

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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POLICY

Voluntary Public

Date: 1/12/2012

GAIN Report Number: E70002

EU-27

Post: Brussels USEU

NEW EU FOOD LABELING RULES PUBLISHED

Report Categories:

FAIRS Subject Report

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Report Highlights:

European Parliament and Council Regulation 1169/2011 on the provision of food information to consumers was published in the Official Journal L 304 of November 22, 2011. This regulation establishes new horizontal food labeling requirements and most provisions will apply from December 13, 2014. The key elements of the new EU food labeling rules include the mandatory nutrition declaration, the extension of country of origin labeling to fresh meat of swine, sheep, goats and poultry, a minimum font size and the mandatory highlighting of allergens in the ingredients list.

NEW EU FOOD LABELING RULES PUBLISHED

[European Parliament and Council Regulation 1169/2011](#) on the provision of food information to consumers was published in the Official Journal L 304 of November 22, 2011. This regulation establishes new horizontal food labeling requirements and amends [Regulation 1924/2006](#) on nutrition and health claims and [Regulation 1925/2006](#) on fortified foods; it repeals [Directive 87/250/EEC](#) on the indication of alcohol strength, [Directive 90/496/EEC](#) on nutrition labeling, [Directive 1999/10/EC](#) on derogations, [Directive 2000/13/EC](#) on food labeling, [Directive 2002/67/EC](#) on quinine and caffeine, [Directive 2008/5/EC](#) on warning labels and [Regulation 608/2004](#) on phytosterols and phytosterols.

The EU's new food labeling rules will apply from December 13, 2014, except for the mandatory nutrition declaration which will apply from December 13, 2016, and Part B of Annex VI (specific requirements concerning the designation of minced meat) which will apply from January 1, 2014. Nutrition declarations provided on a voluntary basis must comply with the new rules as of December 13, 2014.

WHAT IS NEW?

The key elements of the new EU food labeling rules are the mandatory nutrition declaration, the extension of mandatory country of origin labeling to fresh meat of swine, sheep, goats and poultry, a minimum font size for printing the mandatory information on labels, the indication of the vegetable origin for vegetable oils, the mandatory highlighting of allergens in the list of ingredients and the mandatory indication of the date of freezing on unprocessed frozen meat and fishery products.

The existing "directive" is replaced by a "regulation" which means that the Member States do not need to transpose the new rules into national legislation. Instead, the new rules will become applicable on the same date in all the Member States.

This report gives an overview of the main changes in the EU's food labeling requirements.

WHICH INFORMATION IS MANDATORY?

Prepackaged Food (Article 9)

For prepackaged food, the mandatory food information must be printed directly on the package or on a label attached thereto. Article 9 of Regulation 1169/2011 sets out the list of mandatory declarations on food labels:

- The name of the food
- The list of ingredients
- Allergens listed in Annex II
- The quantity of certain ingredients or categories of ingredients
- The net quantity of the food
- The date of minimum durability or the "use by date"
- Any special storage conditions and/or conditions of use
- Name or business name and address of the food business operator under whose name the food is marketed. If that operator is not established in the EU, the name and address of the

importer.

- Country of origin or place of provenance in accordance with the provisions of Article 26
- Instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions
- Alcoholic strength by volume for beverages containing more than 1.2% by volume of alcohol
- Nutrition declaration

Annex III sets out additional mandatory labeling requirements for specific types or categories of food:

- Foods packaged in certain gases
- Foods containing sweeteners
- Foods containing licorice
- Beverages with high caffeine content or foods with added caffeine
- Food with added phytosterols, phytosterols esters, phytostanols or phytostanol esters
- Frozen meat, frozen meat preparations and frozen unprocessed fishery products

Non-Prepackaged Food (Article 44)

For non-prepackaged food, the declarations listed under Article 9 are not mandatory with the exception of allergens. However, Member States may adopt national measures requiring that the information which is mandatory for prepackaged food under the new EU rules should also be mandatory for non-prepackaged food.

MANDATORY INFORMATION: CONTENT AND PRESENTATION

Minimum Font Size (Article 13)

Regulation 1169/2011 introduces a minimum font size for printing the mandatory information on food labels. As a general rule, the information must be printed in characters using a minimum font size of 1.2 mm for the "x-height" as defined in Annex IV. If the largest printable surface of a food package or container is less than 80 cm² the minimum font size is reduced to 0.9 mm. On packages with a printable surface smaller than 25 cm² the nutrition declaration is not required. Packages which are smaller than 10 cm² do not need to bear a nutrition declaration nor a list of ingredients.

Language (Article 15)

The mandatory food information must be provided in a language that is easily understood by the consumers of the Member State where the food is marketed. In practice, this means the official language(s) of that Member State.

List of Ingredients (Article 18)

The list of ingredients must be preceded by the word "Ingredients." All ingredients must be designated by their specific name and listed in descending order of weight. Ingredients present in the form of engineered nanomaterials must be indicated in the list of ingredients followed by the word "nano." Annex VII sets out specific provisions concerning the indication of ingredients and categories of ingredients in the list of ingredients. This Annex introduces the mandatory indication of the source of vegetable oils and fats. They may be designated as "vegetable oils" and "vegetable fats" in the list of ingredients but must be followed by a list of the specific vegetable

sources. It will be possible to state that the proportions of the oils and fats may vary.

Allergens (Article 21)

Under the new rules, allergens listed in Annex II must be highlighted in a typeset that clearly distinguishes them from the rest of the list of ingredients or by the word "contains" followed by the name of the allergen on products that do not require an ingredients list.

Country of Origin Labeling (Article 26)

Under the current rules established by Directive 200/13/EC, country of origin labeling is mandatory for fresh beef, fruits and vegetables, honey, olive oil or where the absence of such labeling may mislead the consumer. Regulation 1169/2011 extends the mandatory country of origin labeling to meat listed in Annex XI (swine, sheep and goat, poultry) and when the country of origin of a food is not the same as its primary ingredient.

The European Commission will have two years – until December 13, 2013 - to carry out a feasibility study on the possible extension of mandatory country of origin labeling to meat used as an ingredient and another year – until December 13, 2014 - to assess the impact of country of origin labeling of other types of meat (than beef, pork, lamb and poultry), milk, milk used as an ingredient in dairy products, unprocessed foods, single-ingredient products and ingredients that represent more than 50% of a food.

Nutrition Declaration (Articles 29-35)

Under the current rules, the nutrition declaration is voluntary unless a nutrition claim is made on the label or in advertising messages. In order to help fight obesity, Regulation 1169/2011 introduces the mandatory declaration of the energy value and the amounts of fat, saturates, carbohydrates, sugars, protein and salt expressed per 100 grams or per 100 milliliters in the same field of vision on food labels. The salt content must be expressed as "salt" not "sodium" but where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear in close proximity to the nutrition declaration. The nutrition declaration may additionally be given on a per portion basis and expressed as a percentage of daily reference intakes set out in Part B of Annex XIII. The nutrition declaration must be presented, if space permits, in tabular format with the numbers aligned or, where space does not permit, in linear format.

The energy value may be repeated on the front label alone or together with the amounts of fat, saturates, sugars and salt. The energy value must always be expressed per 100 g/ml but may additionally be expressed per portion. When the four nutrients are repeated together with the energy value, their amounts can be expressed per portion alone. In this case, the energy value must be expressed both per portion and per 100 g/ml. The mandatory nutrition declaration can be supplemented voluntarily with the values of other nutrients, i.e. mono-unsaturates, polyunsaturates, polyols, starch, fiber, vitamins or minerals listed in Annex XIII.

Use-By Date (Article 24)

Annex X sets out rules for the indication of the date of minimum durability, use-by date and date of freezing. Under the new rules, the date of first freezing preceded by the words "frozen on" is also required on labels of unprocessed frozen meat and fishery products.

"Formed Meat" and "Formed Fish" (Annex VI)

Meat products, meat preparations and fishery products which may give the impression that they are made of one piece of meat or fish but actually consist of different pieces combined together by other ingredients (including food additives and enzymes) must be labeled as "formed meat" and "formed fish". Annex VI lists these indications in the different EU languages.

NANOMATERIALS

Definitions (Article 2)

Article 2.2 (t) defines an “engineered nanomaterial” as “any intentionally produced material that has one or more dimensions of the order of 100 nanometer (nm) or less or that is composed of discrete functional parts, either internally or at the surface, many of which have one or more dimensions of the order of 100 nm or less, including structures, agglomerates or aggregates which may have a size above the order of 100 nm but retain properties that are characteristic of the nanoscale”. However, taking into account that a food containing or consisting of engineered nanomaterials may be a “novel food”, the legislative framework for this definition should be considered in the context of the upcoming review of the EU’s Novel Foods Regulation ([Regulation 258/1997](#)). The European Commission is expected to propose this revision in the second half of 2012.

ALCOHOLIC BEVERAGES

Alcoholic beverages containing more than 1.2% by volume of alcohol are still exempted from the obligation to bear a nutrition declaration and a list of ingredients. By December 13, 2014, the Commission must produce a report examining whether alcoholic beverages should also be covered by the requirements set out in Regulation 1169/2011 and justify possible exemptions. Pending the adoption of EU-harmonized rules on alcoholic beverages, Member States may maintain national measures relating to the listing of ingredients.

WHAT HAPPENS IN CASE OF NON-COMPLIANCE?

According to Article 8 of Regulation 1169/2011, it is the responsibility of your EU buyer to ensure that the imported products comply with the labeling rules. However, shipment of non-compliant product may severely affect your export market as products may be rejected at the border or be removed from the EU market.

EU legislation stipulates that official controls on foods from third countries are not limited to checks at the border but are possible at all stages of import and marketing. EU legislation further stipulates that Member States’ competent authorities are responsible for enforcement. The Member State food inspection services carry out controls to check whether foods comply with the different aspects of EU food legislation, including labeling requirements.

EU legislation empowers the Member States Competent Authorities to decide about the fate of non-compliant goods. Imported goods which do not conform to EU legislation when checked at the border are generally refused entry. Given that enforcement of EU food legislation is done at the Member State level, it is advisable to contact the [FAS offices in the EU Member States](#) in case of a problem related to labeling non-compliances.

RELATED REPORTS

- [EU-27 Food and Agricultural Import Regulations and Standards \(FAIRS\)](#) (GAIN Report E60080)
- EU Member State FAIRS Reports: <http://gain.fas.usda.gov>
- [EU Proposal to abolish the concept of dietetic foods](#) (GAIN Report E60045)

