The exemption of alcoholic beverages from these proposals is justified on the basis of a common specificity, namely that they contain alcohol. Care must be taken to ensure that measures to provide consumer information in this sector do not mislead consumers or encourage inappropriate consumption. This is as true for mixed drinks as it is for products such as wine and beer, and therefore any proposals should apply to all alcoholic beverages. The Commission and other stakeholders should therefore research appropriate ways to communicate ingredient and nutrition information to consumers regarding these products.

Amendment 11

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Specific Community rules already exist on the labelling of wine. Council Regulation (EC) No **1493/1999 of 17 May 1999** on the common organisation of the market in wine¹ provides an exhaustive set of technical standards which fully cover all oenological practices, manufacturing methods and means of presentation and labelling of wines, thus ensuring that all stages in the chain are covered and that consumers are protected and properly informed. In particular, this legislation describes in a precise and exhaustive manner the substances likely to be used in the production process, together with the conditions for their use via a positive list of oenological practices and treatments; any practice not included in this list is prohibited. Therefore, it is appropriate to exempt wine at this stage from the obligation to list the ingredients and to provide for a nutrition declaration. As regards beer and spirits as defined in Article 2(1) of Regulation (EC) No. [...] of [...] of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks **and repealing Council Regulation (EEC) No 1576/89**, and in order to ensure a

Amendment

(28) Specific Community rules already exist on the labelling of wine. Council Regulation (EC) No **479/2008 of 29 April 2008** on the common organisation of the market in wine¹ provides an exhaustive set of technical standards which fully cover all oenological practices, manufacturing methods and means of presentation and labelling of wines, thus ensuring that all stages in the chain are covered and that consumers are protected and properly informed. In particular, this legislation describes in a precise and exhaustive manner the substances likely to be used in the production process, together with the conditions for their use via a positive list of oenological practices and treatments; any practice not included in this list is prohibited. Therefore, it is appropriate to exempt wine at this stage from the obligation to list the ingredients and to provide for a nutrition declaration. As regards beer, **liqueur wines, sparkling wines, aromatised wines and similar products obtained from fruits other than grapes, fruit beer** and spirits as defined in Article 2(1) of Regulation (EC) No. **110/2008** of the European Parliament and of the Council **of 15 January 2008** on the definition, description, presentation,

consistent approach and coherence with the conditions established for wine, the same kind of exemptions shall **apply**². However, the Commission will produce a report after five years of the entry into force of this Regulation and propose the necessary specific requirements in the context of this Regulation.

¹ OJ L 179, 14.7.1999, p. 1.

² JO L [...], [...], p. [...].

labelling and the protection of geographical indications of spirit **drinks**², **and as regards mixed drinks containing alcohol**, and in order to ensure a consistent approach and coherence with the conditions established for wine, the same kind of exemptions shall **apply**. However, the Commission will produce a report after five years of the entry into force of this Regulation and propose the necessary specific requirements in the context of this Regulation.

¹ OJ L 148, 6.6. 2008, p. 1.

² OJ L 39, 13.2.2008, p. 16.

Amendment 12

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) The indication of the country of origin **or of the place of provenance of a food** should be provided **whenever its absence is likely to mislead consumers as to the true country of origin or place of provenance of that product. In other cases, the provision of the indication of country of origin or place of provenance is left to the appreciation of food business operators.** In all cases, the indication of country of origin or place of provenance should be provided in a manner which does not deceive the consumer and on the basis of clearly defined criteria which ensure a level playing field for the industry and improve consumers' understanding of the information related to the country of origin or place of provenance of a food. Such criteria should not apply to indications related to the name or address of the food business operator.

Amendment

(29) The indication of the country of origin of the **agricultural raw material used in the product** should be provided **as far as possible, with a view to guaranteeing greater transparency and traceability.** In all cases, the indication of country of origin or place of provenance should be provided in a manner which does not deceive the consumer and on the basis of clearly defined criteria which ensure a level playing field for the industry and improve consumers' understanding of the information related to the country of origin or place of provenance of a food. Such criteria should not apply to indications related to the name or address of the food business operator.

Amendment 13

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) The nutrition declaration on 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.

Amendment

(32) The nutrition declaration on 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.

Nevertheless, nutrition information should not be based on a negative one-sided approach. The overall nutritional composition of a food should be the basic principle.

Amendment 14

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) ***In general***, consumers ***are not*** aware of the potential contribution of alcoholic beverages ***to*** their overall diet. ***Therefore, it is appropriate to ensure that*** information ***on the nutrient content of in particular mixed alcoholic beverages is provided.***

Amendment

(34) Consumers ***should be*** aware of the potential contribution of alcoholic beverages ***on*** their overall diet. ***Therefore the Commission and the relevant stakeholders should undertake research during the exemption period to establish what information would be most useful for the consumer, as well as the most effective way of presenting such*** information.

Justification

The common specificity of all alcoholic beverages is that they contain alcohol, and care must be taken to ensure that measures to provide consumer information are sensitive to this fact. For example, both the 'traffic light system' and the use of GDAs would risk misleading the consumer as to the appropriate consumption of these products. This is as true for mixed drinks as it is for products such as wine and beer, and therefore any proposals should apply to all alcoholic beverages. The Commission and other stakeholders should therefore research appropriate ways to communicate ingredient and nutrition information to consumers regarding these products.

Amendment 15

Proposal for a regulation Recital 36

Text proposed by the Commission

Amendment

(36) To avoid unnecessary burdens on the 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 nutrition declaration, unless the obligation to provide such information is provided under other Community legislation.

deleted

Amendment 16

Proposal for a regulation Recital 37

Text proposed by the Commission

Amendment

(37) To appeal to the average consumer and to serve the informative purpose for which it is introduced, and given the current level of knowledge on the subject of nutrition, the information provided should be simple ***and*** easily understood. ***Research has indicated*** that consumers find the ***information*** in the ***principal field of view or 'front of pack' is useful when making purchasing decisions***. Therefore, to ensure that consumers can readily see ***the essential*** nutrition information when purchasing foods such information should be in the ***principal*** field of view ***of*** the label.

(37) To appeal to the average consumer and to serve the informative purpose for which it is introduced, and given the current level of knowledge on the subject of nutrition, the information provided should be simple, easily understood ***and legible. It is important*** that consumers ***can easily and readily*** find ***all nutrition information, mandatory as well as the voluntary, in one place on the package***. Therefore, to ensure that ***the*** consumers can readily see nutrition information when purchasing foods, such information should be in the ***same*** field of view ***as*** the label.

Justification

It is preferable that the mandatory as well as the voluntary nutrition information be presented in the same field of vision – as the current legislation prescribes in case of nutrition

declaration – as it would confuse the consumers if the various pieces of nutrition information have to be looked for in different places on the packages.

Amendment 17

Proposal for a regulation

Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) In order to allow for additional ways of presenting nutrition information, which will enable consumers to make healthier choices, the mandatory nutrition declaration may be expressed as percentages of reference intakes. These reference intakes should be based on a solid scientific basis. For this purpose, EFSA has given a scientific opinion, which is the basis for the reference values.

Justification

The GDA-scheme, which has been developed by the food industry, is not necessarily based on a nutritionally scientific basis. Also, there is no scientifically evaluated experience with the application of the GDA-scheme, so far. Therefore, it is imperative for the consumers' health and the challenge of obesity that the scheme, including portion sizes, the reference values – especially for sugar – carbohydrates and the reference person (adult, woman, man or child) be scientifically evaluated and well-founded.

Amendment 18

Proposal for a regulation

Recital 39

Text proposed by the Commission

Amendment

(39) The declaration ***in the principal field of view of*** the amounts of nutritional elements and comparative indicators in an easily recognisable form to enable an assessment of the nutritional properties of a food should be considered in its entirety as part of the nutrition declaration and not be treated as a group of individual claims.

(39) The declaration of the amounts of nutritional elements and comparative indicators in an easily recognisable form to enable an assessment of the nutritional properties of a food should be considered in its entirety as part of the nutrition declaration and not be treated as a group of individual claims.

Justification

All the nutrition information should be presented in the same field of vision – not necessarily in the principal field of view. This should apply also to the GDA-information, if this scheme is to be applied.

Amendment 19

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) 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 non-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 such information should always be provided to the consumer.

Amendment

(41) 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 non-prepacked foods ***and prepacked foods and meals produced and directly supplied by local retail establishments or mass caterers to the final consumer***. 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 such information should always be provided to the consumer.

Justification

Prepacked food or meals produced by small retail establishments or mass caterers are produced in a non-standardized way whereby the ingredients and recipes may vary frequently, maybe from day to day. It is therefore not possible to establish a precise nutrition declaration for these types of food. Moreover, the task would be too time consuming and expensive for these companies. It is therefore important that these types of food are exempted from the requirement for a nutrition declaration, either in general, or by giving Member States the right to lay down rules for these categories, as is already granted for non-prepacked foods.

Amendment 20

Proposal for a regulation Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) It is important to inform consumers as well as possible about food allergies. However, it is not realistic to expect relatively small and/or craft entrepreneurs to label foods which are not prepackaged with information about potential allergens.

Justification

It is not financially realistic to require smaller self-employed entrepreneurs to label foods which are not prepackaged with information about potential allergens.

Amendment 21

Proposal for a regulation Recital 42

Text proposed by the Commission

Amendment

(42) Member States should not be able to adopt provisions other than those laid down in this Regulation in the field it harmonises, unless specifically indicated in it.

(42) Member States should not be able to adopt provisions other than those laid down in this Regulation in the field it harmonises, unless specifically indicated in it. ***Furthermore, as national labelling requirements are capable of giving 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 they apply in the manner which least restricts trade.***

Justification

One of the most important reasons behind the current proposal is to simplify the rules and ensure the functioning of the internal market. As national rules add costs to industry and complicate the free movement of goods, evidence to justify their introduction and to show how their operation is compatible with the free movement of goods, should be required.

Amendment 22

Proposal for a regulation Recital 49

Text proposed by the Commission

(49) In order to enable interested parties, especially small and medium-sized enterprises, to provide nutrition information on their products, the application of the measures to make nutrition information mandatory should be introduced gradually through extended transition periods with an additional transition period provided for micro-businesses.

Amendment

(49) In order to enable interested parties, especially small and medium-sized enterprises, to provide nutrition information on their products, the application of the measures to make nutrition information mandatory should be introduced gradually through extended transition periods with an additional transition period provided for micro-businesses. ***Provision should also be made for Community aid to help these small and medium-sized enterprises in the agricultural sector obtain the scientific knowledge they need to assess the nutrition values of their products. Training programmes should also be available for entrepreneurs in this sector so they may improve their competence in this field.***

Amendment 23

Proposal for a regulation Article 1 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

It shall apply to all ***prepacked*** foods intended for the final consumer, including foods delivered by mass caterers and foods intended for supply to mass caterers.

Justification

This wording clarifies the intention that the regulation should apply to prepacked foods.

Amendment 24

Proposal for a regulation

Article 2 – paragraph 2 – point g

Text proposed by the Commission

(g) ‘place of provenance’ ***‘place of provenance’*** means any place where a food is indicated to come from, and that is not the ‘country of origin’ ***as determined in accordance with Articles 23 to 26 of Council Regulation (EEC) No 2913/92;***

Amendment

(g) ‘place of provenance’ means any place where a food is indicated to come from, and that is not the ‘country of origin’;

Justification

The definition of the ‘country of origin’ should be added to differentiate this from the definition of the place of provenance

Amendment 25

Proposal for a regulation

Article 2 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ‘country of origin’ means the place of origin of the main agricultural raw material used in the preparation of the product;

Justification

The definition of the ‘country of origin’ should be added to differentiate this from the definition of the place of provenance

Amendment 26

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. When food information law establishes new requirements, ***consideration shall be given*** to the ***need for*** a transitory period after the entry into force of the new

3. When food information law establishes new requirements, ***unless such requirements relate to the protection of human health,*** a transitory period ***shall be***

requirements, during which foods bearing labels not complying with the new requirements can be placed on the market and for stocks of such foods that have been placed on the market before the end of the transitory period to continue to be sold until exhausted.

granted after the entry into force of the new requirements, during which foods bearing labels not complying with the new requirements can be placed on the market and for stocks of such foods that have been placed on the market before the end of the transitory period to continue to be sold until exhausted.

Justification

To facilitate the smooth functioning of the internal market, as well as to minimise packaging waste, it is normal that a transitory period is provided when new labelling requirements are introduced, unless it relates to an immediate health risk to the public, in which case such a period may not be appropriate.

Amendment 27

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The new labelling requirements shall be introduced within uniform implementation deadlines established by the Commission following consultation with stakeholders under the regulatory procedure with scrutiny set out in Article 49(3).

Justification

Despite transitional periods, the fragmented transposition of the new labelling requirements has a significant impact on the cost of producing new labels and on the management of stocks, food packaging and labels. The new food information law should therefore be implemented following a uniform timetable, as originally proposed by the Commission.

Amendment 28

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) information on the identity and

(a) information on the identity and

composition, properties or other characteristics of the food;

composition, **quantities**, properties or other characteristics of the food;

Amendment 29

Proposal for a regulation

Article 4 – paragraph 1 – point b – subpoint i

Text proposed by the Commission

Amendment

(i) compositional attributes that may be harmful to the health of certain groups of consumers;

(i) compositional attributes, **as defined in Annex II**, that may be harmful to the health of certain groups of consumers;

Justification

This wording clarifies the intention that the regulation should apply to prepacked foods.

Amendment 30

Proposal for a regulation

Article 4 – paragraph 1 – point b – subpoint iii

Text proposed by the Commission

Amendment

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

deleted

Amendment 31

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. When considering the need for mandatory food information, 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 to*** enable ***them*** to make informed choices.

2. When considering the need for mandatory food information, account shall be taken of ***the potential costs and benefits to stakeholders of providing*** certain information to which they attach significant value or of any generally accepted benefits to enable ***consumers*** to make informed choices.

Justification

The introduction of new labelling rules should only proceed if there is evidence-based research showing the advantages of such new requirements. The costs of providing new information should not be disproportionate. Label changes have a significant impact on EU producers, as well as on imports from 3rd countries; a balance must be found between the needs of consumers and producers.

Amendment 32

Proposal for a regulation

Article 6

Text proposed by the Commission

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

Amendment

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

Justification

All the information demanded in Article 9 cannot be put on loose foods.

Amendment 33

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Council may, in accordance with the procedure laid down in Article 95 of the Treaty, draw up a non-exhaustive list of the claims and terms, the use of which, under paragraph 1, shall at all events be prohibited or restricted.

Justification

The proposed amendment seeks to retain the existing provision in EU food law (Directive 2000/13) which requires Member States to act together, in the event that limitations need to be placed on the use of particular label claims and terms. In the absence of such a provision individual countries could legislate and the definitions could easily differ between Member States and thereby create trade barriers in the internal market.

Amendment 34

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. **Without prejudice to paragraphs 3 and 4**, food business operators, within the businesses under their control, shall ensure compliance with the requirements of food information law which are relevant to their activities and shall verify that such requirements are met.

Amendment

1. Food business operators, within the businesses under their control, shall ensure compliance with the requirements of food information law which are relevant to their activities and shall verify that such requirements are met.

Justification

Anders als die Etikettierungsrichtlinie 2000/13/ EG erfolgt nach dem Vorschlag eine Aufteilung der Verantwortlichkeiten zwischen den verschiedenen Akteuren der Lebensmittelkette. Diese vorgesehene „Stufenverantwortlichkeit“ wird nicht unterstützt. Der Status Quo sollte beibehalten werden. Auch der Einzelhändler muss grundsätzlich verpflichtet sein, sämtliche Anforderungen des Lebensmittelrechts gegenüber dem Verbraucher einzuhalten. Es kann nicht sein, dass der Einzelhändler als unmittelbarer Vertragspartner des Verbrauchers nur partiell verantwortlich ist.

Amendment 35

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. Food business operators, within the business 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, particularly with regard to health.

Amendment

2. Food business operators, within the business under their control, shall not modify information accompanying a food **that might** mislead the final consumer or otherwise reduce the level of consumer protection, particularly with regard to health.

Amendment 36

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Food business operators placing on the market for the first time a food intended for supply to the final consumer or mass caterer shall ensure the presence and accuracy of the food information in accordance with the applicable food information law. **deleted**

Justification

Anders als die Etikettierungsrichtlinie 2000/13/ EG erfolgt nach dem Vorschlag eine Aufteilung der Verantwortlichkeiten zwischen den verschiedenen Akteuren der Lebensmittelkette. Diese vorgesehene „Stufenverantwortlichkeit“ wird nicht unterstützt. Der Status Quo sollte beibehalten werden. Auch der Einzelhändler muss grundsätzlich verpflichtet sein, sämtliche Anforderungen des Lebensmittelrechts gegenüber dem Verbraucher einzuhalten. Es kann nicht sein, dass der Einzelhändler als unmittelbarer Vertragspartner des Verbrauchers nur partiell verantwortlich ist.

Amendment 37

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. Food business operators responsible for retail or distribution activities which do not affect food information shall act with due care to ensure, within the limits of their respective activities, the presence of the applicable food information requirements, in particular by not supplying foods which they know or presume to be non compliant, on the basis of the information in their possession as professionals. **deleted**

Justification

Anders als die Etikettierungsrichtlinie 2000/13/ EG erfolgt nach dem Vorschlag eine Aufteilung der Verantwortlichkeiten zwischen den verschiedenen Akteuren der Lebensmittelkette. Diese vorgesehene „Stufenverantwortlichkeit“ wird nicht unterstützt. Der Status Quo sollte beibehalten werden. Auch der Einzelhändler muss grundsätzlich verpflichtet sein, sämtliche Anforderungen des Lebensmittelrechts gegenüber dem Verbraucher einzuhalten. Es kann nicht sein, dass der Einzelhändler als unmittelbarer Vertragspartner des Verbrauchers nur partiell verantwortlich ist.

Amendment 38

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. Food business operators within the business under their control shall ensure that information relating to non-prepacked food shall be **transmitted** to the operator **receiving** the food in order to enable, **where appropriate, the provision of the** mandatory food information specified in Article 9(1) points (a) to (c) and (f) to the final consumer.

Amendment

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

Amendment 39

Proposal for a regulation Article 9 – Title

Text proposed by the Commission

List of mandatory particulars

Amendment

List of mandatory particulars **for pre-packed food**

Justification

A distinction should be drawn between pre-packed and non-prepacked food.

Amendment 40

Proposal for a regulation

Article 9 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the net quantity of the food;

(e) the net quantity of the food ***at the time of packaging***;

Justification

The net quantity of a food may change during the period between production and sale and consumption. The producer can only influence the net quantity at the time of packaging and cannot be held responsible for any change in the net quantity at the time of sale and/or consumption of the food.

Amendment 41

Proposal for a regulation

Article 9 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) country of origin for unprocessed foods;

Justification

Consultations have shown that consumers wish to know the country of origin of unprocessed foods. A similar provision exists in Article 35, paragraph 3.

Amendment 42

Proposal for a regulation

Article 9 – paragraph 1 – point i b (new)

Text proposed by the Commission

Amendment

(ib) whether or not the food is of EU origin;

Amendment 43

Proposal for a regulation

Article 9 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) instructions for use when it would be ***impossible to make appropriate use of the food*** in the ***absence of such instructions***;

(j) instructions for use when it would be ***dangerous to use the product*** in the ***form in which it is sold***;

Justification

The original wording would have meant that a packet of salt or bag of flour, for example, had to carry instructions for possible uses. The main aim is to guarantee safety.

Amendment 44

Proposal for a regulation

Article 9 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) a nutrition declaration.

deleted

Justification

SMEs and, above all, craft enterprises have neither the human nor the financial resources needed to meet this requirement.

Amendment 45

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission may amend the list of mandatory particulars laid down in paragraph 1. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

deleted

Justification

Given the importance of this provision, the Commission must not be given the exclusive right to amend the list of mandatory particulars.

Amendment 46

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Mandatory particulars for non-prepacked food

- 1. Where foods are offered for sale to the final consumer or to mass caterers without pre-packaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale, the Member States may require the provision of some of the particulars specified in Articles 9 and 10.***
- 2. Member States shall decide which particulars are mandatory.***

Justification

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 non-prepacked foods. As there is no consequence for the internal market, the current regime for non-prepacked foods should not be changed.

Amendment 47

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

For specific types or categories of foods, the Commission may provide for derogations, in exceptional cases, from the requirements laid down in Article 9(1) (b) and (f), provided that such derogations do

1. For specific types or categories of foods, the Commission may provide for derogations, in exceptional cases, from the requirements laid down in Article 9(1) (b) and (f), provided that such derogations do

not result in the final consumer and mass caterers being inadequately informed. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

not result in the final consumer and mass caterers being inadequately informed. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

2. Member States may adopt measures derogating from Article 9(1) and Article 10(2) in the case of milk and milk products presented in glass bottles intended for reuse. They shall communicate to the Commission the text of those measures without delay.

Amendment 48

Proposal for a regulation Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Weights and measures shall refer to the methods and techniques employed to define a model representing reality.

Amendment 49

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The availability of certain mandatory particulars by means other than on the package or on the label may be established by the Commission provided the general principles and requirements laid down in Chapter II of this Regulation are met. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

3. The availability of certain mandatory particulars by means other than on the package or on the label, ***notably through new information and communication technologies***, may be established by the Commission provided the general principles and requirements laid down in Chapter II of this Regulation are met. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure

with scrutiny referred to in Article 49(3).

Justification

The new information and communication technologies allow information to be exchanged rapidly and at little cost. It is possible to envisage consumers obtaining additional information via terminals placed in supermarkets. These terminals would, by reading the barcode, furnish information on the product. Likewise, it is possible to envisage consumers accessing additional information via a webpage on the Internet.

Amendment 50

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. In the case of non-prepacked food, the provisions of Article 41 shall apply.

Amendment

4. Without prejudice to Article 41, Article 9 – with the exception of Article 9(1c) – and Article 10 shall not apply to foods offered for sale to the final consumer or to mass caterers in non-prepacked form, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale.

Justification

The obligation laid down in the proposal for a Regulation for the mandatory labelling of allergens is supported. No change should, however, be made to the status quo for loose goods regarding other particulars that do not relate to allergens. The Regulation should not make it mandatory to provide these particulars as this would result in Member States having to actively exclude them should they not wish to make such provisions.

Amendment 51

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. Without prejudice to specific Community legislation applicable to particular foods as regards to the requirements referred to in Article 9(1)(a) to (k), when appearing on the package or on the label attached thereto, the

Amendment

1. Without prejudice to specific Community legislation applicable to particular foods as regards to the requirements referred to in Article 9(1)(a) to (k), 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 of a font size of at least 3mm and shall be presented in a way so as to ensure a significant contrast between the print and background.***

mandatory particulars listed in *Article 9(1)* shall be printed ***in a clearly legible form*** on the package or on the label.

Amendment 52

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The background colour of the label shall be different from the background colour of the product, thereby creating a contrast that ensures that the information provided is legible and easy to understand.

Amendment 53

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. Detailed rules concerning the presentation of mandatory particulars and the extension of the requirements referred to in paragraph 2 to the additional mandatory particulars for specific categories or types of food referred to in Articles 10 and 38 may be adopted by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

deleted

Justification

This paragraph would give excessively broad powers to the Commission, particularly as it in no way concerns ‘non-essential elements’.

Amendment 54

Proposal for a regulation Article 14 – paragraph 4

Text proposed by the Commission

Amendment

The minimum font size referred to in paragraph 1 shall not apply in case of packaging or containers the largest surface of which has an area of less than 10 cm².

deleted

Justification

The proposed minimum font size of 3 mm is impractical for many labels. The rules will become even more unclear if distinctions are made according to the surface area of packagings.

Amendment 55

Proposal for a regulation Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. Mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, ***obscured***, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

6. Mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

Justification

The term ‘obscured’ is vague and may lead to discussions and problems.

Amendment 56

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. Within their own territory, the Member

2. Within their own territory, the Member

States in which a food is marketed may stipulate that the particulars shall be given in one or more languages from among the official languages of the Community.

States in which a food is marketed may stipulate that the particulars shall be given in one or more languages from among the official languages of the Community. ***This requirement, may not, however, prevent mandatory information being given instead in other official languages of the Community that are easily understood by consumers in the Member States in question.***

Justification

While mandatory information on foodstuffs must be given in a language that consumers understand, the rules should not disrupt the free movement of goods. Language rules should be flexible enough to permit consumers to receive information in a language which, while not perhaps their mother tongue, they can nonetheless understand without difficulty. ECJ case law has supported such flexibility.

Amendment 57

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Amendment 58

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. In the case of packaging or containers the largest surface of which has an area of less than **10 cm²** only the particulars listed in Article 9(1) (a), (c), (e) **and** (f) shall be mandatory on the package or on the label. The particulars referred to in Article

2. In the case of packaging or containers the largest surface of which has an area of less than **10 cm², or miniature bottles whose largest label does not exceed 25 cm²**, only the particulars listed in Article 9(1) (a), (c), (e), (f) and **(g)** shall be

9(1)(b) shall be provided through other means or shall be available at the request of the consumer.

mandatory on the package or on the label. The particulars referred to in Article 9(1)(b) shall be provided through other means or shall be available at the request of the consumer.

Justification

In some sectors, particularly spirits, the sale of miniature bottles, typically of 5cl, is widespread. It is appropriate, due to their small size and role as 'taster' packs, that they also benefit from the exemption from certain labelling requirements. However, bottles cannot easily be measured to determine their largest surface area. It is therefore simpler, not least for enforcement authorities, that the determining factor for an exemption should be a maximum size.

Amendment 59

Proposal for a regulation Article 20 – point e

Text proposed by the Commission

(e) wine as defined in Council Regulation (EC) No 1493/199, beer, and spirits as defined in Article 2(1) of Regulation (EC) No [...] of [...] of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89. The Commission shall produce a report after [five years of the entry into force of this Regulation] concerning the application of Article 19 ***on*** these products and may accompany this report by specific measures determining the rules for labelling ingredients. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Amendment

(e) alcoholic beverages. The Commission shall produce a report after [five years of the entry into force of this Regulation] concerning the application of Article 19 ***to*** these products and may accompany this report by specific measures determining the rules for labelling ingredients ***in these products***. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Justification

It would be wrong to label alcoholic products in a way that could mislead consumers or encourage inappropriate consumption. Equally, it would be wrong for these proposals to discriminate, and distort competition, between competing products. It is inappropriate to apply the general provisions of these proposals to such products, particularly as the proposals require the Commission to bring forward further proposals that are appropriate to the alcoholic beverages sector

Amendment 60

Proposal for a regulation

Article 23 – paragraph 1 – point b

Text proposed by the Commission

(b) the ingredient or category of ingredients concerned is emphasised on the labelling in words, pictures or graphics; or

Amendment

(b) the ingredient or category of ingredients concerned is emphasised on the labelling in words, pictures or graphics, ***to comply with the weights and measures rules and to avoid any misleading nutrition claims***; or

Amendment 61

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 62

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) the amounts of fat, saturates, carbohydrates with specific reference to sugars, and salt.

Amendment

(b) the amounts of ***protein***, fat, saturates, carbohydrates with specific reference to sugars, and salt.

Justification

The amount of protein should be included in the mandatory nutrition declaration in order to enable the consumers to see the entire nutritional composition of the food.

Amendment 63

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This paragraph shall not apply to **wine as defined in Council Regulation (EC) No 1493/1999, beer, and spirits as defined in Article 2(1) of Regulation (EC) No. [...] of [...] of the European Parliament and the Council on the definitions, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89**. The Commission shall produce a report after [five years of the entry into force of this Regulation] concerning the application of this paragraph **on** these products and may accompany this report by specific measures determining the rules for **a mandatory nutrition declaration for** these products. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Amendment

This paragraph shall not apply to **alcoholic beverages**. The Commission shall produce a report after [five years of the entry into force of this Regulation] concerning the application of this paragraph **to** these products and may accompany this report by specific measures determining the rules for **providing consumers with nutritional information on** these products. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Justification

The common characteristic of the products covered by this exemption is that they contain alcohol. It is inappropriate to apply the general provisions of these proposals to such products, particularly as the proposals require the Commission to bring forward further proposals that are appropriate to the alcoholic beverages sector.

Amendment 64

Proposal for a regulation

Article 29 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 65

Proposal for a regulation

Article 29 – paragraph 2 – point a

Text proposed by the Commission

(a) **trans fats**

Amendment

(a) **saturates;**

Justification

It is important to make a distinction between ruminant trans fatty acids (TFA) naturally occurring in meat and dairy products, for example, and those produced during industrial processing (also referred to as non-natural, industrially processed, artificial, industrial), as also accepted by the European Parliament in its report on the White Paper on nutrition-, overweight- and obesity-related health issues. There is no evidence of negative health effects from the consumption of ruminant TFA naturally. As ruminant TFA naturally occurring in meat and dairy products, for example, do not pose a health concerns to consumers, they do not need to be considered for nutrition labelling, hence the reference to industrial TFA.

Amendment 66

Proposal for a regulation

Article 29 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) industrial trans fats;

Amendment 67

Proposal for a regulation

Article 29 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) sugars;

Justification

For consistency reasons, adjustment necessary for the list of voluntary nutrients based on the proposed amendment to Article 29.1 on mandatory nutrients.

Amendment 68

Proposal for a regulation

Article 29 – paragraph 2 – point (g)

Text proposed by the Commission

Amendment

g) Protein

deleted

Justification

Protein should be among the mandatory nutrients to be labelled.

Amendment 69

Proposal for a regulation

Article 29 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) salt;

Justification

For consistency reasons, adjustment necessary for the list of voluntary nutrients based on the proposed amendment to Article 29.1 on mandatory nutrients.

Amendment 70

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. Conversion factors for the vitamins and minerals mentioned in point 1 of Part A of Annex XI, in order to calculate more precisely their content in foods, **may** be set and included in Annex XII by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Amendment

2. Conversion factors for the vitamins and minerals mentioned in point 1 of Part A of Annex XI, in order to calculate more precisely their content in foods, **shall** be set and included in Annex XII by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Amendment 71

Proposal for a regulation Article 30 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission, acting in cooperation with Member States, shall, where possible, lay down the maximum permissible limit of divergence between the declared values and actual values.

Justification

Bearing in mind that declared values are based on average analyses by the food business operator, the above provision contains the threat of significant divergences between the declared values and actual values, which must be minimised as far as possible.

Amendment 72

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

2. The amount of energy and nutrients referred to in paragraph 1 shall be expressed per **100 g** or per **100 ml** or,

Amendment

2. The amount of energy and nutrients referred to in paragraph 1 shall be expressed per **individual portion and per**

subject to *Article 32(2) and (3), per portion*.

100 g or per 100 ml or, subject to *Article 32(2) and (3)*.

Amendment 73

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

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

Amendment

3. *In addition to Article 31(2)*, the mandatory nutrition declaration *may* be expressed as a percentage of the reference intakes set out in Part B of *Annex XI* in relation to per *100 g or per 100 ml*. When provided, the declaration on vitamins and minerals shall also be expressed as a percentage of the reference intakes set out in point 1 of Part A of Annex XI.

Justification

The GDA-scheme, which has been developed by the food industry, is not necessarily based on a nutritionally scientific basis. Also, there is no scientifically evaluated experience with the application of the GDA-scheme, so far. Therefore, it is imperative that EFSA be asked to give a scientific opinion on these matters, before the regulation is adopted. In order to make it possible for the consumers to compare different foodstuffs within the same category – irrespective of the size and content of the packages – it is imperative that the amount of energy and nutrients always be declared per 100 g or 100 ml. Expression of nutrition information in percentages of daily reference intakes could be useful for some consumers, but it need not be mandatory.

Amendment 74

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

1. In addition to the nutrition declaration per 100g or per 100ml referred to in Article 31(2), the information *may* be expressed per portion as quantified on the label, provided that the number of portions contained in the package is stated.

Amendment

1. In addition to the nutrition declaration per 100g or per 100ml referred to in Article 31(2), the information *shall* be expressed per portion as quantified on the label, provided that the number of portions contained in the package is stated.

Amendment 75

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

Amendment

2. The nutrition declaration may be expressed on a per portion basis alone if the food is prepacked as an individual portion.

deleted

Amendment 76

Proposal for a regulation Article 32 – paragraph 3

Text proposed by the Commission

Amendment

3. The expression on a per portion basis alone for foods presented in packages containing multiple portions of the food, that have not been prepacked as individual portions, shall be established by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

deleted

Amendment 77

Proposal for a regulation Article 33 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the form of expression aims to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
and

(a) the form of expression aims to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
however, that expression shall reflect accurately the nutrition value of the component in order to avoid any misleading claims.

A form of expression that stands out shall be used to identify the main nutrients in the principal field of vision of the packet. A value in figures reflecting the quantity of nutrients contained in the package shall be given for the main nutrients, so that consumers are better informed; and

Amendment 78

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. The particulars referred to in Article 31(2) related to the **mandatory** nutrition declaration shall be included in the **principal** field of vision. They shall be presented, **where appropriate**, together in a clear format in the following order: energy, fat, saturates, carbohydrates with specific reference to sugars, and salt.

Amendment

1. The particulars referred to in Article 29(1) and (2) related to the nutrition declaration shall be included in the **same** field of vision. They shall be presented together in a clear format in the following order: energy, **protein, carbohydrates**, fat, saturates, carbohydrates with specific reference to sugars, and salt.

Justification

It is preferable that the mandatory as well as the voluntary nutrition information be presented in the same field of vision – as the current legislation prescribes in case of nutrition declaration – as it would confuse the consumers if the various pieces of nutrition information have to be looked for in different places on the packages.

Amendment 79

Proposal for a regulation

Article 34 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the European Food Safety Authority shall be consulted prior to the adoption for use of graphics or symbols. Those measures, designed to amend the non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Amendment 80

Proposal for a regulation Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34a

Exemptions from nutrition labelling

In accordance with the regulatory procedure with scrutiny referred to in Article 49(4), the Commission shall, by 31 December 2009 at the latest, establish specific criteria on exemptions from nutrition labelling for small agricultural and craft enterprises that produce and sell certain categories of foods that are unprocessed or only slightly processed or for which nutrition information is not a determining factor for consumer choice, unless the obligation to provide such information is provided under other Community legislation.

Amendment 81

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Where food information covered by this Regulation is provided on a voluntary basis, such information shall ***comply with the requirements laid down in this Regulation.***

1. Where food information covered by this Regulation is provided on a voluntary basis, such information shall ***be clearly legible.***

Justification

If information given voluntarily on foodstuffs is required to be presented in the same way as for those products where a mandatory requirement applies, it is likely that producers will stop providing it voluntarily. Thus, the impact of the current proposal is that consumers would receive less information than they do at present.

Amendment 82

Proposal for a regulation Article 35 – paragraph 2

Commission proposal

2. Without prejudice to labelling in accordance with specific Community legislation, paragraphs 3 and 4 shall apply where the country of origin or the place of provenance of a food is **voluntarily indicated** to inform consumers that a food originates or comes from the European Community or a given country or place.

Amendment

2. Without prejudice to labelling in accordance with specific Community legislation **such as Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed¹ and Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs²**, paragraphs 3 and 4 shall apply where **indication of** the country of origin or the place of provenance of a food is **mandatory** to inform consumers that a food originates or comes from a given country or place. **In such cases, the food shall be labelled ‘Manufactured in the EU (Member State)’. In addition, the name of a region of the European Union may be indicated.**

¹ OJ L 93, 31.3.2006, p. 1.

² OJ L 93, 31.3.2006, p. 12.

Justification

The indication of a region of origin reflects the wish of many consumers that regional specialities should be labelled as such. Labelling a product ‘Manufactured in the EU’ demonstrates compliance with the relevant Community food legislation and may thus constitute information of interest to consumers.

Amendment 83

Proposal for a regulation Article 35 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In order to ensure that there is full traceability of food from ‘farm to fork’,

the labelling system shall also ensure that products can be traced to both country of origin and the producer of origin.

Amendment 84

Proposal for a regulation Article 35 – paragraph 4

Proposition de la Commission

4. For meat, other than beef and veal, the **indication on** the country of origin or place of provenance **may be given as a single place only** where animals have been **born, reared and slaughtered in the same country** or place. **In other cases information on** each of **the** different places **of birth, rearing and** slaughter shall be **given**.

Amendment

4. For **poultry and** meat other than beef and veal, the **only place which may be indicated as** the country of origin or place of provenance **is the** place where **the** animals have been **reared and/or slaughtered, and not, therefore the place where they were bred or where slaughter, processing or packaging took** place. **As an alternative**, each of **these** different places **may be indicated where the animals were born, reared, bred or slaughtered or where** slaughter, **processing or packaging took place**. **In every case, EU origin** shall be **indicated**.

Amendment 85

Proposal for a regulation Article 35 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. For whisky, the indication of the country of origin shall always be given, and in the principal field of vision. Where the whisky is the product of more than one country, each shall be listed.

Justification

It is traditional practice for whisky sold in the EU to be labelled with its country of origin, and consumers attach considerable importance to this information. Some whiskies which do not bear indications of origin use other indications to suggest they originate in one of the major whisky producing countries when they do not. It is therefore appropriate that all whiskies sold in the EU state their origin to avoid misleading consumers.

Amendment 86

Proposal for a regulation Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

Common positive nutrition symbol

1. On 1 January 20XX (three years after adoption of this regulation), the Commission shall, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3), establish a common positive nutrition symbol in order to assist consumers in identifying the healthier option within categories of foods.

2. Foods eligible to carry the common positive nutrition symbol shall comply with criteria specified by the Commission and the nutrient profiles established in accordance with Article 4 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods¹.

3. The criteria referred to in paragraph 2 shall be established taking into account in particular:

(a) the overall nutritional composition of the food and the presence of nutrients that have been scientifically recognized as having an effect on health;

(b) the role and importance of the food (or the categories of food) and the contribution to the diet of the population in general or, as appropriate, of certain risk groups, including children.

The criteria shall be based on scientific knowledge about diet and nutrition, and their relation to health.

In setting the criteria, the Commission shall request the European Food Safety Authority to provide, within 12 months, the relevant scientific advice.

¹ OJ L 404, 30.12.2006, p. 9.

Justification

A common positive nutrition symbol is there to help consumers identifying the healthier options when buying food within the European Union. Food labelled with a positive symbol could for example contain less fat, sugars, salt and more dietary fibre than food products of the same type not carrying the symbol. By choosing foods with the positive symbol makes it easier for consumers to improve their diet, which can lead to better health now and in the future. With a positive symbol consumers can very easy choose a healthier option, just by a quick glance at the moment of purchase. Foods labelled with a positive symbol are suitable for all healthy individuals – adults, teenagers and children over a certain age. Foods carrying the positive symbol are not ‘diet foods’ but are intended for everyone who wants to eat a healthy diet.

Amendment 87

Proposal for a regulation

Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Presentation

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

Justification

This article has precious little to do with European regulation and could result in too much unfair competition between Member States, as these provisions could be interpreted differently, which could have different and disadvantageous impacts on producers and make the whole situation less clear to consumers.

Amendment 88

Proposal for a regulation Article 38

Text proposed by the Commission

Amendment

Article 38

deleted

National provisions on additional mandatory particulars

In addition to the mandatory particulars referred to in Article 9(1) and in Article 10, Member States may, in accordance with the procedure laid down in Article 42, require additional mandatory particulars for specific types or categories of foods, justified on grounds of:

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

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 this information.

Justification

This article has precious little to do with European regulation and could result in too much unfair competition between Member States, as these provisions could be interpreted differently, which could have different and disadvantageous impacts on producers and make the whole situation less clear to consumers.

Amendment 89

Proposal for a regulation Article 40

Text proposed by the Commission

Member States may, pending the adoption of the Community provisions referred to in Article 20(e), maintain **national** rules as regard the listing of ingredients in the case of beverages containing more than **1,2 % by volume of alcohol**.

Amendment

Member States **which, at the time this Regulation takes effect, already have national rules** may, pending the adoption of the Community provisions referred to in Article 20(e), maintain **such** rules as regard the listing of ingredients in the case of beverages containing more than **1,2 % by volume of alcohol**.

Justification

As the proposed new EU regulation aims to harmonise and simplify labelling rules, it is appropriate to ensure that, in areas where new EU rules are planned, no new national measures should be introduced. However, where such national rules already exist, they should be retained until the EU rules take effect.

Amendment 90

Proposal for a regulation Article 41

Text proposed by the Commission

Article 41

National measures for non-prepacked food

Where foods are offered for sale to the final consumer or to mass caterers without prepackaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale, the Member States may adopt detailed rules concerning the manner in which the particulars specified in Articles 9 and 10 are to be shown.

Member States may decide not to require the provision of some of the particulars referred to in paragraph 1, other than those referred to in Article 9(1) (c),

Amendment

deleted

provided that the consumer or mass caterer still receives sufficient information.

Member States shall communicate to the Commission the text of the measures referred to in paragraphs 1 and 2 without delay.

Justification

This article has precious little to do with European regulation and could result in too much unfair competition between Member States, as these provisions could be interpreted differently, which could have different and disadvantageous impacts on producers and make the whole situation less clear to consumers.

Amendment 91

**Proposal for a regulation
Article 41 – paragraph 1**

Text proposed by the Commission

Where foods are offered for sale to the final consumer or to mass caterers without prepackaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale, the Member States may adopt detailed rules concerning the manner in which the particulars specified in Articles 9 and 10 are to be shown.

Amendment

The particulars specified in Article 9(1c) are to be provided by the food business operator for foods that are offered for sale to the final consumer or to mass caterers in non-pre-packaged form, or where foods are prepacked on the sales premises at the consumer's request for direct sale. the Member States may adopt guidelines concerning the manner in which these mandatory particulars are to be shown.

Justification

The obligation laid down in the proposal for a Regulation for the mandatory labelling of allergens is supported. No change should, however, be made to the status quo for loose goods regarding other particulars that do not relate to allergens. The Regulation should not make it mandatory to provide these particulars as this would result in Member States having to actively exclude them should they not wish to make such provisions.

Amendment 92

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

2. Member States may decide ***not to require the provision of*** some of the particulars referred to in ***paragraph 1, other than those referred to in Article 9(1) (c), provided that the consumer or mass caterer still receives sufficient information.***

Amendment

2. Member States may decide ***to make*** some ***or all*** of the particulars referred to in ***Articles 9 and 10 compulsory. Oral information can be given to customers when they ask for it.***

Amendment 93

Proposal for a regulation Article 41 – Title

Text proposed by the Commission

National measures ***for non-prepacked food***

Amendment

National measures

Justification

Prepacked food or meals produced by small retail establishments or mass caterers are produced in a non-standardized way whereby the ingredients and recipes may vary frequently, maybe from day to day. It is therefore important that these types of food are exempted from the requirement for a nutrition declaration, either in general, or by giving Member States the right to lay down rules for these categories, as is already granted for non-prepacked foods.

Amendment 94

Proposal for a regulation Article 41 – paragraph 3

Text proposed by the Commission

3. Member States ***shall communicate*** to the ***Commission the text of the measures referred to in paragraphs 1 and 2 without delay.***

Amendment

3. Member States ***may decide not to require the provision of a nutrition declaration, as provided for in Article 9(1)(l), for prepacked foods and meals produced, and directly supplied, by local retail establishments or mass caterers to***

the final consumer.

Justification

Prepacked food or meals produced by small retail establishments or mass caterers are produced in a non-standardized way whereby the ingredients and recipes may vary frequently, maybe from day to day. It is therefore important that these types of food are exempted from the requirement for a nutrition declaration, either in general, or by giving Member States the right to lay down rules for these categories, as is already granted for non-prepacked foods.

Amendment 95

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. The Commission shall consult the Standing Committee on the Food Chain and Animal Health set up by Article 58(1) of Regulation (EC) No 178/2002 ***if it considers such consultation to be useful or if a Member State so requests.***

Amendment

2. The Commission shall consult the Standing Committee on the Food Chain and Animal Health set up by Article 58(1) of Regulation (EC) No 178/2002. ***The Commission shall also introduce a formal notification procedure for all stakeholders in accordance with the provisions of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations¹.***

¹ OJ L 204, 21.7.1998, p. 37.

Justification

The current procedures for introducing new labelling measures lack transparency and there are no requirements for consultation of external stakeholders. As new labelling rules will adversely impact on the free movement of goods, it is important that proposed measures are widely considered, with stakeholders being given an opportunity to comment. Proposals should not be enacted before their compatibility with internal market freedoms is assessed.

Amendment 96

Proposal for a regulation Article 42 – paragraph 5

Text proposed by the Commission

Amendment

5. Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations shall not apply to the measures falling within the notification procedure specified in paragraphs 1 to 4. **deleted**

Justification

The proposed amendment to Article 42 (2) introduces a requirement for a transparent notification procedure which involves consumers and producers. Such a process is extremely important when new labelling information is being considered. It is therefore appropriate to remove the exemption from formal scrutiny of any new labelling proposals.

Amendment 97

Proposal for a regulation Article 44

Text proposed by the Commission

Amendment

Article 44 **deleted**

National Schemes

1. Member States may adopt, recommend or otherwise endorse national schemes consisting of exclusively non-binding rules, such as recommendations, guidance, standards or any other non binding rules, (hereinafter referred to as the ‘national schemes’) aimed at ensuring the application of the following provisions and in compliance with the essential requirements set out therein:

Article 33(2), relating to additional forms of expression of the nutritional declaration;

Article 34(5), relating to the presentation of the nutrition declaration.

2. The implementation by national schemes of other provisions of food information law, in addition to those listed in paragraph 1, and the relevant essential requirements may be established by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

3. National schemes may be developed by Member States on their own initiative or at the request of stakeholders in compliance with the general principles and requirements laid down in Chapter II and III of this Regulation, and:

(a) as a result of sound consumer research; and

(b) following extensive consultation with a wide range of stakeholders drawing on best practices.

4. National schemes shall include appropriate mechanisms to allow consumers to identify foods that are labelled in compliance with national schemes, to monitor the level of compliance with the scheme and to assess its impact.

5. Member States shall provide the Commission with the details of the national schemes referred to in paragraph 1, including an identifier for foods that are labelled in compliance with that national scheme. The Commission shall make those details available to the public, in particular through a dedicated page on the Internet.

6. The Commission shall encourage and organise the exchange of information between Member States and with itself on matters relating to the adoption and implementation of the national schemes.

It shall encourage the participation of stakeholders to such exchange, in particular through the Advisory Group on the Food Chain Animal and Plant Health set up by Commission

Decision 2004/613/EC of 6 August 2004 concerning the creation of an advisory group on the food chain and animal and plant health.

7. The Commission, after consulting with Member States, may adopt Guidelines concerning the application of this Article.

Justification

Special national rules impede the free movement of goods and pose a threat to the European internal market.

Amendment 98

Proposal for a regulation Article 53 – indent 2

Text proposed by the Commission

Article 14(1) shall apply from [the first day of the month 3 years after the entry into force].

Amendment

*It shall apply from **the** first day of the month 3 years after the entry into **force**.*

Amendment 99

Proposal for a regulation Article 53 – indent 3

Text proposed by the Commission

Articles 29 to 34 shall apply from [the first day of the month 3 years after the entry into force] except in the case of foods labelled by food business operators with, on the date of entry into force, **less** than **10** employees and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million where they shall

Amendment

Articles 29 to 34 shall apply from [the first day of the month 3 years after the entry into force] except in the case of foods labelled by food business operators with, on the date of entry into force, **fewer** than **50** employees and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million where they shall

apply [the first day of the month 5 years after the entry into force].

apply [the first day of the month 5 years after the entry into force].

Foods placed on the market or labelled prior to 1 July 2007 which do not comply with this Regulation may be marketed until their expiry date, but not later than 31 December 2009.

Foods placed on the market prior to the date of application of this Regulation which do not comply with this Regulation may be marketed until all stocks have been exhausted.

Article 17(1) shall apply from [the first day of the month 15 years after the entry into force].

Amendment 100

Proposal for a regulation

Article 53 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Packaging materials and stocks of products which were packaged or labelled before the entry into force of this Regulation and do not comply with the provisions thereof may still be placed on the market until these stocks are completely exhausted.

Justification

Provision should also be made for a period in which to use up packaging material that food producers generally order in large quantities. This transitional period should also cover stocks of products to take account of product lifecycles.

Amendment 101

Proposal for a regulation Annex I – point 1 – point b – indent 3

Text proposed by the Commission

Amendment

– *fibres*,

– *fat*,

Justification

This amendment brings the Regulation into line with Article 1 of the Directive on nutrition labelling for foodstuffs (90/496/EEC) as currently in force.

Amendment 102

Proposal for a regulation Annex I – point 1 – subpoint b – indent 4

Text proposed by the Commission

Amendment

– *protein*,

– *fibres*,

Amendment 103

Proposal for a regulation Annex I – point 4

Text proposed by the Commission

Amendment

4. ‘trans fat’ means fatty acids with at least one non-conjugated (namely interrupted by at least one methylene group) carbon-carbon double bond in the trans configuration;

4. ‘trans fat’ means fatty acids *of artificial origin* with at least one non-conjugated (namely interrupted by at least one methylene group) carbon-carbon double bond in the trans configuration, *with the exception of trans fat of natural origin*;

Amendment 104

Proposal for a regulation Annex I – point 10

Text proposed by the Commission

Amendment

10. ‘protein’ means the protein content

10. ‘protein’ means the protein content

calculated using the formula: protein =
total Kjeldahl nitrogen × 6,25;

calculated using the formula: protein =
total Kjeldahl nitrogen × 6,25 **and, in the
case of milk protein, × 6,38;**

Justification

This is in line with the international ‘Codex Standard 1-1985 for General Standard for the Labelling of Prepackaged Foods’, which is accepted by the European Commission.

Amendment 105

**Proposal for a regulation
Annex II – point 1 – subpoint d**

Text proposed by the Commission

(d) cereals used for making distillates **or ethyl alcohol of agricultural origin for spirit drinks and other beverages containing more than 1,2 % by volume of alcohol.**

Amendment

(d) cereals used for making **alcoholic** distillates.

Justification

This is necessary to make the exception more explicit and to bring it in line with the EFSA Opinion. The original wording could lead to products being labelled as allergenic when, as the EFSA Opinion shows, they do not contain any allergenic material. The EC agrees that the current wording needs to be amended so as to ensure vulnerable consumers are not misled.

Amendment 106

**Proposal for a regulation
Annex II – point 7 – subpoint a**

Text proposed by the Commission

(a) whey used for making distillates **or ethyl alcohol of agricultural origin for spirit drinks and other beverages containing more than 1,2 % by volume of alcohol;**

Amendment

(a) whey used for making **alcoholic** distillates;

Justification

This is necessary to make the exception more explicit and to bring it in line with the EFSA Opinion. The original wording could lead to products being labelled as allergenic when, as

the EFSA Opinion shows, they do not contain any allergenic material. The EC agrees that the current wording needs to be amended so as to ensure vulnerable consumers are not misled.

Amendment 107

Proposal for a regulation Annex II – point 8 – subpoint a

Text proposed by the Commission

Amendment

(a) nuts used for making distillates ***or ethyl alcohol of agricultural origin for spirit drinks and other beverages containing more than 1,2 % by volume of alcohol.***

(a) nuts used for making ***alcoholic*** distillates.

Justification

This is necessary to make the exception more explicit and to bring it in line with the EFSA Opinion. The original wording could lead to products being labelled as allergenic when, as the EFSA Opinion shows, they do not contain any allergenic material. The EC agrees that the current wording needs to be amended so as to ensure vulnerable consumers are not misled.

Amendment 108

Proposal for a regulation Annex IV – indent 2

Text proposed by the Commission

Amendment

- 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;

– processed products ***that*** have been subjected ***only*** to smoking or maturing and ***fruits and vegetables that have been dried and possibly rehydrated by adding water, which*** comprise a single ingredient or category of ingredients;

Justification

This amendment applies to fruits such as prunes (a single ingredient) which are dehydrated for purposes of conservation and to which water may be added.

Amendment 109

Proposal for a regulation Annex IV – indent 16

Text proposed by the Commission

- food in packaging or containers the largest surface of which has an area of less than 25 cm²;

Amendment

- food in packaging or containers the largest surface of which, ***or in the case of miniature bottles the largest label of which***, has an area of less than 25 cm²;

Justification

In some sectors, particularly spirits, the sale of miniature bottles, typically of 5cl, is widespread. It is appropriate, due to their small size and role as ‘taster’ packs, that they also benefit from the exemption from certain labelling requirements. However, bottles cannot easily be measured to determine their largest surface area. It is therefore simpler, not least for enforcement authorities, that the determining factor for an exemption should be a maximum size.

Amendment 110

Proposal for a regulation Annex IV – indent 18

Text proposed by the Commission

- 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

– food directly supplied by the manufacturer to the final consumer or to local retail establishments directly supplying the final consumer;

Justification

As a result of this amendment, food trades which mainly supply the final consumer direct would be exempted.

Amendment 111

Proposal for a regulation Annex VI – part B – point 1 – subparagraph 2

Text proposed by the Commission

The adjective ‘hydrogenated’ must

Amendment

The adjective ‘hydrogenated’ must

accompany the indication of a hydrogenated oil ***unless the amount of saturates and trans fats are included in the nutrition declaration.***

accompany the indication of a hydrogenated oil

Justification

Consumers are used to looking for the presence of the term ‘hydrogenated oil’ on the ingredients list to check the content of artificial TFA.

Amendment 112

Proposal for a regulation

Annex VI – part B – point 2 – column 2 – subparagraph 2

Text proposed by the Commission

Amendment

The adjective ‘hydrogenated’ must accompany the indication of a hydrogenated fat ***unless the amount of saturates and trans fats are included in the nutrition declaration.***

The adjective ‘hydrogenated’ must accompany the indication of a hydrogenated fat

Justification

Consumers are used to looking for the presence of the term ‘hydrogenated fat’ on the ingredients list to check the content of artificial TFA.

Amendment 113

Proposal for a regulation

Annex VI – part B – point 17 – column 1 – subparagraph 1

Text proposed by the Commission

Amendment

17. Skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue, where the total fat and connective tissue content does not exceed the values indicated below and where the meat constitutes an ingredient of another food. ***The products*** covered by the definition of ‘***mechanically*** separated

17. Skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue, where the total fat and connective tissue content does not exceed the values indicated below and where the meat constitutes an ingredient of another food. ***This definition includes meat obtained from flesh-bearing bones by***

meat' are excluded from this definition.

*mechanical means, not covered by the definition of **mechanically** separated **meat** as referred to in **Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin**¹.*

¹ OJ L 139, 30.4.2004, p. 55.

Justification

As regards the definition of Mechanically Separated Meat (MSM) produced under the so-called 'Baader technology' ('viandes gros grain') is meat. The conclusions from the 2007 Histalim EU-Research Project clearly showed that from an organoleptic, composition and microbiological point of view, there is no difference between this type of meat and minced meat.

Amendment 114

Proposal for a regulation Annex VII – paragraph 1 – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) which complies with product standards in accordance with Community provisions or, where they do not exist, in accordance with national provisions; or

Justification

Eine allgemeine Ausnahme von der QUID Regelung für standardisierte Produkte sollte gestattet werden. Auf diese Weise würde den geplanten Änderungen für eine Erweiterung der Ausnahme von der QUID Regelung auf Codex Ebene Rechnung getragen, welche die Europäische Kommission selbst unterstützt. Da zum gegenwärtigen Zeitpunkt Produktstandards im europäischen Recht (Verordnung (EG) Nr. 2991/94 zu den Streichfetten oder Verordnung (EG) Nr. 2597/97 für Milch) und im nationalen Recht festgelegt werden, sollten auch beide Arten von Standards von der QUID Regelung ausgenommen werden.

Amendment 115

Proposal for a regulation Annex VIII – point 5 – subparagraph 1

Text proposed by the Commission

Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated.

Amendment

Where a solid food is presented in a liquid medium, the drained net weight **at the moment** of the **packing of the** food shall also be indicated.

Justification

Mit dem Kommissionsvorschlag wird die gegenwärtige Regel für Verpackung von festen Lebensmitteln in Flüssigkeiten aufrechterhalten. Diese Regelung ist aber in der Praxis aufgrund der Interaktion zwischen festem Lebensmittel und Flüssigkeit problematisch. So kann sich das Nettogewicht des festen Lebensmittels vom Zeitpunkt der Produktion bis zur Abgabe an den Verbraucher verändern. Der Lebensmittelhersteller ist jedoch nur in der Lage, den Herstellungs- und Verpackungsprozess zu beeinflussen, und kann daher nur das konkrete Gewicht zum Zeitpunkt des Abpackens genau angeben.

Amendment 116

Proposal for a regulation Annex XI – part B – Title

Text proposed by the Commission

Reference intakes for energy and selected nutrients other than vitamins and minerals (adults)

Amendment

Reference intakes for energy and selected nutrients other than vitamins and minerals (adults)¹

¹ *The reference intakes are indicative and will be determined in more detail by the European Food Safety Authority.*

Justification

The reference intakes are indicative and should be determined in more detail by the European Food Safety Authority.

Amendment 117

Proposal for a regulation Annex XIII – part A – table – row 1

<i>Text proposed by the Commission</i>		<i>Amendment</i>	
– energy	<i>kJ and</i> kcal	– energy	kcal

Amendment 118

Proposal for a regulation Annex XIII – part B – point 2 – Table – row 4

<i>Text proposed by the Commission</i>		<i>Amendment</i>	
– trans fats		– <i>artificial</i> trans fats	

PROCEDURE

Title	Food information to consumers		
References	COM(2008)0040 – C6-0052/2008 – 2008/0028(COD)		
Committee responsible	ENVI		
Opinion by Date announced in plenary	AGRI 10.7.2008		
Rapporteur for the opinion Date appointed	Giovanna Corda 24.6.2008		
Discussed in committee	6.10.2008	1.12.2008	17.2.2009
Date adopted	17.2.2009		
Result of final vote	+: 27	–: 0	0: 2
Members present for the final vote	Vincenzo Aita, Niels Busk, Luis Manuel Capoulas Santos, Giovanna Corda, Albert Deß, Constantin Dumitriu, Michl Ebner, Lutz Goepel, Friedrich-Wilhelm Graefe zu Baringdorf, Esther Herranz García, Lily Jacobs, Elisabeth Jeggle, Heinz Kindermann, Vincenzo Lavarra, Stéphane Le Foll, Véronique Mathieu, Mairead McGuinness, Rosa Miguélez Ramos, María Isabel Salinas García, Sebastiano Sanzarello, Agnes Schierhuber, Willem Schuth, Czesław Adam Siekierski, Alyn Smith, Donato Tommaso Veraldi		
Substitute(s) present for the final vote	Jim Allister, Ilda Figueiredo, Béla Glattfelder, Wiesław Stefan Kuc, Astrid Lulling, Maria Petre, Struan Stevenson, Vladimír Železný		
Substitute(s) under Rule 178(2) present for the final vote	Ewa Tomaszewska		