

EN
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Answer given by Mr Borg
on behalf of the Commission
(6.11.2013)

1. Because of its voluntary character, the colour coded nutrition labelling scheme recommended by the UK authorities does not create a "de jure" barrier to trade. Some UK companies announced publicly that they would use the scheme, while others announced they would not, which shows that, as the situation stands today, the system cannot be considered as a "de facto" mandatory system either. The Commission, not having received the details of the scheme in question, cannot verify its conformity with the other criteria of Article 35(1) of Regulation (EU) No 1169/2011 on the provision of food information to consumers¹.

2. The Commission will initiate work on the implementing actions concerning the uniform application of Article 35 in due time.

3. The Commission considers that the recommendation of this labelling scheme by the UK authorities does not require a notification under Directive 98/34/EC since, on the basis of the available information, it is considered neither "de jure" nor "de facto" mandatory. The Commission will be vigilant that it is the case and that the measure does not create obstacles to the free movement of goods as provided by the relevant provisions of the Treaty, notably Articles 34 to 36, and in Article 35(1)(g) of Regulation (EU) No 1169/2011.

¹ OJ L 304, 22.11.2011, p. 18.