



21.3.2024

NOTICE TO MEMBERS

Subject: Petition No 0791/2023 by G.G. (Italian) on the adoption of an EU official definition and description of "bread"

1. Summary of petition

The petitioner calls for the adoption of an EU official definition and description of the word “pane” (bread) as the traditional food composed only of the following ingredients: water, salt, flours of vegetable origin, levitating agents and food ingredients traditionally used in significant quantities for human consumption in the EU before 15 May 1997. The petitioner believes that this definition would be in line with the EU aim of respecting and promoting cultural heritages, protecting consumers and establishing common rules on the composition, commercial designation and labelling of food products. The petitioner indicates the translation of “pane” in all official EU languages.

2. Admissibility

Declared admissible on 21 November 2023. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 21 March 2024

The Commission’s observations

Regulation No 1308/2013¹ establishes a common organisation of the markets (CMO) for agricultural products, based on Article 43 TFEU. Agricultural products are listed in Annex I to the Treaty on the Functioning of the European Union (TFEU).

¹ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, OJ L 347, 20.12.2013.

Technical definitions, designation and sales description for agricultural products are established in marketing standards adopted under the CMO pursuant to its Article 75 and only apply to agricultural products that are marketed in the Union. Bread is not an agricultural product, since it is not listed in Annex I to the Treaty, and therefore it cannot be covered by marketing standards adopted under the CMO. Consequently, the Commission cannot adopt a technical definition, designation and sales description for bread in this framework.

Regulation 1169/2011 on food information to consumers² (FIC Regulation) mitigates the possible risk of consumers being misled, besides requiring the indication of the list of ingredients directly on the package of prepacked foods, or on a label attached thereto. The FIC Regulation also mandates the indication of the name of the food and in Articles 17 and 2(2)(n), (o) and (p) the Regulation defines what the name shall be. In the absence of a legal name, a customary name is to be used, namely a name which is accepted as the name of the food by consumers in the Member State in which that food is sold, without that name needing further explanation.

Moreover, the FIC Regulation also provides for the case of foods in which a component or ingredient that consumers expect to be normally used or naturally present has been substituted with a different component or ingredient. In that case it is provided that the labelling shall bear — in addition to the list of ingredients — a clear indication of the component or the ingredient that has been used for the partial or whole substitution: (a) in close proximity to the name of the product; and (b) using a font size which has an x-height of at least 75 % of the x-height of the name of the product and which is not smaller than the minimum font size required in this Regulation³.

Conclusion

Since bread is not an agricultural product, no marketing standards for bread can be adopted under the Common Agricultural Policy. The current legal framework for providing information to consumers on food already mitigates the risk of consumers being misled as to the use of bread to designate food. Member States are responsible for enforcing the EU rules and ensure consumers are provided with clear and accurate information.

² Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004, OJ L 304, 22.11.2011.

³ See Article 17(5) and point 4 of Part A of Annex VII.