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Committee on the Environment, Public Health and Food Safety

2008/0028(COD)

11.11.2009

*****I**

DRAFT REPORT

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))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Renate Sommer

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

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

Amendments to a legislative text

In amendments by Parliament, Amendment is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0040),
 - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0000/2009),
 - having regard to Article 51 of the EC Treaty,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Agriculture and Rural Development and the Committee on the Internal Market and Consumer Protection (A7-0000/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The free movement of safe **and wholesome** food is an essential aspect of the internal market and contributes significantly to the health and well-being of citizens, and to their social and economic interests.

Amendment

(2) The free movement of safe food is an essential aspect of the internal market and contributes significantly to the health and well-being of citizens, and to their social and economic interests. ***This Regulation will both serve internal market interests, by simplifying the law, ensuring legal certainty and reducing red tape, and benefit citizens by requiring clear, comprehensible and legible labelling of foods.***

Justification

The term ‘wholesome’ food is not defined; the concept of wholesomeness is therefore already covered by the term ‘safe’, since this denotes the absence of disease-causing ingredients and complete suitability for consumption. It is important to draw attention to the fact that the Regulation has the twofold aims of improving consumer protection and harmonising the internal market.

Amendment 2**Proposal for a regulation****Recital 3***Text proposed by the Commission*

(3) In order to achieve a high level of health protection for consumers and to guarantee their right to information, it should be ensured that consumers are appropriately informed as regards food they consume. **Consumers choices** can be influenced by, inter alia, health, economic, environmental, social and ethical considerations.

Amendment

(3) In order to achieve a high level of health protection for consumers and to guarantee their right to information, it should be ensured that consumers are appropriately informed as regards food they consume. **Purchasing decisions** can be influenced by, inter alia, health, economic, environmental, social and ethical considerations.

Justification

The proposal deals primarily with purchasing decisions; a purchasing decision is at the same time a decision to consume a product.

Amendment 3**Proposal for a regulation****Recital 8***Text proposed by the Commission*

(8) The general labelling requirements are complemented by **a number of** provisions applicable to all foods **in particular circumstances or to certain categories of foods**. In addition, there are a number of

Amendment

(8) The general labelling requirements are complemented by **new** provisions, **which must be** applicable to all foods **and soft drinks**. In addition, there are a number of specific rules which are applicable to

specific rules which are applicable to specific foods.

specific foods.

Or. de

Justification

Applicability to all foods and soft drinks is the criterion for the proportionality of proposals concerning compulsory labelling, and should therefore be stressed.

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) While the original objectives and the core components of the current labelling legislation are still valid, it is necessary to streamline it in order to ensure easier **compliance** and greater **clarity** for stakeholders and to modernise it in order to take account of new developments in the field of food information.

Amendment

(9) While the original objectives and the core components of the current labelling legislation are still valid, it is necessary to streamline it in order to ensure easier **application** and greater **legal certainty** for stakeholders and to modernise it in order to take account of new developments in the field of food information.

Or. de

Justification

Clarification.

Amendment 5

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

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 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.

is an important tool to inform consumers about the composition of the foods and help them make an informed choice. ***Education and information campaigns 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. ***In addition, it is worthwhile and right that consumers in the Member States should be able to turn to a neutral information source in order to clarify individual nutrition questions. The Member States should therefore establish appropriate hotlines, to whose financing the food industry could contribute.***

Or. de

Justification

Improving diet and consumer understanding of food nutrition cannot be achieved by labelling alone. Even now, consumers do not understand some labelling information and it is essential that Member States are more involved in information campaigns designed to improve consumer understanding.

Amendment 6

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Community rules should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional ***handling***, serving and selling of food by private persons ***at***

Amendment

(15) Community rules should apply only to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation. Operations such as the occasional ***delivery of food to third parties***, serving and selling of food

events such as charities, or local community fairs and meetings are not covered by the scope of this regulation.

by private persons, *for example at charity events* or local community fairs and meetings, *and the sale of food in the various forms of direct marketing by farmers*, are not covered by the scope of this regulation. *In order to avoid over-stretching, in particular, small and medium-sized enterprises in the traditional food production sector and the food retail trade, which also include providers of mass catering services, products which are not prepackaged should be excluded from the labelling requirements.*

Or. de

Justification

What is important here is not the handling of food but its delivery to third parties; duplication should be avoided. Farmers whose businesses are involved in direct marketing (sale from the farm, at markets, on the street or house-to-house) would be over-stretched if they were required to comply with the requirements of this Regulation. Is this is a vital income niche for farmers, direct marketing of food by farmers should as a general principle be excluded from the scope of this Regulation.

Enterprises in the food retail trade and the traditional food production sector, which also include providers of mass catering services, produce products which are not prepackaged for direct delivery to the consumer. There are no standardised procedures: ingredients change on a daily basis. It should also be borne in mind that the traditional food production sector is particularly responsible for preserving regional specialities, for creativity and for innovation and thus ensures the diversity of the products available. It is therefore important to exclude these producers from the compulsory nutrition declaration requirement.

Amendment 7

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Catering services provided by transport undertakings should fall under this Regulation only if they are provided on routes between two points within Community territory.

Justification

On routes beginning or ending in a country outside the EU, transport undertakings may not find any suppliers who satisfy the information requirements. If undertakings which serve such routes were compelled to comply with the requirements of this Regulation, this could place transport undertakings established in the EU at a competitive disadvantage, as only they would be compelled to comply with the Regulation.

Amendment 8**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 provide sufficient flexibility to be able to keep up to date with new information requirements from consumers and ensure ***that innovation in the food industry is not blocked. The possibility of voluntary additional information provided by food business operators ensures additional flexibility.***

Justification

Innovation benefits consumers. Adequate flexibility under the new legislation can only be maintained if food business operators have the option of responding to customers' new wishes by providing voluntary additional information.

Amendment 9**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***

Amendment

(17) The ***purpose*** of requiring mandatory food information ***is*** to enable consumers to ***make well informed purchasing decisions*** that suit their individual dietary ***wishes and***

choices that suit their individual dietary needs.

Or. de

Justification

Makes the recital clearer and more concise.

Amendment 10

Proposal for a regulation

Recital 18

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

It would be unhelpful to overload packaging with information.

Amendment 11

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 ***or new forms of presentation of food information*** should however only be established if and where necessary, in accordance with the principles of subsidiarity, proportionality, ***transparency*** and sustainability.

Justification

The introduction of new ways of presenting food information should also be consistent with the principles cited.

Amendment 12**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) **In addition to the existing rules designed to combat misleading advertising**, the rules on food information should prohibit the use of information that would mislead the consumer, **particularly regarding the energy content, origin or composition of the food**. To be effective, this prohibition should also apply to the advertising and presentation of foods.

Justification

It should be made clear that rules designed to combat misleading advertising already exist. Advertising of products which attributes medicinal properties to them is already regulated by Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.

Amendment 13**Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) In order to prevent a fragmentation of the rules concerning the responsibility of food business operators with respect to food information it is **appropriate to clarify** the responsibilities of food business operators in this area.

Amendment

(21) In order to prevent a fragmentation of the rules concerning the responsibility of food business operators with respect to food information it is **essential that** the responsibilities of food business operators

in this area *should be clearly laid down*.

Or. de

Justification

With a view to establishing legal certainty for the stakeholders concerned, it is essential that their responsibilities should be clearly laid down. One of the aims is that trading enterprises should not be held liable for matters which fall outside their sphere of responsibility or outside their control. The CJEC judgment in the 'Lidl-Italia' case has highlighted the inadequate degree of legal certainty enjoyed by food traders under existing law.

Amendment 14

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.

Deleted

Or. de

Justification

Cf. amendment to Article 9(3).

Amendment 15

Proposal for a regulation
Recital 24

Text proposed by the Commission

Amendment

(24) When used in the production of foods and still present, certain ingredients or other substances ***are the cause of*** allergies

(24) When used in the production of foods and still present, certain ingredients or other substances ***can cause*** allergies or

or intolerances *in consumers, and some of those allergies or intolerances* constitute a danger to the health of those concerned. It is important that information on the presence of food additives, processing aids and other substances with allergenic effect should be given to *enable* consumers suffering from a food allergy or intolerance *to make informed and safe choices*.

intolerances, *and in individual cases can even* constitute a danger to the health of those concerned. It is important, *therefore*, that information on the presence of food additives, processing aids and other substances with *scientifically proven* allergenic effect should be given to consumers *so that in particular those suffering from a food allergy or intolerance can in a targeted manner choose foods which are safe for them*.

Or. de

Justification

Allergens cause allergies and intolerances only in persons who are allergic.

Amendment 16

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 *selective* food and dietary choices. Studies show that *easy* legibility is an important element in maximising the possibility that labelled information can influence its audience and that *illegible product information* is one of the main causes of consumer dissatisfaction with food labels.

Or. de

Justification

Food information enables consumers to make well informed purchasing decisions. Legibility is not contingent only on print size, but also on many other factors, such as typeface, stroke width and the degree of contrast between the print and the background.

Amendment 17

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) In order to ensure the provision of food information, it is necessary to ***consider all ways of supplying food to consumers, including*** selling food by means of distance communication. Although it is clear that any food supplied through distant selling should meet the same information requirements as food sold in shops, it is necessary to clarify that in such cases the relevant mandatory food information ***should*** also be available before the purchase is concluded.

Amendment

(26) In order to ensure the provision of food information, it is necessary to ***include*** selling food by means of distance communication. Although it is clear that any food supplied through distant selling should meet the same information requirements as food sold in shops, it is necessary to clarify that in such cases the relevant mandatory food information ***must*** also be available before the purchase is concluded.

Or. de

Justification

The mandatory provision of information prior to conclusion of a purchase can have a significant bearing on purchasing decisions. To streamline the text.

Amendment 18

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.***

Amendment

Deleted

Or. de

Justification

Since alcoholic beverages fall outside the scope of this regulation, it should not contain provisions dealing with alcoholic mixed beverages.

Amendment 19

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) It is also important to provide consumers with information on ***the other*** alcoholic beverages. 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 1576/89²***, 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 may propose, if necessary, specific requirements in the context of this Regulation.

Amendment

(28) It is also important to provide consumers with information on alcoholic beverages. 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, ***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, labelling and the protection of geographical indications of spirit drinks² ***and alcoholic mixed beverages***, and in order to ensure a consistent approach and coherence with the conditions established for wine, the same kind of exemptions *should* apply. However, the Commission will produce a report after five years of the entry into force of this Regulation and may propose,

if necessary, specific requirements in the context of this Regulation.

1 OJ L [...], [...], p. [...].

1 OJ L 179, 14.7.1999, p. 1.

2 OJ L 179, 14.7.1999, p. 1.

2 OJ L 39, 13.2.2008 p. 16.

Or. de

Justification

Clarification.

Amendment 20

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) **Irrespective of the existing compulsory sectoral rules on origin labelling, it should always be mandatory for** the indication of the country of origin or of the place of provenance of a food **to** 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. **As a matter of principle**, 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 **shall** not apply to indications related to the name or address of the food business operator.

Or. de

Justification

Existing sectoral rules already provide for compulsory origin labelling. Consumers must not be misled.

Amendment 21

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) *In some cases*, food business operators **may want to** indicate that the origin of a food is the European Community to draw the consumers' attention to the qualities of their product and to the European Union's production standards. Such indications **should also** comply with harmonised criteria.

Amendment

(30) **If** food business operators indicate that the origin of a food is the European Community to draw the consumers' attention to the qualities of their product and to the European Union's production standards, such indications **must** comply with harmonised criteria. **The same applies, where relevant, to indication of the Member State.**

Or. de

Justification

If indications of origin involving the terms 'European Union' and/or 'Member State' are given voluntarily, for reasons of comprehensibility, legal certainty and compatibility with internal market rules it is essential that this should be done in a prespecified, uniform way.

Amendment 22

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 **and ingredients** 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.

Or. de

Justification

Salt, for example, is an ingredient, not a nutrient.

Amendment 23

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) In general, consumers are not aware of the potential contribution of alcoholic beverages to their overall diet. **It would therefore be helpful if manufacturers were to provide** information on the **energy** content of alcoholic beverages.

Or. de

Justification

Although this Regulation does not apply to alcoholic beverages, they can make a substantial contribution to energy intake. It would be consumer-friendly for manufacturers to provide information voluntarily concerning the energy content of alcoholic beverages.

Amendment 24

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) In the interest of **consistency** and coherence of Community legislation the voluntary inclusion of nutrition or health claims on food labels should be in accordance with the Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.

Amendment

(35) In the interest of **the legal certainty** and coherence of Community legislation the voluntary inclusion of nutrition or health claims on food labels should be in accordance with the Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.

Or. de

Justification

The issue here is clearly legal certainty for the stakeholders concerned.

Amendment 25

Proposal for a regulation

Recital 36

Text proposed by the Commission

(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.

Amendment

(36) To avoid unnecessary burdens on **food manufacturers and traders**, it is appropriate to exempt certain categories of foods that are unprocessed or for which nutrition information is not a determining factor for **consumers' purchasing decisions, or whose outer packaging is too small to permit the mandatory labelling to be performed**, from the mandatory inclusion of **a** nutrition declaration, unless the obligation to provide such information is provided under other Community legislation.

Or. de

Justification

It would not be right if, purely on account of extensive labelling regulations, food packagings had to be enlarged in future. This would generate more packaging waste and possibly also result in larger portions or misleadingly large packagings containing empty space.

Amendment 26

Proposal for a regulation

Recital 37

Text proposed by the Commission

(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**

Amendment

(37) To appeal to the average consumer and to serve the informative purpose for which it is introduced, the information should be easily **understandable for the average consumer**. **It would be appropriate to provide the information in one field of view**, to ensure 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.

can readily see the essential nutrition information when purchasing foods.

Or. de

Justification

It would be presumptuous to judge the level of knowledge of all EU citizens. In addition, the reference to research which apparently cannot be specifically cited should be deleted: at all events, no study into consumer behaviour when purchasing food has yet been carried out which covers all the Member States (see also Recital 38). Moreover, given the many forms of food packaging, it is very difficult to define the 'principal field of view' or in some cases to determine where the 'front of pack' is.

Amendment 27

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) Recent developments in the expression of the nutrition declaration, other than per 100g/100ml/portion, by some Member States and organisations in the food sector suggest that consumers like such schemes as they can help them make ***informed*** choices quickly. However, there is ***not evidence*** across all the Community on how the average consumer understands and uses the alternative expression of the information. ***Therefore, it is appropriate to allow for different schemes to be developed and to allow research on consumer understanding in different Member States to continue so that, if appropriate, harmonised schemes may be introduced.***

Amendment

(38) Recent developments in the expression of the nutrition declaration, other than per 100g/100ml/portion, by some Member States and organisations in the food sector suggest that consumers like such schemes as they can help them make ***speedy*** choices quickly. However, there is ***no scientific*** evidence across all the Community on how the average consumer understands and uses the alternative expression of the information. ***To facilitate comparisons of products in differing package sizes, it is therefore appropriate to retain the mandatory stipulation that the nutrition declaration should refer to 100 g/100 ml amounts and, if appropriate, to allow additional portion-based declarations. If the food is prepacked as an individual portion, a nutrition declaration per portion should, in***

addition, be compulsory. In order to rule out misleading indications relating to portion size, portion sizes should be standardised throughout the EU by means of a consultation process.

Or. de

Justification

Expressing the amount of energy and nutrients per 100 g or 100 ml enables consumers to compare products directly. Accordingly, as a matter of principle these indications should also be mandatory for foods packaged as portions. Naturally enough, it should also be possible to express the amount of energy and nutrients per portion in the specific case of foods packaged as portions. In order to make it easier for consumers to obtain the information they require, it should be compulsory to indicate portion size where individual portions are supplied in multipacks.

Amendment 28

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.

Deleted

Or. de

Justification

Already covered by Recital 37.

Amendment 29

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

Or. de

Justification

Special rules applicable in individual Member States would be damaging to the internal market and would render the regulation under consideration here absurd.

Amendment 30

Proposal for a regulation Recital 43

Text proposed by the Commission

(43) Food information rules should be able to adapt to a rapidly changing social, economic and technological environment.

Amendment

Deleted

Or. de

Justification

Already covered by Recital 16.

Amendment 31

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) In order to ensure that more detailed food information requirements are designed and established in a dialectic manner and emerge from best practices, there should be flexible mechanisms at Community and national level based on open and transparent public consultation and sustained interaction between a wide range of representative stakeholders. Such mechanism may result in the development of national non-binding schemes on the basis of solid consumer research and wide stakeholder consultation. There should be mechanisms for consumers to be able to identify foods labelled in compliance with the national scheme such as through an identification number or symbol.

Amendment

(45) It should be possible, where appropriate and in accordance with the provisions of this Regulation, to use industry- or trade-devised ways of presenting the nutrition indication.

Or. de

Justification

Cf. justification for the amendment to Recital 41; even if national labelling is not explicitly legally binding, it would put pressure on food undertakings which market their products in more than one Member State to fall into line, and would thus be just as contrary to internal market rules as special national rules. Industry- or trade-devised ways of presenting food information, on the other hand, would not have this adverse effect; moreover, such systems could quickly be altered internally or abandoned if consumers do not understand or accept them.

Amendment 32

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) In order to ensure a level of consistency in the results achieved in the

Amendment

Deleted

different Member States, it is necessary to promote the constant exchange and sharing of best practices and experience between Member States and with the Commission and promote the participation of stakeholders to such exchanges.

Or. de

Justification

Cf. justification for the amendments to Recitals 41 and 42.

Amendment 33

**Proposal for a regulation
Recital 49 a (new)**

Text proposed by the Commission

Amendment

(49a) Naturally, products of the traditional food production sector and fresh products of the food retail trade which are produced directly at the place of sale may contain substances which give rise to allergic or intolerance reactions in sensitive people. As, however, it is precisely non-prepacked products which are sold in direct contact with the customer, the corresponding information should, for example, be provided through dialogue at the time of sale or by means of a clearly visible sign in the sales area or by means of information material on display.

Or. de

Justification

In the case of non-prepacked goods, it would be virtually impossible to provide far-reaching allergy labelling for all products, and this would particularly place small and medium-sized undertakings at a considerable competitive disadvantage and increase their costs. In addition, the possibility of cross-contamination cannot be excluded in premises where the area available for processing is limited.

Amendment 34

Proposal for a regulation Article 1 - paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation provides the basis for the assurance of a high level of consumer protection in relation to food information, taking into account the differences in the perception of consumers and their information needs whilst ensuring the smooth functioning of the internal market.

Deleted

Or. de

Justification

Article 1(2) states an objective, without laying down any clear rules. For technical legal reasons it should therefore be deleted from the prescriptive text of the regulation.

Amendment 35

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation establishes the general principles, requirements and responsibilities governing food information, and in particular food labelling. It lays down the means to guarantee the right of consumers to information and procedures for the provision of food information, taking into account the need to provide sufficient flexibility to respond to future developments and new information requirements.

Deleted

Or. de

Justification

Article 1(2) states an objective, without laying down any clear rules. For technical legal reasons it should therefore be deleted from the prescriptive text of the regulation.

Amendment 36

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

3. This Regulation applies to all stages of the food chain, where ***the activities of food businesses concern*** the provision of food information to ***consumers***.

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

Amendment

3. This Regulation applies to all stages of the food chain, where the provision of food information to ***the final consumer is concerned***.

It shall apply to all ***prepacked*** foods intended for ***delivery to*** the final consumer and foods intended for supply to mass caterers.

It shall not apply to foods which are packaged directly at the place of sale before delivery to the final consumer.

Catering services provided by transport undertakings shall fall under this Regulation only if they are provided on routes between two points within Community territory.

Or. de

Justification

Tightening up and linguistic improvement of the text. It is particularly common in the food trade for products to be packaged directly at the place of sale before delivery. Thus products are divided into portions in advance (sandwich spreads) or packed in foil (sandwiches) for the benefit of consumers (to enable them to make their purchase more quickly, and for ease of handling). Such products, which are packaged shortly before sale, should as a matter of principle be excluded from the scope of the Regulation, as there is no way in which they can be equated with industrially prepackaged products. On routes beginning or ending in a country outside the EU, transport undertakings may not find any suppliers who satisfy the information requirements. If undertakings which serve such routes were to fall under the Regulation, this could place undertakings established in the EU at a competitive disadvantage, as only they would be compelled to comply with the Regulation.

Amendment 37

Proposal for a regulation Article 1 – paragraph 4

Text proposed by the Commission

4. This Regulation shall apply without prejudice to labelling requirements provided in specific Community legislation applicable to particular foods.

Amendment

4. This Regulation shall apply without prejudice to labelling requirements provided in specific Community legislation applicable to particular foods. ***The Commission shall publish by [date of entry into force of this Regulation] a list of all labelling regulations contained in specific legal provisions of the Community for particular foods and shall make this list accessible on the Internet.***

Or. de

Justification

Given the plethora of special legal provisions, such a list would seem to be necessary with a view to offering stakeholders in the food chain clarity and legal certainty.

Amendment 38

Proposal for a regulation Article 2 – paragraph 2 – point a

Text proposed by the Commission

a) ‘Food information’ means information concerning a food *and* made available to the final consumer by means of a label, other accompanying material, or any other means including modern ***technology tools*** or verbal communication. It does not cover commercial communications as defined by Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market;

Amendment

a) ‘food information’ means information concerning a food made available to the final consumer by means of a label, other accompanying material, or any other means including modern ***technologies*** or verbal communication. It does not cover commercial communications as defined by Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market;

Or. de

Justification

This provision concerns technologies, not technology tools.

Amendment 39

Proposal for a regulation

Article 2 – paragraph 2 - point b

Text proposed by the Commission

Amendment

b) ‘food information law’ means the Community provisions governing the food information, and in particular labelling, including rules of a general nature applicable to all foods or to specified foods and rules which apply only to specific foods;

Deleted

Or. de

Justification

This provision is dispensable. What ‘food information law’ means is apparent from the content of the respective provisions. Article 2(2)(b) should therefore be deleted.

Amendment 40

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

Amendment

c) ‘mandatory food information’ means the particulars that are required to be provided to the final consumer by Community legislation;

Deleted

Or. de

Justification

This provision is dispensable. The definition merely indicates that mandatory information is information which is laid down by law (a pleonasm). Article 2(2)(c) should therefore be deleted.

Amendment 41

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

d) ‘mass caterers’ means any establishment (including **vending machines**, a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals **and catering enterprises, in which**, in the course of a business, food is prepared **which is intended for immediate consumption by the final consumer;**

Or. de

Justification

Clarification and necessary amplification: catering enterprises are also mass caterers.

Amendment 42

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

e) ‘prepacked food’ means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food **and the packaging into which it was put before being offered for sale**, whether such packaging encloses the food completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging;

Amendment

e) ‘prepacked food’ means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food **in** packaging, whether such packaging encloses the food completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging;

Or. de

Justification

Simplification.

Amendment 43

Proposal for a regulation

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

Text proposed by the Commission

Amendment

ea) ‘non-prepacked food’ means food which is offered for sale to the final consumer without packaging and is packaged, if at all, only at the time of sale to the final consumer and food and fresh products which are prepacked at the place of sale for immediate sale;

Or. de

Justification

In shops, food is also offered for sale prepacked and as a rule in proximity to counters manned by sales staff in order to avoid long waiting times for customers at the counter. As in the case of foods packaged in accordance with the individual wishes of customers, it is in practice impossible to provide the same information as is mandatory for prepacked products, on account of the diversity of the products which may be sold and because they are produced manually and the range of products on sale differs from day to day.

Amendment 44

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

f) ‘ingredient’ means any substance, including food additives and food enzymes, and any ***constituent*** of a compound ingredient, used in the manufacture or preparation of a food and ***still present*** in the finished product, even if in an altered form ***residues shall not be considered as ingredients;***

f) ‘ingredient’ means any substance, including food additives and food enzymes, and any ***ingredient*** of a compound ingredient, used in the manufacture or preparation of a food and ***contained*** in the finished product, even if in an altered form;

Or. de

Justification

A change to the definition of ‘ingredient’ would have undesirable effects on Community

legislation which makes reference to this definition (e.g. Regulation (EC) No 1829/2003). The concept of residues should be deleted from this definition to bring it into line with Regulation No 178/2002, laying down the general requirements of food law. The definition given in Article 2 of that Regulation stipulates that food does not include 'residues and contaminants'.

Amendment 45

Proposal for a regulation

Article 2 – paragraph 2 – point j

Text proposed by the Commission

j) 'labelling' means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food;

Amendment

j) 'labelling' means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food;

Or. de

Justification

Does not apply to English text.

Amendment 46

Proposal for a regulation

Article 2 – paragraph 2 – point k

Text proposed by the Commission

k) 'field of vision' means all the surfaces of a package that can be read from a single viewing point, permitting rapid and easy access to labelling information ***by allowing consumers to read this information without needing to turn the package back and forth;***

Amendment

k) 'field of vision' means all the surfaces of a package that can be read from a single viewing point, permitting rapid and easy access to labelling information;

Or. de

Justification

Linguistic improvement.

Amendment 47

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ka) 'legibility' means texts written, printed, embossed, marked, engraved, stamped, etc. in such a way that a normally-sighted consumer can understand the substance of food labels without using optical aids; legibility is contingent on the font size, the typeface, the stroke width, the spacing between letters, words and lines, the width-height ratio of the letters and the degree of contrast between the print and the background.

Or. de

Justification

This definition is required since font size alone does not guarantee the legibility of a text.

Amendment 48

Proposal for a regulation

Article 2 – paragraph 2 – point l

Text proposed by the Commission

Amendment

l) 'legal name' means the name of a food prescribed in the Community provisions applicable to it or, in the absence of such Community provisions, the name provided for in the laws, regulations and administrative provisions applicable in the Member State in which the food is sold to the final consumer or to mass caterers;

Deleted

Or. de

Justification

The terminology used in the Labelling Directive (2000/13/EC) should be retained.

Amendment 49

Proposal for a regulation

Article 2 - paragraph 2 - point m

Text proposed by the Commission

m) 'customary name' means a name which is **accepted** as the name of the food without it needing further explanation by consumers in the Member State in which it is sold;

Amendment

m) 'customary name' means a name which is **understood** as the name of the food without it needing further explanation by consumers in the Member State in which it is sold;

Or. de

Justification

The terminology used in German in the Labelling Directive (2000/13/EC) should be retained (cf. Article 5(a)). What is important here is understanding, not acceptance.

Amendment 50

Proposal for a regulation

Article 2 – paragraph 2 – point o

Text proposed by the Commission

o) 'primary ingredient(s)' means the significant and/or characterising ingredients of a food;

Amendment

Deleted

Or. de

Justification

The Commission's attempt to add on to the existing provision on origin labelling is rejected. There is therefore no need to have definitions of primary, significant and characterising food ingredients hitherto not used in the context of food law. As we have constantly advocated simplification, we oppose the creation of ever-new terms and concepts without apparent benefit.

These criteria are impractical. They are confusingly inconsistent with QUID definitions. A 50% level does not have the same practical significance for all foods.

Amendment 51

Proposal for a regulation
Article 2 – paragraph 2 – point p

Text proposed by the Commission

Amendment

p) ‘significant ingredient(s)’ means the ingredient of a food that represents more than 50% of this food;

Deleted

Or. de

Justification

The Commission’s attempt to add on to the existing provision on origin labelling is rejected. There is therefore no need to have definitions of primary, significant and characterising food ingredients hitherto not used in the context of food law. As we have constantly advocated simplification, we oppose the creation of ever-new terms and concepts without apparent benefit.

These criteria are impractical. They are confusingly inconsistent with QUID definitions. A 50% level does not have the same practical significance for all foods.

Amendment 52

Proposal for a regulation
Article 2 – paragraph 2 – point q

Text proposed by the Commission

Amendment

q) ‘characterising ingredient(s)’ means any ingredient of a food which is usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required;

Deleted

Or. de

Justification

The Commission’s attempt to add on to the existing provision on origin labelling is rejected. There is therefore no need to have definitions of primary, significant and characterising food ingredients hitherto not used in the context of food law. As we have constantly advocated simplification, we oppose the creation of ever-new terms and concepts without apparent benefit.

These criteria are impractical. They are confusingly inconsistent with QUID definitions. A 50% level does not have the same practical significance for all foods.

Amendment 53

Proposal for a regulation

Article 2 – paragraph 2 – point r

Text proposed by the Commission

r) ‘essential requirements’ means the requirements whereby the level of consumer protection and food information is determined with respect to a given issue and which are laid down in a Community act ***which allows for the development of national schemes referred to in Article 44;***

Amendment

r) 'essential requirements' means the requirements whereby the level of consumer protection and food information is determined with respect to a given issue and which are laid down in a Community act;

Or. de

Justification

Article 44 is deleted.

Amendment 54

Proposal for a regulation

Article 2 – paragraph 2 – point s

Text proposed by the Commission

‘date of minimum durability of a food’ means the date until which the food retains its specific properties when properly stored;

Amendment

‘date of minimum durability of a food’ means the date until which the food retains its specific properties when properly stored ***or stored in accordance with specific instructions given on the package;***

Or. de

Justification

Some foodstuffs have special storage requirements, e.g. storage in a cool place, which must be indicated on the package.

Amendment 55

Proposal for a regulation

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

Text proposed by the Commission

Amendment

sa) ‘use-by date of a food’ means the date on which, at the latest, a food should be consumed. After that date, the food may no longer be delivered to consumers as food.

Or. de

Justification

In Annex 3 the Commission draws a clear distinction between the date of minimum durability and the use-by date. A definition of ‘use-by date’ is therefore also required.

Amendment 56

Proposal for a regulation

Article 2 – paragraph 2 – point s b (new)

Text proposed by the Commission

Amendment

sb) ‘date of manufacture’ means the date on which products were produced and possibly packed and deepfrozen.

Or. de

Justification

Definition necessitated by Article 25.

Amendment 57

Proposal for a regulation

Article 2 – paragraph 2 – point t

Text proposed by the Commission

Amendment

t) ‘best practices’ means standards, schemes, initiatives, or any other activities endorsed by competent authorities that

Deleted

have been shown through experience and research to be the most effective for the majority of consumers and are considered as models for others to follow.

Or. de

Justification

Deletion for the sake of consistency with the deletion of Chapters 6 and 7.

Amendment 58

**Proposal for a regulation
Article 3 - paragraph 1**

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

Necessary amplification of the text to cover the aspects of transparency and comparability. Inclusion of the aspects which have been deleted could result in food labelling becoming unnecessarily complicated, which would confuse consumers and thus run counter to the aim of the regulation.

Amendment 59

**Proposal for a regulation
Article 3 - paragraph 1 a (new)**

Text proposed by the Commission

Amendment

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

Justification

Labelling which was not easily recognisable, legible and understandable would be pointless.

Amendment 60**Proposal for a regulation
Article 3 – paragraph 2***Text proposed by the Commission*

2. Food information law shall aim to achieve in the Community the free movement of food legally produced and marketed, ***taking into account, where appropriate, the need to protect the legitimate interests of producers and to promote the production of quality products.***

Amendment

2. Food information law shall aim to achieve in the Community the free movement of food legally produced and marketed.

Justification

The second half of the sentence does not lay down any rule. It should be deleted from the Regulation for technical legal reasons and, if it is to be included at all, converted into a recital. It is not clear when and how the interests of producers and the quality of 'quality products' are to be promoted or taken into account.

Amendment 61**Proposal for a regulation
Article 4 – paragraph 1 – introductory phrase***Text proposed by the Commission*

1. Where ***mandatory food information is required by food information law, it shall concern information that*** falls, in particular, into one of the following categories:

Amendment

1. Where ***the law makes food information mandatory, the information concerned shall be that which*** falls, in particular, into one of the following categories:

Justification

Avoiding duplication.

Amendment 62

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

Or. de

Justification

The overriding aim of the regulation is not to protect consumers' health, for example by making health warnings mandatory, but rather to enable consumers to make well informed purchasing decisions on the basis of nutrition information, so that they enjoy a balanced diet and, in the long term, better health.

Amendment 63

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

c) information on nutritional characteristics so as to enable consumers, including those with special dietary requirements, to make informed choices.

c) *Does not affect English version.*

Or. de

Amendment 64

Proposal for a regulation Article 4 - paragraph 2

Text proposed by the Commission

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.

Amendment

2. When considering the need for mandatory food information, account shall be taken of a widespread need on the part of the **overwhelming** majority of consumers for certain information to which they attach significant value or of any **scientifically proven** benefits to the consumer to enable them to make informed choices.

Or. de

Justification

Clarification and emphasis of the need for food information law to be based on scientific findings.

Amendment 65

Proposal for a regulation Article 7 - paragraph 1 - introductory phrase

Text proposed by the Commission

1. Food information shall not be misleading **to a material degree**, particularly:

Amendment

1. Food information shall not be misleading, particularly:

Or. de

Justification

The degree to which information is misleading is irrelevant.

Amendment 66

Proposal for a regulation Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

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

Or. de

Justification

The current Article 2(1)(a)(i) of Directive 2000/13/EC gives a clear and practical rule for origin labelling. The industry is familiar with this provision and its application, which does not cause any problems. At CODEX level too, the differentiation between country of origin and place of provenance is no longer maintained. This approach should be retained in EU law, as provided for in Directive 2000/13/EC.

Amendment 67

Proposal for a regulation

Article 7 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

aa) by pictorial representations that mislead the consumer as to the origin of the food;

Or. de

Justification

Images and graphics must not be used to deliberately mislead consumers as to the true origin of a product.

Amendment 68

Proposal for a regulation

Article 7 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

ab) in that the description or pictorial representations on the packaging suggest

a particular product or an ingredient although in reality the product which the packaging contains is an imitation food or contains a substitute for an ingredient normally used in a product. In such cases, the packaging must prominently bear the marking 'imitation' or 'produced with (designation of the substitute ingredient) instead of (designation of the ingredient replaced)'.

Or. de

Justification

Imitation foodstuffs, for example 'cheese' made from vegetable fat, are increasingly being marketed. Another development which has been observed is that ingredients normally used to manufacture a product are to some extent being replaced with cheaper substitutes (e.g. replacement of milk in ice cream with vegetable fat). This is not generally apparent to consumers. In the interests of transparency, therefore, appropriate labelling should be introduced.

Amendment 69

Proposal for a regulation

Article 7 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics ***or by specifically emphasising the absence of certain ingredients and/or nutrients which the food in question does not contain as a matter of course.***

Or. de

Justification

Misleading information can take the form of highlighting normal properties of a food as specific characteristics, e.g. when fruit gums, which contain no fat as a matter of course, are sold in packages bearing the slogan 'fat-free'.

Amendment 70

Proposal for a regulation

Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

ca) by explicitly advertising a substantial reduction in sugar and/or fat content, even though there is no corresponding reduction in the energy content (expressed in kilojoules or kilocalories) of the food in question;

Or. de

Justification

The average consumer assumes that a food which is prominently advertised as having a substantially reduced sugar or fat content will have a similarly reduced energy content. However, this is often not the case, since sugar and/or fat have been replaced by other ingredients. On that basis, such statements mislead consumers.

Amendment 71

Proposal for a regulation

Article 7 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

cb) by using the description 'suitable for persons with special dietary requirements', although the food in question does not comply with Community rules on foods intended for persons with such requirements.

Or. de

Justification

Many foodstuffs are labelled with the words 'suitable for persons with special dietary requirements', implying a substantially reduced sugar and fat content and, hence, a greatly reduced energy content, even though the latter is not the case. For that reason, the description 'suitable for persons with special dietary requirements' should be reserved for foods specifically intended for that purpose.

Amendment 72

Proposal for a regulation Article 7 - paragraph 2

Text proposed by the Commission

Amendment

2. Food information shall be accurate, clear, and easy to understand for the consumer.

Deleted

Or. de

Justification

Inserted in Article 3(1)(a).

Amendment 73

Proposal for a regulation Article 4 – paragraph 1 – introductory phrase

Text proposed by the Commission

Amendment

4. The prohibition referred to in paragraph 3 shall also apply to:

4. Paragraphs 1 and 3 shall also apply to:

Or. de

Justification

Paragraph 1 should of course also apply to the advertising and presentation of foods. The German version also contains a translation error ('nicht' for 'also').

Amendment 74

Proposal for a regulation Article 8 - paragraph 1

Text proposed by the Commission

Amendment

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**

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

requirements are met.

activities.

Or. de

Justification

Verification that the requirements are met is part of the monitoring of food businesses dealt with in this paragraph, so that no explicit reference to it is required.

Amendment 75

**Proposal for a regulation
Article 8 - paragraph 2**

Text proposed by the Commission

Amendment

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.

Deleted

Or. de

Justification

The regulation does not cover criminal offences.

Amendment 76

**Proposal for a regulation
Article 8 - paragraph 4**

Text proposed by the Commission

Amendment

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***

4. If food business operators responsible for retail or distribution activities which do not affect food information ***learn that a food does not comply with the provisions of this Regulation, they shall withdraw this food immediately from distribution.***

in their possession as professionals.

Or. de

Justification

With a view to a clear demarcation of responsibilities, this provision should be drafted more clearly. The aim is that trading enterprises should not be held liable for matters which fall outside their sphere of responsibility or outside their control. The CJEC judgment in the 'Lidl-Italia' case has highlighted the inadequate degree of legal certainty enjoyed by food traders under existing law.

Amendment 77

**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 non-prepacked food shall be transmitted to the operator receiving the food **for further sale or further processing** in order to enable, where appropriate, the provision of the mandatory food information specified in Article 9(1) points (a) to (c), (f) **and (g)** to the final consumer.

Or. de

Justification

Clarification.

Amendment 78

**Proposal for a regulation
Article 8 - paragraph 6 - subparagraph 2**

Text proposed by the Commission

Notwithstanding subparagraph 1, food business operators shall ensure that the particulars referred to in Article 9(1) (a), (f) and (h) also appear on the external

Amendment

Notwithstanding subparagraph 1, food business operators shall ensure that the particulars referred to in Article 9(1) (a), (f), **(g)** and (h) also appear on the external

packaging in which the food is presented for marketing.

packaging in which the food is presented for marketing.

Or. de

Justification

Particulars relating to special storage conditions or special conditions of use (Article 9(1)(g)) must also appear on the external packaging of a food.

Amendment 79

**Proposal for a regulation
Article 9 - title**

Text proposed by the Commission

Amendment

List of mandatory particulars

Does not apply to English version.

Or. de

Justification

Linguistic improvement.

Amendment 80

**Proposal for a regulation
Article 9 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

a) the name *of* the food;

a) the name *under which* the food *is sold*;

Or. de

Justification

Cf. amendment to Article 2(2)(m).

Amendment 81

Proposal for a regulation

Article 9 – paragraph 1 – point c

Text proposed by the Commission

c) **any ingredient** listed in Annex II causing allergies or intolerances, and any substance derived therefrom;

Amendment

c) **the ingredients** listed in Annex II causing allergies or intolerances, and any substance derived therefrom;

Or. de

Justification

Linguistic improvement.

Amendment 82

Proposal for a regulation

Article 9 – paragraph 1 – point d

Text proposed by the Commission

d) the quantity of certain ingredients or categories of ingredients;

Amendment

d) (d) the quantity of certain ingredients or categories of ingredients, **in accordance with Annex VI**;

Or. de

Justification

Insertion of the correct cross-reference.

Amendment 83

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(fa) in the case of frozen products, the date of manufacture;

Or. de

Justification

This particular can be useful in enabling consumers to recognise frozen products which have been stored for too long ('rotten meat scandal').

Amendment 84

Proposal for a regulation

Article 9 – paragraph 1 – point g

Text proposed by the Commission

g) any special storage conditions or conditions of use;

Amendment

g) any special storage conditions ***and/or*** conditions of use;

Or. de

Amendment 85

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. de

Justification

Shifting of Article 9(1)(j) to this position in the text for reasons of structural clarity.

Amendment 86

Proposal for a regulation

Article 9 – paragraph 1 – point h

Text proposed by the Commission

h) the name or business name and address of the manufacturer or packager, ***or of a seller*** established within the Community;

Amendment

h) the name or business name and address of the manufacturer or packager established within the Community ***or of the importer;***

Justification

In the case of products imported from third countries, it is relevant to indicate the importer.

Amendment 87

Proposal for a regulation

Article 9 – paragraph 1 – point i

Text proposed by the Commission

Amendment

i) the country of origin or place of provenance where failure to indicate this might mislead the consumer to a material degree as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance; in such cases the indication shall be in accordance with the rules laid down in Article 35(3) and (4) and those established in accordance with Article 35(5);

Does not affect the English version.

Justification

Does not apply to English version.

Amendment 88

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;

Deleted

Justification

Repositioned: for the sake of the logical structure of the text, this provision should come immediately after Article 9(1)(g).

Amendment 89

**Proposal for a regulation
Article 9 - paragraph 2**

Text proposed by the Commission

Amendment

2. The particulars referred to in paragraph 1 shall be indicated with words and numbers ***unless the consumers are informed, as regards one or more particulars, by other forms of expression established by implementing measures 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).***

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

Or. de

Justification

The list of mandatory particulars is the core of the Regulation. Therefore, the forms of expression of these particulars should not be changed by means of the Comitology procedure, which is designed to amend non-essential elements.

Amendment 90

**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

Deleted

referred to in Article 49(3).

Or. de

Justification

The list in paragraph 1 contains vitally important provisions and should not therefore fall within the scope of the regulatory procedure.

Amendment 91

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

Derogations from the requirement for mandatory particulars

Deleted

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).

Or. de

Justification

Unless otherwise stipulated in legal provisions governing specific foods or in the regulation, the requirement to provide mandatory particulars should apply to all foods and the Commission should have no scope to adopt derogations.

Amendment 92

Proposal for a regulation Article 13 - paragraph 2

Text proposed by the Commission

2. In the case of prepacked food, mandatory food information shall appear on the package *or on a label attached thereto*.

Amendment

2. In the case of prepacked food, mandatory food information shall appear on the package.

Or. de

Justification

The deleted phrase could lead to foods being sold with 'instruction leaflets'. This should be avoided.

Amendment 93

Proposal for a regulation Article 13 - paragraph 3

Text proposed by the Commission

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).

Amendment

Deleted

Or. en

Justification

The indication of the mandatory particulars is the core of the Regulation. The means by which this information is made available must not be changed by measures designed to amend non-essential elements of this Regulation.

Amendment 94

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. In the case of non-prepacked food, the provisions of **Article 17(3)(1a)** shall apply.

Or. de

Justification

Adjustment in line with other amendments.

Amendment 95

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 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.**

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

In a consultation procedure with representatives of the relevant interest groups, the European Commission shall draw up binding rules governing the legibility of food information for consumers. 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 is not sufficient to prescribe a fixed font size of 3 mm for all compulsory labelling indications in order to ensure clear legibility. Moreover, a minimum font size of 3 mm is not practicable either, as, particularly in the case of multilingual packagings there would not be enough room to comply with all the compulsory labelling requirements using such a font. Increasing the minimum size of the compulsory labelling components to 3 mm would make it necessary to enlarge packagings, which in turn would run counter to the objective of reducing the volume of packaging waste and would lead to larger portions.

Amendment 96**Proposal for a regulation****Article 14 - paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. In the case of products intended for particular nutritional uses, as defined in Directive 89/398/EEC, which are subject to mandatory labelling requirements under Community legislation in addition to those particulars referred to in Article 9(1), the font size should be such that it meets the need for information for consumers to be legible and for additional information related to the particular use of those foods.

Justification

For practical reasons, in view of the various legislative provisions relating to the labelling of products of this particular type.

Amendment 97**Proposal for a regulation****Article 14 - paragraph 3***Text proposed by the Commission**Amendment*

Detailed rules concerning the presentation of mandatory particulars and

Deleted

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);

Or. de

Justification

This paragraph would grant the Commission overly broad powers, since these provisions can by no means be described as 'non-essential elements' of the regulation.

Amendment 98

**Proposal for a regulation
Article 14 - paragraph 4**

Text proposed by the Commission

Amendment

4. 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

Or. de

Justification

Particulars printed on packaging or containers whose largest surface has an area of less than 10 cm² should also be legible, since otherwise they would be pointless. The only important issue here is that of which particulars should be mandatory on small food packaging or containers. This matter is dealt with elsewhere.

Amendment 99

Proposal for a regulation Article 14 - paragraph 6

Text proposed by the Commission

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, **deducted from** or interrupted by any other written or pictorial matter or any other intervening material.

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, or interrupted by any other written or pictorial matter, any other intervening material **or the food packaging itself, for example an adhesive hinge**.

Or. de

Justification

Necessary amplification: there could be differing interpretations of what constitutes material which detracts from the mandatory food information, jeopardising legal certainty for food traders.

Amendment 100

Proposal for a regulation Article 15 - point b

Text proposed by the Commission

b) the particulars provided in Article 9(1) points (d), (f), (g), (h) and **(k)** shall be mandatory only at the moment of delivery.

Amendment

b) the particulars provided in Article 9 points , (f), (g), and **(j)** shall be mandatory only at the moment of delivery.

Or. de

Justification

The alcohol content of alcoholic beverages is extremely important information that must be available to consumers buying online or by mail order before the product is delivered. Instructions for use, however, are needed only when the food is consumed, and can therefore be provided at the moment of delivery.

Amendment 101

Proposal for a regulation Article 16 - paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 9(2), mandatory food information shall appear in a **language easily understood by the consumers of** the Member **States** where a food is marketed.

Amendment

1. Without prejudice to Article 9(2), mandatory food information shall appear in a **form of words understandable for an average consumer in** the Member **State** where a food is marketed.

Or. de

Justification

The term 'form of words' covers both the official language and the wording.

Amendment 102

Proposal for a regulation Article 16 - paragraph 2

Text proposed by the Commission

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.

Amendment

Deleted

Or. de

Justification

Superfluous due to the amendment to Paragraph 1.

Amendment 103

Proposal for a regulation Article 16 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

Foods sold in a duty-free zone may be placed on the market with a form of words presented solely in English.

Or. de

Justification

Sales in a duty-free zone are mainly aimed at international travellers and not at consumers purchasing on the national market. In the case of these foods, therefore, it should be possible to provide the information only in the international vehicular language, English.

Amendment 104

Proposal for a regulation Article 17 - title

Text proposed by the Commission

Amendment

Omission of certain mandatory particulars

Derogations from the requirement to provide certain mandatory particulars

Or. de

Justification

Drafting change.

Amendment 105

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)

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.

(a), (c), (e) **and (f)** shall be mandatory.

Or. de

Justification

A mandatory nutrition declaration is rejected. Glass bottles which are intended for reuse are usually sold as individual portions (e.g. 200 ml or 250 ml). There is very limited space available on such bottles for labelling information. The current amount of information should therefore be retained, i.e. name under which the product is sold, net quantity, allergens and the date of minimum durability (see Article 13(4) of Directive 2000/13/EC (Labelling Directive)).

Amendment 106

Proposal for a regulation
Article 17 - paragraph 2

Text proposed by the Commission

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

Amendment

2. In the case of packaging or containers the largest **printable** surface of which has an area of less than **80** cm² only the particulars listed in Article 9(1) (a), (c), (e) and (f) **and Article 29(1)(a)** shall be 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.

Or. de

Justification

The indication of the energy content of a food is an essential item of information and can be a decisive factor in a well-informed purchasing decision.

Amendment 107

Proposal for a regulation
Article 17 - paragraph 3

Text proposed by the Commission

3. Without prejudice to other Community legislation requiring mandatory nutrition

Amendment

3. Without prejudice to other Community legislation requiring mandatory nutrition

declaration, the declaration referred to in Article 9(1)(l) shall not be mandatory for the foods listed in Annex IV.

declaration, the **nutrition** declaration referred to in Article 9(1)(1) shall not be mandatory for the foods listed in Annex IV.

Or. de

Justification

The derogations on package size in the Commission proposal are unrealistic and unfeasible.

Amendment 108

Proposal for a regulation

Article 17 - paragraph 3 - subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The particulars listed in Articles 9 and 29 shall not be mandatory for nonprepacked goods, including those provided by mass caterers within the meaning of Article 2(2)(d).

Or. de

Justification

Enterprises in the food retail trade and the traditional food production sector, which also include providers of mass catering services, as well as farmers engaged in direct marketing, likewise produce products for direct delivery to the consumer. There are no standardised procedures: ingredients change on a daily basis. It should also be borne in mind that the traditional food production sector is particularly responsible for preserving regional specialities, for creativity and for innovation and thus ensures the diversity of the products available. It is therefore important to exclude these producers from the nutrition declaration requirement.

Amendment 109

Proposal for a regulation

Article 18 - paragraph 1

Text proposed by the Commission

Amendment

1. The name of the food shall be its **legal** name. In the absence of such name, the name of the food shall be its customary

1 The name of the food shall be its name **as provided for in the relevant legislation**. In the absence of such a name, the name of

name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided.

the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided.

Or. de

Justification

Linguistic change in line with the terminology used in the Labelling Directive 2000/13/EC.

Amendment 110

Proposal for a regulation

Article 19 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For products containing nanomaterials, this must be clearly indicated, using the epithet 'nano', in the list of ingredients.

Or. de

Justification

This addition is in the interests of transparency and will ensure freedom of choice for consumers.

Amendment 111

Proposal for a regulation

Article 20 - title

Text proposed by the Commission

Amendment

Omission of the list of ingredients

General derogations from the requirement to list ingredients

Or. de

Justification

Linguistic improvement for the sake of comprehensibility.

Amendment 112

Proposal for a regulation Article 20 - paragraph (e)

Text proposed by the Commission

e) 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 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) wine as defined in Council Regulation (EC) No 1493/1999, **wine products as defined in Council Regulations (EC) No 479/2008 and No 1601/1991, fruit beer,** 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, labelling and the protection of geographical indications of spirit drinks and **other 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 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);

Or. de

Justification

Special rules are required for alcoholic beverages, which should not be covered by the regulation. In that connection, a number of fundamental issues would first have to be clarified, since, for example, in the case of spirits a reference amount of 100 ml for nutrition indications would be highly problematic and many nutrients contained in food are absent from alcoholic beverages.

Amendment 113

Proposal for a regulation

Article 21 – title and introductory phrase

Text proposed by the Commission

Omission of constituents of food from the list of ingredients

The following constituents of a food shall not be required to be included in the list of ingredients:

Amendment

The following shall not be regarded as ingredients of a food:

Or. de

Justification

Change to the title for the sake of better comprehensibility. Article 21 proposes a change of system for no comprehensible reason: whereas the substances and products listed were hitherto excluded, by a legal fiction, from the concept of 'ingredients', in future they are apparently only to be exempt from the requirement to be included in the list of ingredients. The existing approach should be retained. A change would have critical repercussions on a multiplicity of EC legal provisions which refer to the concept of 'food ingredient' (including Regulation (EC) No 1829/2003 or the future regulation on enzymes) [cf. exceptions in Article 2(4)].

Amendment 114

Proposal for a regulation

Article 21 – point c

Text proposed by the Commission

c) substances used in the quantities strictly necessary as solvents or media for nutritional substances, food additives or flavouring;

Amendment

c) substances used in the quantities strictly necessary as solvents or media for nutritional substances, food additives, ***enzymes*** or flavouring;

Or. de

Justification

Completion of the list of substances.

Amendment 115

Proposal for a regulation

Article 22 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) the food is not prepacked. In this case it must be indicated in a clearly visible manner in the sales area that:

- customers can obtain information regarding allergenic substances directly during the sales talk and/or by means of material displayed on the premises

- the possibility of cross-contamination cannot be excluded.

Or. de

Justification

In the case of non-prepacked goods, it would be virtually impossible to provide far-reaching allergy labelling for all products, and this would particularly place small and medium-sized undertakings at a considerable competitive disadvantage and increase their costs. In addition, the possibility of cross-contamination cannot be excluded in premises where the area available for processing is limited. The compulsory clear sign gives undertakings legal certainty.

Amendment 116

Proposal for a regulation

Article 23 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) the ingredient or category of ingredients concerned appears in the name ***of*** the food or is usually associated with that name by the consumer; or

a) the ingredient or category of ingredients concerned appears in the name ***under which*** the food ***is sold*** or is usually associated with that name by the consumer; or

Or. de

Justification

The terminology used in the Labelling Directive (2000/13/EC) should be retained.

Amendment 117

Proposal for a regulation Article 23 - paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may amend paragraph 1 by adding other cases. 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

Or. de

Justification

This paragraph would grant the Commission overly broad powers, since these provisions can by no means be described as 'non-essential elements' of the regulation.

Amendment 118

Proposal for a regulation Article 24 - paragraph 1

Text proposed by the Commission

Amendment

1. The net quantity of a food shall be expressed, using litres, centilitres, millilitres, kilograms or grams, as appropriate:

(a) in units of liquid in the case of liquids;

b) in units of mass in the case of other products.

1. The net quantity of a food shall be expressed, using litres, centilitres, millilitres, kilograms or grams, as appropriate:

(a) in units of liquid in the case of liquids ***within the meaning of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption;***

b) in units of mass in the case of other products.

Or. de

Justification

Linguistic change in line with the terminology used in the Labelling Directive 2000/13/EC.

Paragraph 1 should be more specific, since for certain foodstuffs (including ketchup, sauces, mayonnaise, ice cream or spices) there is legal uncertainty in practice about the dividing line between 'solid' and 'liquid'.

Amendment 119

Proposal for a regulation Article 25 - title

Text proposed by the Commission

Amendment

Minimum durability date **and** 'use by' date

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

Or. de

Justification

Necessitated by the addition of the date of manufacture in Article 25(2).

Amendment 120

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. The appropriate date shall be expressed
in accordance with Annex IX.

2. The appropriate date **must be easy to find and must not be hidden.** It shall be expressed **as follows:**

A. DATE OF MINIMUM DURABILITY:

(a) The date shall be preceded by the words:

- **'Best before ...' when the date includes an indication of the day,**
- **'Best before end ...' in other cases.**

(b) The words referred to in point (a) shall be accompanied by:

- **either the date itself, or**
- **a reference to where the date is given on the labelling.**

If need be, these particulars shall be followed by a description of the storage conditions which must be observed if the product is to keep for the specified period.

(c) The date shall consist of the day, month and year, uncoded, in this order.

However, in the case of foods:

- which will keep for less than three months: the day and month shall be stated;

- which will keep for more than three but no more than 18 months: the month and year shall be stated;

- which will keep for more than 18 months, an indication of the year will suffice.

(d) the date of minimum durability shall be indicated on each individual prepackaged portion.

(e) Subject to Community provisions imposing other types of date indication, an indication of the date of minimum durability shall not be required for:

- fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated; this derogation shall not apply to sprouting seeds and similar products such as legume sprouts,

- wines, liqueur wines, sparkling wines, aromatised wines and similar products obtained from fruits other than grapes, and beverages and manufactured from grapes or grape musts falling within CN codes 22060091, 22060093 and 22060099,

- beverages containing 10% or more by volume of alcohol,

- soft drinks, fruit juices, fruit nectars and alcoholic beverages containing more than 1,2 % by volume of alcohol in individual containers of more than five litres, intended for supply to mass caterers,

- bakers' or pastry cooks' wares which, given the nature of their content, are

normally consumed within 24 hours of their manufacture,

- vinegar,*
- cooking salt,*
- solid sugar,*

confectionery products consisting almost solely of flavoured and/or coloured sugars,

- chewing gums and similar chewing products.*

B. 'USE-BY' DATE:

a) It shall be preceded by the words 'use by ...';

b) The words in point (a) shall be accompanied by:

- either the date itself, or*
- a reference to where the date is given on the labelling.*

Those particulars shall be followed by a description of the storage conditions which must be observed.

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

d) Detailed rules for the indication of the date of minimum durability under section A(c) of this paragraph can be adopted pursuant to the regulatory procedure under Article 49(2).

C. DATE OF MANUFACTURE:

a) The date shall be preceded by the words 'Manufactured on'.

b) The words referred to in point (a) shall be accompanied by:

- either the date itself, or*
- a reference to where the date is given on the labelling.*

c) The date shall consist of the day, the

month and, possibly, the year, in that order and in uncoded form.

Or. de

Justification

For the sake of clarity, Annex IX should be incorporated into the legislative text and amplified to include provisions on the date of manufacture in keeping with Article 25(2), (a) and (b) (new). The derogation from the requirement to indicate the date of minimum durability for ice cream packaged in individual portions is deleted.

Individual portions can be separated from the package or lot in which they have been sold, so it is essential that each detachable portion bears the date of minimum durability.

Amendment 121

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

Or. de

Justification

Refrigeration and storage conditions may affect the durability of a food and should therefore be indicated.

Amendment 122

**Proposal for a regulation
Section 3 – title**

Text proposed by the Commission

Nutrition declaration

Amendment

Nutrition labelling

Or. de

Justification

Clarification.

Amendment 123

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

Amendment

1. The nutrition declaration shall include the following (hereinafter referred to as 'mandatory nutrition declaration'):

Does not affect the English version.

Or. de

Justification

(Affects the German version only).

Amendment 124

Proposal for a regulation
Article 29 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) **Energy value;**

a) **Energy content**

Or. de

Justification

It seems likely that the proposed term, 'energy content', will be most readily understood by the average consumer.

Amendment 125

Proposal for a regulation
Article 29 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) the amounts of fat, saturates, carbohydrates with specific reference to

b) the amounts of **protein**, fat, **with specific reference to** saturates, carbohydrates with

sugars, and *salt*.

specific reference to sugars, and *sodium*.

Or. de

Justification

Protein, carbohydrate, sugar, fat, saturated fat and sodium (salt) have been identified by the World Health Organisation as the most important nutrients in terms of public health for the whole population of the world. As salt (sodium chloride) is not the only source of sodium, but additives such as monosodium glutamate and sodium carbonate may also contain substantial quantities of it, nutrition value labelling should be performed in the proposed form.

Amendment 126

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 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 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 wine as defined in Council Regulation (EC) No 1493/1999, **wine products as defined in Council Regulations (EC) No 479/2008 and No 1601/1991, fruit beer**, 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, labelling and the protection of geographical indications of spirit drinks, **and to other 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 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).

Or. de

Justification

Special rules are required for alcoholic beverages, which should not be covered by the regulation. In that connection, a number of fundamental issues would first have to be clarified, since, for example, in the case of spirits a reference amount of 100 ml for nutrition indications would be highly problematic and many nutrients contained in food are absent from alcoholic beverages.

Amendment 127

Proposal for a regulation Article 29 - paragraph 2

Text proposed by the Commission

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

- a) trans fats;
- b) mono-unsaturates;
- c) polyunsaturates;
- d) polyols;
- e) starch;
- f) fibre;

g) protein;

h) **any of the** minerals or vitamins **listed in** point 1 of Part A of Annex XI, **and present in significant amounts as defined** in point 2 of Part A of Annex XI.

Amendment

2. The nutrition **labelling** may include **additional information about** one or more of the following **substances or categories of substances**:

- a) trans fats;
- b) mono-unsaturates;
- c) polyunsaturates;
- d) polyols;
- e) starch;
- f) fibre;

fa) various sugars;

fb) cholesterol;

h) minerals or vitamins **present in significant amounts pursuant to** point 1 of Part A of Annex XI, **in accordance with the values indicated** in point 2 of Part A of Annex XI;

ha) other substances as defined in Regulation (EC) No 1925/2006.

Or. de

Justification

Insert 'cholesterol'. Protein has been dealt with under Article 29(1)(b).

The correct German translation of 'sugars' is 'Zuckerarten' (cf. Directive 2001/111/EC on certain sugars).

The list of nutrients which may be indicated voluntarily in the nutrition labelling should accord with other EC legislation (e.g. Regulation (EC) No 1925/2006 on the addition of certain substances to foods). Paragraph 2 should therefore be supplemented accordingly.

Amendment 128

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. The declaration of the amount of substances which belong to or are components of one of the categories of nutrients referred to in paragraph 2 shall be required where a nutrition and/or health claim is made.

Amendment

Does not affect English version.

Or. de

Justification

(Does not affect English version.)

Amendment 129

Proposal for a regulation Article 29 - paragraph 4

Text proposed by the Commission

4. The lists in paragraphs 1 and 2 may be amended 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

Deleted

Or. de

Justification

The lists referred to contain essential provisions.

Amendment 130

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).

Or. de

Justification

To ensure that vitamins and minerals are calculated in accordance with uniform conversion factors.

Amendment 131

Proposal for a regulation Article 30 - paragraph 4

Text proposed by the Commission

4. The declared values shall, according to the individual case, be average values based on:

- a) the manufacturer's analysis of the food; or
- b) a calculation from the known or actual average values of the ingredients used; or
- c) a calculation from generally established and accepted data.

Amendment

4. The declared values shall, according to the individual case, be average values **at the end of the minimum durability period taking account of appropriate tolerances and shall be** based on:

- a) the manufacturer's analysis of the food; or
- b) a calculation from the known or actual average values of the ingredients used; or
- c) a calculation from generally established and accepted data.

The rules for implementing the declaration of energy and nutrients with regard to the precision of the declared values such as the differences between the declared values and those established in the course of official checks *may* be decided upon in accordance with the procedure laid down in Article 49(2).

The rules for implementing the declaration of energy and nutrients with regard to the precision of the declared values such as the differences between the declared values and those established in the course of official checks *shall* be decided upon in accordance with the procedure laid down in Article 49(2).

Or. de

Justification

In the interests of legal certainty, the legislative text should indicate more specifically that the average values must relate to the end of the minimum durability period. Natural or added vitamins and minerals are subject to natural decomposition and fluctuation processes. For example, in the course of the minimum durability period of a product Vitamin C can decompose substantially through natural processes (depending on storage conditions, sunlight, etc.). In addition, the quantities of nutrients in a product fluctuate naturally according to the harvest or variety. For this reason, rounding rules and tolerances should be adopted for the labelling of nutrition quantities throughout the EU as soon as possible.

Amendment 132

Proposal for a regulation Article 31 - paragraph 1

Text proposed by the Commission

The amount of energy and nutrients or their components referred to in Article 29(1) and (2) shall be expressed using the measurement units listed in **Part A of Annex XIII**.

Amendment

The amount of energy and nutrients or their components referred to in Article 29(1) and (2) shall be expressed using the measurement units listed in Annex XIII.

Or. de

Justification

Follows from the condensation of Parts A to C in Annex XIII as provided for by Amendment 203.

Amendment 133

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

Amendment

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

In addition, the amount of energy and nutrients may be expressed per portion. If the food is prepacked as an individual portion, the energy and nutrition values referred to in Paragraph 1 must also be indicated.

If information is provided per portion, the number of portions which the package contains must be indicated, the portion size must be realistic and it must be presented or explained in a manner which is comprehensible to the average consumer.

In cooperation with food enterprises and the competent authorities of the Member States, the Commission shall develop guidelines for the indication of realistic portion sizes. Such measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Or. de

Justification

Expressing the amount of energy and nutrients per 100 g or 100 ml enables consumers to compare products directly. Accordingly, as a matter of principle these indications should also be mandatory for foods packaged as portions. Naturally enough, it should also be possible to express the amount of energy and nutrients per portion in the specific case of foods packaged as portions. In order to make it easier for consumers to obtain the information they require, it should be compulsory to indicate portion size where individual portions are supplied in multipacks. In the case of multi-portion packagings, indication of the number of portions in the package is helpful, as a way of placing the energy indication per portion in context.

The definition of portion size should reflect the way consumers actually think about food. For example, consumers can more easily understand what is meant by a portion consisting of eight units or items (e.g. in the case of biscuits) or of half a cup (e.g. in the case of nuts) than corresponding indications in grams. In addition, portion sizes should be based on realistic average consumption in order to rule out misleading indications. For example, the portion size of 25 g often indicated on packaging has proved to be an unrealistic point of reference.

Amendment 134

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. Voluntary additional labelling to indicate nutrition values shall be executed in table form, expressing the values as a percentage of the reference intakes set out in Part B of Annex XI per 100 g or per 100 ml **and, pursuant to Article 31(2),** per portion. When provided, **labelling indications concerning** vitamins and minerals shall **at the minimum** be expressed as a percentage of the reference intakes set out in point 1 of Part A of Annex XI.

Or. de

Justification

It is worthwhile to lay down rules on voluntary additional labelling in order to achieve a certain standardisation in cases where the option is exercised and to prevent consumers from being misled, as might otherwise happen.

Amendment 135

Proposal for a regulation Article 31 - paragraph 3 a (new)

Text proposed by the Commission

Amendment

If indications pursuant to Article 31(3) are provided, the following additional information must be indicated in close proximity to the table concerned. 'Average daily requirement of a middle-aged

woman. Your personal daily requirement may differ.'

Or. de

Justification

The reference quantities indicated in Annex XI describe the daily requirement of an average middle-aged woman who is physically active. This should be made clear in order to safeguard other population groups against dietary errors.

Amendment 136

Proposal for a regulation
Article 31 - paragraph 4

Text proposed by the Commission

Amendment

4. The declaration of polyols and/or starch and the declaration of type of fatty acids, other than the mandatory declaration of saturates referred to in Article 29(1)(b), shall be presented in accordance with Annex XIII **Part B**.

The declaration of polyols and/or starch and the declaration of type of fatty acids, other than the mandatory declaration of saturates referred to in Article 29(1)(b), shall be presented in accordance with Annex XIII.

Or. de

Justification

Follows from the condensation of Parts A to C in Annex XIII as provided for by Amendment 203.

Amendment 137

Proposal for a regulation
Article 32

Text proposed by the Commission

Amendment

Article 32

Deleted

Expression on a per portion basis

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.

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

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).

Or. de

Justification

Superfluous once the relevant provisions have been brought together in Article 31(2).

Amendment 138

Proposal for a regulation Article 33

Text proposed by the Commission

*1. In addition to the forms of expression referred to in Article 31(2) and (3), the nutrition declaration may be **given by** other forms of expression provided that the following **essential** requirements **are met**:*

- 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*
- b) it is based either on harmonised reference intakes, or in their absence, on*

Amendment

*In addition to the forms of expression referred to in Article 31 (2) and (3), the nutrition declaration may be **repeated in** other forms of expression **and, optionally, elsewhere on the packaging, for example by means of graphic representations or symbols**, provided that **they meet** the following requirements:*

- a) such forms of presentation shall not mislead the consumer or divert attention from the mandatory nutrition declaration; and*
- b) the voluntary additional labelling is based on the reference quantities set forth*

generally accepted scientific advice on intakes for energy or nutrients; and
c) *it is supported by evidence of understanding of and use of the presentation of the information* by the average consumer.

2. Such additional forms of expression referred to in paragraph 1 shall be identified under a national scheme referred to in Article 44.

in Annex XI, Part B; and

c) *there shall be scientific evidence of understanding of such forms of presentation* by the average consumer.

Or. de

Amendment 139

Proposal for a regulation Article 34 - paragraph 1

Text proposed by the Commission

1. The particulars *referred to 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 *indicated pursuant to Article 31(1) and (2)* related to mandatory nutrition *labelling* shall be included in the *same* field of vision *in a single table*. *The mandatory indications* shall be presented in the following order: energy, *protein*, fat, *with specific reference to* saturates, carbohydrates with specific reference to sugars, and *sodium*. *Additional voluntary indications shall be provided in the order laid down in Annex XIII*.

Or. de

Justification

For the sake of consistency with other amendments (cf. Article 29(1)(b)); setting out the particulars in table form should make them easier to read.

Amendment 140

Proposal for a regulation Article 34 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition to the presentation pursuant to Article 34(1) in kilocalories per 100 g/ml and, optionally, per portion pursuant to Article 31(2), the energy content labelling required pursuant to Article 29(1)(a) and Annex XI, Part B, shall appear in the bottom right-hand corner of the front of the packaging, in a font size of 3 mm and surrounded by a border.

Or. de

Justification

Energy content is one of the most important items of information in connection with foods. For that reason, irrespective of the product concerned the relevant particulars should be repeated on the front of the packaging, in the same place and in conspicuous form, so that the consumer can observe them immediately.

Amendment 141

Proposal for a regulation Article 34 - paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Gift packagings are exempt from the requirement to repeat the energy content on the front of the packaging as provided for by Article 34(1)(a) (new).

Or. de

Justification

The visual and aesthetic character of gift packages containing chocolates or praline products for festive occasions such as Mother's Day would be destroyed if mandatory nutrition information had to be shifted to the front of the pack.

Amendment 142

Proposal for a regulation Article 34 - paragraph 2

Text proposed by the Commission

2. The nutrition declaration in relation to the nutrients referred to in Article 29(2) shall appear ***together in one place and***, as appropriate, in the order of presentation provided in ***Part C of Annex XIII***.

When this nutrition declaration does not appear in the principal field of vision, it shall be presented in tabular form, with the numbers aligned if space permits.

Amendment

2. The ***voluntarily expanded*** nutrition declaration in relation to the nutrients referred to in Article 29(2) shall appear, as appropriate, in the order of presentation provided in Annex XIII. ***Paragraph 1 shall apply mutatis mutandis.***

Or. de

Justification

Clarification and consistency with paragraph 1. Follows from the condensation of Parts A to C in Annex XIII as provided for by Amendment 203.

Amendment 143

Proposal for a regulation Article 34 - paragraph 4

Text proposed by the Commission

4. In cases where the amount of energy or ***nutrient(s)*** in a product is negligible, the nutrition declaration on those elements may be replaced by a statement such as ‘Contains negligible amounts of ...’ in close proximity to the nutrition declaration when present.

Amendment

4. In cases where the amount of energy or ***the amount of individual nutrients*** in a product is negligible, the nutrition declaration on those elements may be replaced by a statement such as ‘Contains negligible amounts of ...’ in close proximity to the nutrition declaration when present.

Or. de

Justification

Simpler implementation of the regulation.

Amendment 144

Proposal for a regulation Article 34 - paragraph 5

Text proposed by the Commission

Amendment

5. Graphical forms or symbols for the presentation of the nutrition declaration may be used under a national scheme referred to in Article 44 provided the following essential requirements are met:
a) such forms of presentation shall not mislead the consumer; and
b) there shall be evidence of understanding of such forms of presentation by the average consumer.

Deleted

Or. de

Justification

Incorporated in Amendment 105.

Amendment 145

Proposal for a regulation Article 34 - paragraph 6

Text proposed by the Commission

Amendment

6. Rules relating to other aspects of presentation of nutrition declaration, other than those referred to in paragraph 5, 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).

6. Compliance with the requirements laid down in paragraph 5(a) and (b) shall be enforced by the Commission, after consulting the EFSA and representatives of the relevant interest groups, in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

Or. de

Justification

These are essential provisions, the amendment of which cannot be a matter for the Commission alone.

Amendment 146

**Proposal for a regulation
Chapter V - title**

Text proposed by the Commission

Amendment

Voluntary Food Information

Origin Food Labelling

Or. de

Justification

Clarification.

Amendment 147

**Proposal for a regulation
Article 35 - title**

Text proposed by the Commission

Amendment

Applicable requirements

Requirements

Or. de

Justification

Anything which is superfluous should be deleted.

Amendment 148

**Proposal for a regulation
Article 35 - paragraph 1**

Text proposed by the Commission

Amendment

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

Deleted

Or. de

Justification

Necessitated by the amendment of the title in Chapter V.

Amendment 149

Proposal for a regulation Article 35 - paragraph 2

Text proposed by the Commission

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 guaranteed 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 foodstuffs, paragraph 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. **In such cases, the food shall be labelled 'Manufactured in the EU (Member State)'. In addition, a region of origin may be indicated.**

Or. de

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 150

Proposal for a regulation

Article 35 – paragraphs 3, 5 and 6

Text proposed by the Commission

Amendment

3. Where the country of origin or the place of provenance of the food is not the same as the one of its primary ingredient(s), the country of origin or place of provenance of those ingredient(s) shall also be given.

Deleted

5. Implementing rules concerning the application of paragraph 3 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).

6. Implementing rules concerning the conditions and criteria of use of particulars voluntarily provided 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).

Or. de

Justification

It is important for the consumer to know where the product comes from. In some cases, however, it may not always be possible to state one country of origin since the content of the product can come from different countries at the same time or change daily. Current rules relating to the provision of origin labelling foresee the indication of provenance on a voluntary basis unless the exclusion of such provisions would seriously mislead the consumer as to the true origin of the foodstuff. These rules should be maintained and not be replaced by new wording.

Amendment 151

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.

.

Or. de

Justification

The EU guidelines on legibility will resolve the matter.

Amendment 152

Proposal for a regulation Article 38 – paragraph 1 – points a, b and c

Text proposed by the Commission

Amendment

a) the protection of public health;

Deleted

b) the protection of consumers;

c) the prevention of fraud;

Or. de

Justification

Points (a) to (c) are adequately dealt with by the existing regulation.

Amendment 153

Proposal for a regulation Article 38 - paragraph 2

Text proposed by the Commission

Amendment

2. By means of paragraph 1, Member States may introduce measures

Deleted

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.

Or. de

Justification

Since it can be assumed that food marketed in the EU complies with the clear provisions of Community law, additional Member State measures such as those proposed in this paragraph are unnecessary.

Amendment 154

Proposal for a regulation
Article 40

Text proposed by the Commission

Amendment

Article 40
Alcoholic beverages

Deleted

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.

Or. de

Justification

This regulation does not apply to alcoholic beverages.

Amendment 155

Proposal for a regulation Article 41

Text proposed by the Commission

Amendment

Article 41

Deleted

National measures for non-prepacked food

1. 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.

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.

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

Or. de

Justification

National provisions would render the regulation absurd and disrupt the internal market.

Amendment 156

Proposal for a regulation Article 42 - paragraph 1

Text proposed by the Commission

Amendment

1. When reference is made to this Article, the Member State which deems it

Deleted

necessary to adopt new food information legislation, shall notify in advance the Commission and the other Member States of the measures envisaged and give the reasons justifying them.

Or. de

Justification

Cf. Article 41(3).

Amendment 157

Proposal for a regulation Article 42 - paragraph 3

Text proposed by the Commission

Amendment

3. The Member State concerned may take the envisaged measures only three months after the notification referred to in paragraph 1, provided that it has not received a negative opinion from the Commission.

Deleted

Or. de

Justification

Cf. paragraph 1.

Amendment 158

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

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*.

paragraphs *2 and 4*.

Or. de

Justification

Adjustment in line with the amendments to paragraphs 1 and 3.

Amendment 159

Proposal for a regulation

Article 43

Text proposed by the Commission

Amendment

Article 43
Detailed rules

Deleted

Detailed rules for the application of this Chapter 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 procedure referred to in Article 49(2).

Or. de

Justification

Superfluous.

Amendment 160

Proposal for a regulation

CHAPTER VII

DEVELOPMENT OF NATIONAL SCHEMES

Text proposed by the Commission

Amendment

Chapter VII
Article 44
National Schemes

Deleted

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:

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

b) 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.

Article 45

Presumption of conformity

1. Any food information provided in conformity with a national scheme shall be presumed to comply with the essential requirements referred to in Article 44(1) and (2).

2. The application of national schemes shall not give rise to obstacles to the free movement of products.

Article 46

Community measures

1. If the Commission considers that a national scheme is not in compliance with the provisions of this Regulation, it may adopt a decision, after having informed the Committee referred to in Article 49(1), requesting a Member State to repeal or amend that national scheme.

2. The Commission may adopt implementing measures relating to the provisions referred to in Article 44(1) and

(2). 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).

***Article 47
Implementing rules***

Detailed rules for the application of this Chapter 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 procedure referred to in Article 49(2).

Or. de

Justification

Special national rules would only be ostensibly non-binding; in de facto terms, there would be pressure to comply with these special rules, which would not be consistent with internal market principles.

Amendment 161

**Proposal for a regulation
Article 48**

Text proposed by the Commission

Amendment

***Article 48
Technical adaptations***

Deleted

Subject to the provisions relating to the amendments to Annexes II and III referred to in Article 10(2) and Article 22(2), the Annexes may be amended 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).

Or. de

Justification

This article is superfluous, as the matters with which it deals are already covered in various other articles.

Amendment 162

Proposal for a regulation

Article 50 - paragraph - 1 (new)

Regulation (EC) No. 1924/2006

Article 4

Text proposed by the Commission

Amendment

-1. Article 4 of Regulation (EC) No 1924/2006 is deleted.

Or. de

Justification

'Nutrient profile' is a political term, not a scientifically tenable concept. It is a form of indoctrination, not a means of providing information. Since the regulation on food information, which is under consideration here, will result in the provision of food information which is comprehensive, legible and comprehensible to the average consumer, and therefore genuinely useful, Article 4 of Regulation (EC) No 1924/2006 is superfluous and should be deleted.

Amendment 163

Proposal for a regulation

Article 50

Regulation (EC) No 1924/2006

Article 7 – paragraphs 1 and 2

Text proposed by the Commission

Amendment

'The obligation and the modalities for providing information pursuant to [Chapter IV, Section 3 of Regulation (EC) No. ...of the European Parliament and of the Council]* where a ***nutrition and/or*** health claim is made shall apply mutatis mutandis, with the exception of generic advertising.

In addition, and as the case may be, the amount(s) of the substance(s) to which a

'The obligation and the modalities for providing information pursuant to [Chapter IV, Section 3 of Regulation (EC) No. ...of the European Parliament and of the Council]* where a health claim is made shall apply mutatis mutandis, with the exception of generic advertising.

In addition, and as the case may be, the amount(s) of the substance(s) to which a

nutrition or health claim relates that does not appear in the nutrition labelling shall also be stated in the same field of vision as the nutrition declaration and be expressed in accordance with Articles 30 to 32 of [Regulation (EC) No ...].

health claim relates that does not appear in the nutrition labelling shall also be stated in the same field of vision as the nutrition declaration and be expressed in accordance with Articles 30 to 32 of [Regulation (EC) No ...].

Or. de

Justification

Adjustment in line with other amendments.

Amendment 164

**Proposal for a regulation
Article 53**

Text proposed by the Commission

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

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

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

Amendment

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

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

Die Article 29 bis 34 gelten ab [*erster Tag des Monats 3 Jahre nach dem Inkraft*]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 **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*]. für diese Unternehmer gelten sie ab [*erster Tag des Monats 5 Jahre nach dem Inkrafttreten*].

Food placed in circulation before the entry into force of this Regulation may continue to be placed in circulation until stocks are exhausted.

Or. de

Justification

The special rules for SMEs and the number of their employees must be formulated more broadly in order to be effective. For food placed in circulation before the entry into force of the Regulation, the possibility must be allowed to continue to sell them while stocks last.

Amendment 165

Proposal for a regulation Annex I – point 1 – letter a

Text proposed by the Commission

Amendment

a) energy value; *or*

a) energy value;

Or. de

Justification

Clarification.

Amendment 166

Proposal for a regulation Annex I – point 1 – letter b

Text proposed by the Commission

Amendment

b) ***energy value and*** one or more of the following nutrients:
fat,
carbohydrate,
fibre,
protein,
salt,
vitamins and minerals listed in Annex XI, Part A; point 1 and present in significant amounts as defined in Annex XI, Part A;

b) one or more of the following nutrients
or their components:
fat,
- protein,
- carbohydrate,
- fibre,
- sodium from salt,
- vitamins and minerals listed in Annex XI, Part A; point 1 and present in significant amounts as defined in Annex XI, Part A;

Or. de

Justification

The amendment emphasises the importance of protein, by changing the order of the list, and

the nutritional and physiological importance of sodium.

Amendment 167

Proposal for a regulation Annex I, point 4

Text proposed by the Commission

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;

Amendment

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

Or. de

Justification

Studies have shown that natural trans fats are different from industrially manufactured trans fats and are not damaging to health even if consumed in large quantities.

Amendment 168

Proposal for a regulation Annex I – point 8

Text proposed by the Commission

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

Amendment

8. 'sugars' means all monosaccharides and disaccharides present in food, but excludes polyols, **isomaltulose and D-tagatose**;

Or. de

Justification

Isomaltulose and D-tagatose are permitted novel foods which fall within the definition of carbohydrates. Isomaltulose and D-tagatose should not be regarded as 'sugars', as they differ significantly from traditional sugar on account of their physiological properties. For example, they are harmless to teeth, have little effect on the blood sugar level and have a low calorie content.

Amendment 169

Proposal for a regulation Annex I, point 10

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

In accordance with the CODEX standard, the international coefficient for milk products obtained from animal protein is 6.38. At Member State level as well, a coefficient of 6.38 is currently used.

Amendment 170

Proposal for a regulation Annex I – point 11 a (new)

Text proposed by the Commission

Amendment

'culinary gold leaf' means an edible decoration for food or beverages consisting of gold leaf with a thickness of approximately 0.000125 mm in flake or powder form.

Or. de

Justification

Gold leaf is traditionally used as an edible decoration for such regional speciality foods as pralines or beverages (e.g. Danziger Goldwasser) and should therefore be defined as a concept used in food labelling.

Amendment 171

Proposal for a regulation Annex I, point 13

Text proposed by the Commission

13. '**principal field of vision**' means the **field of vision** that is most likely to be displayed or visible under normal or customary conditions of sale or use.

Amendment

13. '**front of the package**' means the **side or surface of the food packaging** that is most likely to be displayed or visible under normal or customary conditions of sale or use.

Or. de

Justification

The term 'front of the package' is more appropriate here, since what is being referred to is commonly the front of the packaging (where this is not possible, it may refer to the top instead).

Amendment 172

Proposal for a regulation Annex II - title

Text proposed by the Commission

**INGREDIENTS CAUSING
ALLERGIES OR INTOLERANCES**

Amendment

**INGREDIENTS WHICH MAY CAUSE
ALLERGIES OR INTOLERANCES**

Or. de

Justification

Ingredients do not cause allergies or intolerances as a matter of course.

Amendment 173

Proposal for a regulation Annex II – point 1 – letter d

Text proposed by the Commission

d) cereals used for making distillates **or ethyl alcohol of agricultural origin for spirit drinks and other beverages**

Amendment

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

containing more than 1,2 % by volume of alcohol.

Or. de

Justification

Alcoholic distillation results in an allergen-free product. Since alcoholic distillates are used in the production of both alcoholic beverages and foods, steps must be taken to ensure that the products in question do not carry misleading labelling concerning non-existent allergens.

Amendment 174

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

Text proposed by the Commission

Amendment

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;***

a) whey used for making ***alcoholic*** distillates.

Or. de

Justification

Cf. amendment to point 1(d).

Amendment 175

**Proposal for a regulation
Annex II – point 8 – letter 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.

Or. de

Justification

Cf. amendment to point 1(d).

Amendment 176

Proposal for a regulation Annex II – point 12

Text proposed by the Commission

12. Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO₂.

Amendment

12. Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO₂, ***in the product as intended for consumption.***

Or. de

Justification

The amendment makes it clear that the limits set are only relevant for the food ready for consumption because the provision deals with allergies or intolerances caused by consuming food. Thus the limits are not applicable to products in concentrated form which need to be prepared before consumption

Amendment 177

Proposal for a regulation Annex III – table - row 1 a (new)

*Text proposed by the
Commission*

Amendment

1a Meat products from special slaughter

Meat and meat products derived from animals that have not been stunned prior to slaughter, i.e. have been ritually slaughtered

'Meat from slaughter without stunning'

Or. de

Justification

EU legislation permits animals to be slaughtered without prior stunning to provide food for certain religious communities. A proportion of this meat is not sold to Muslims or Jews but is placed on the general market and can be unwittingly purchased by consumers who do not

wish to buy meat derived from animals that have not been stunned. At the same time, however, adherents of certain religions specifically seek meat from animals which have been ritually slaughtered. Accordingly, consumers should be informed that certain meat is derived from animals which have not been stunned. This will enable them to make an informed choice in accordance with their ethical concerns.

Amendment 178

Proposal for a regulation Annex III – point 2.1

Text proposed by the Commission

Amendment

2.1. Foods containing a sweetener or sweeteners authorised pursuant to Directive 89/107/EEC

**‘with sweetener(s)’
this statement shall accompany the name of the food.**

Deleted

Or. de

Justification

We consider the mandatory double labelling of sweeteners to be unnecessary. Sweeteners are clearly labelled in the ingredients list and where necessary a warning label for the presence of phenylalanine is provided. The provision was adopted at a time when use of low calorie sweeteners was less common within the EU and this proposal provides an excellent opportunity for simplification.

Amendment 179

Proposal for a regulation Annex IV - Title

Text proposed by the Commission

Amendment

**FOODS WHICH ARE EXEMPTED
FROM THE REQUIREMENT FOR
THE MANDATORY NUTRITION
DECLARATION**

**FOODS WHICH ARE EXEMPTED
FROM THE REQUIREMENT FOR
MANDATORY NUTRITION
LABELLING**

Or. de

Justification

Clarification.

Amendment 180

**Proposal for a regulation
Annex IV – indent 1**

Text proposed by the Commission

- unprocessed products that comprise a single ingredient or category of ingredients;

Amendment

- ***fresh fruit and vegetables and*** unprocessed products that comprise a single ingredient or category of ingredients;

r. de

Justification

Clarification.

Amendment 181

**Proposal for a regulation
Annex IV – indent 5 a (new)**

Text proposed by the Commission

Amendment
- ***sugars and novel sugars***

Or. de

Amendment 182

**Proposal for a regulation
Annex IV – indent 5 b (new)**

Text proposed by the Commission

Amendment
- ***varieties of flour***

Or. de

Amendment 183

Proposal for a regulation Annex IV – indent 12 a (new)

Text proposed by the Commission

Amendment

- ***colouring foods***

Or. de

Amendment 184

Proposal for a regulation Annex IV – indent 12 b (new)

Text proposed by the Commission

Amendment

- ***culinary gold leaf***

Or. de

Amendment 185

Proposal for a regulation Annex IV – indent 15 a (new)

Text proposed by the Commission

Amendment

- ***chewing gum products.***

Or. de

Justification

Chewing gum products do not contain significant quantities of the nutritional values relevant to the Regulation and are not intended to be eaten. Moreover, their contribution to daily calorie intake is insignificant.

Amendment 186

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 has an area of less than **100** cm²;

Or. de

Justification

Amendment 187

Proposal for a regulation Annex IV – indent 17 a (new)

Text proposed by the Commission

Amendment

- non-prepacked food, including mass catering products, intended for immediate consumption.

Or. de

Justification

Cf. Article 17, paragraph 3 a (new) and Article 22, paragraph 1(b) a (new).

Amendment 188

Proposal for a regulation Annex IV – indent 17 b (new)

Text proposed by the Commission

Amendment

- seasonal confectionery and sugar and chocolate figures.

Or. de

Justification

Chocolate Easter rabbits or Father Christmases, etc., should, as traditional seasonal

products, be excluded from the nutrition declaration requirement.

Amendment 189

Proposal for a regulation Annex V – Part B – point 1

Text proposed by the Commission

1. The name of the food shall include or be accompanied by particulars as to the physical condition of the food or the specific treatment which it has undergone (for example, powdered, freeze-dried, deep-frozen, quick-frozen, concentrated, smoked) in all cases where omission of such information could mislead the purchaser.

Amendment

1. The name of the food shall include or be accompanied by particulars as to the physical condition of the food or the specific treatment which it has undergone (for example, powdered, freeze-dried, deep-frozen, quick-frozen, **defrosted**, concentrated, smoked) in all cases where omission of such information could mislead the purchaser.

Or. de

Amendment 190

Proposal for a regulation Annex V – Part B – point 2 a (new)

Text proposed by the Commission

Amendment

2a. For products containing nanomaterials, this must be clearly indicated, using the epithet 'nano', in the list of ingredients.

Or. de

Justification

This addition is in the interests of transparency and will ensure freedom of choice for consumers.

Amendment 191

Proposal for a regulation Annex V – Part C a (new)

Text proposed by the Commission

Amendment

***Part Ca – Specific requirements
concerning the designation of sausage
casings***

***Sausage casings shall be indicated as
follows in the list of ingredients:***

- 'natural casing' if the casing used in
sausage production is derived from the
intestinal tract of even-toed ungulates***
- 'artificial casing' in other cases.***

***If an artificial casing is not edible, this
must be indicated.***

Or. de

Amendment 192

Proposal for a regulation Annex VI – Part B – table – row 15 a (new)

Text proposed by the Commission

Amendment

***15a. Natural
extracts from
fruit, vegetables
and edible plants
or parts of plants
obtained by
means of
mechanical/physi
cal procedures
and used in
concentrated
form to colour
food.***

'Colouring food'

Or. de

Justification

Colouring foods are used in production as ingredients of other foods for colouring purposes. The term will make it easy for consumers to recognise that a substance listed in a list of ingredients is being used for colouring purposes. As Community law does not lay down any requirement to provide information on colouring foods, it is appropriate to replace the specific designation with the indication of a category.

Amendment 193

Proposal for a regulation

Annex VI – Part B – table – row 17 – column 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

With the exception of beef, this definition also covers meat which is obtained mechanically from meat-bearing bones and which is not covered by the definition of 'mechanically separated meat' in Annex I, Section 1.14 of Regulation (EC) No 853/2004.

Or. de

Justification

This clarification is needed on internal market grounds, since the Member States categorise this product in different ways. In Ireland, the United Kingdom, Belgium, France, Holland, Denmark, Finland, Sweden and some of the new Member States, for example, it is categorised without qualification as 'meat', whereas in other Member States, such as Germany, it is categorised as 'mechanically separated meat'. This gives rise to enormous distortions of competition.

Amendment 194

Proposal for a regulation

Annex VIII – point 1

Text proposed by the Commission

Amendment

1. The net quantity shall not be mandatory in the case of foods:

a) which are subject to considerable losses in their volume or mass and which are sold by number or weighed in the presence of

1. The net quantity shall not be mandatory in the case of foods:

a) which are subject to considerable losses in their volume or mass and which are sold by number or weighed in the presence of

the purchaser; or
b) the net quantity of which is less than 5 g or 5 ml; however, this provision shall not apply to spices and herbs.

the purchaser; or
b) the net quantity of which is less than 5 g or 5 ml; however, this provision shall not apply to spices and herbs;

c) for which exemptions are laid down in other legal provisions.

Or. de

Justification

Linguistic adjustment which respects the terminology used hitherto in [the German version of] the Labelling Directive, 2000/13/EC („Nettofüllmenge“).

Re point (c): reference is made to Article 2(2) of Directive 2001/111/EC concerning sugars (exemption of products with a net weight of less than 20 g). In paragraph 3, therefore, it should be made clear that such special provisions remain in force.

Amendment 195

Proposal for a regulation Article VIII – point 5 – paragraph 1

Text proposed by the Commission

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

Amendment

5. 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.

Or. de

Justification

A solid food in a liquid medium will change its net weight during the period of the production and the selling to the consumer due to usual interactions between the solid food and the liquid medium. The scale of change of the net weight depends on several circumstances, i.e. time, temperature and conditions of transport and storage. Therefore the indication of the net weight should be done at the moment of the manufacturing, where the food producer is fully responsible for the product and is able to give a correct indication of the net weight.

Amendment 196

**Proposal for a regulation
Annex IX**

Text proposed by the Commission

Amendment

Annex IX

The annex is deleted.

Or. de

Justification

Incorporated into the legislative text in Article 25.

Amendment 197

**Proposal for a regulation
Annex X**

Text proposed by the Commission

Amendment

Annex X.

The annex is deleted.

Or. de

Justification

This regulation does not apply to alcoholic beverages.

Amendment 198

**Proposal for a regulation
Annex XI – Part A – title**

Text proposed by the Commission

Amendment

REFERENCE INTAKES FOR
VITAMINS AND MINERALS
(ADULTS)

DAILY REFERENCE INTAKES FOR
VITAMINS AND MINERALS
(ADULTS)

Or. de

Justification

Editorial amendment.

Amendment 199
Proposal for a regulation
Annex XI – Part B

<i>Text proposed by the Commission</i>		<i>Amendment</i>	
REFERENCE INTAKES FOR ENERGY AND SELECTED NUTRIENTS OTHER THAN VITAMINS AND MINERALS (ADULTS)		DAILY REFERENCE INTAKES FOR ENERGY AND SELECTED NUTRIENTS OTHER THAN VITAMINS AND MINERALS (ADULTS)	
Energy or nutrient	Reference Intake	Energy or nutrient	Reference Intake
Energy	8400 kJ (2000 kcal)	Energy	2000 kcal
		Protein	45 g
Total fat	70 g	Total fat	70 g
Saturates	20 g	Saturates	20 g
Carbohydrate	230 g	Carbohydrate	230 g
Sugars	90 g	Sugars	90 g
Salt	6 g	Sodium	2,4 g

Or. de

Justification

Given that it constitutes an essential nutrient, which also contributes to energy intake, protein must also be indicated. A separate indication for sugars is not relevant, as total carbohydrates are indicated. The energy content should be indicated only in kilo-calories, as this is the information which consumers understand and may use.

Amendment 200
Proposal for a regulation
Annex XII – table

<i>Text proposed by the Commission</i>		<i>Amendment</i>	
carbohydrate (except polyols)	4 kcal/g — 17 kJ/g	carbohydrate (except polyols)	4 kcal/g

polyols	2,4 kcal/g — 10 kJ/g	polyols	2,4 kcal/g
protein	4 kcal/g — 17 kJ/g	protein	4 kcal/g
fat	9 kcal/g — 37 kJ/g	fat	9 kcal/g
salatrim	6 kcal/g — 25 kJ/g	salatrim	6 kcal/g
alcohol (ethanol)	7 kcal/g — 29 kJ/g	alcohol (ethanol)	7 kcal/g
organic acid	3 kcal/g — 13 kJ/g	organic acid	3 kcal/g

Or. de

Amendment 201

Proposal for a regulation

Annex XIII *Text proposed by the Commission*

EXPRESSION AND PRESENTATION OF NUTRITION DECLARATION

PART A – EXPRESSION OF THE NUTRITION DECLARATION

The units to be used in the nutrition declaration shall be the following:

— <i>energy</i>	<i>kJ and kcal</i>
— <i>fat</i>	<i>grams (g)</i>
— <i>carbohydrate</i>	
— <i>fibre</i>	
— <i>protein</i>	
— <i>salt</i>	
— <i>vitamins and minerals</i>	<i>the units specified in point 1 of Part A of Annex XI</i>
— <i>other substances</i>	<i>units as appropriate for the individual substances concerned</i>

PART B – ORDER OF PRESENTATION OF NUTRITION DECLARATION ON COMPONENTS OF CARBOHYDRATE AND FAT

1. *Where polyols and/or starch are declared, this declaration shall be included in the following order:*

<i>carbohydrate</i>	<i>g</i>
<i>of which:</i>	
<i>- sugars</i>	<i>g</i>
<i>- polyols</i>	<i>g</i>
<i>- starch</i>	<i>g</i>

2. *Where the amount and/or type of fatty acid is declared, this declaration shall be included in the following order:*

<i>fat</i>	<i>g</i>
<i>of which:</i>	
<i>- saturates</i>	<i>g</i>
<i>- trans fats</i>	<i>g</i>
<i>- mono-unsaturates</i>	<i>g</i>
<i>- polyunsaturates</i>	<i>g</i>

PART C – ORDER OF PRESENTATION OF ENERGY AND NUTRIENTS APPEARING IN A NUTRITION DECLARATION

The order of presentation of the information on the energy and nutrients, as appropriate, shall be the following:

energy	<i>kJ and kcal</i>
fat	<i>g</i>
of which	
- saturates	<i>g</i>
- trans fats	<i>g</i>
<i>- mono-unsaturates</i>	<i>g</i>
- polyunsaturates	<i>g</i>
carbohydrate	<i>g</i>
of which	
- sugars	<i>g</i>
- polyols	<i>g</i>
- starch	<i>g</i>
fibre	<i>g</i>
<i>protein</i>	<i>g</i>
<i>salt</i>	<i>g</i>
vitamins and minerals	the units specified in point 1 of Part A of Annex XI

Amendment

energy	kcal
<i>protein</i>	<i>g</i>
fat	<i>g</i>
of which	

- saturates	g
- trans fats	g
- polyunsaturates	g
carbohydrate	g
of which	
- sugars	g
- polyols	g
- starch	g
fibre	g
sodium	g
vitamins and minerals	the units specified in point 1 of Part A of Annex XI
other substances	units as appropriate for the individual substances concerned

Or. de

Justification

Condensed version of Parts A to C in Annex XIII.

EXPLANATORY STATEMENT

1. General context

Consumers have a right to know what their food contains. For that reason, information on the composition and nutritional value of foods is essential, since only on that basis can consumers make selective purchasing decisions. Although Community law contains a series of regulations and directives dealing with food ingredients and food labelling, as yet it lays down no comprehensive rules on compulsory labelling. Quite apart from the fact that the range of general and specific Community legal provisions on food information has now expanded so much as to become simply confusing, thus giving rise to legal uncertainty, additional national rules are creating distortions of competition and barriers to trade in the European Union's internal market. Only uniform EU rules on food labelling can remedy these problems.

2. Procedural stages

In late January 2008 the Commission submitted to Parliament and the Council a proposal for a revision of the EU rules on food labelling. Towards the end of August 2008 the European Parliament appointed its rapporteur. Her report on the Commission proposal was presented and debated in the committee responsible, the Committee on the Environment, Public Health and Food Safety, at the beginning of December 2008. After the deadline for tabling amendments had expired, the committee responsible again considered the report in mid-February 2009, giving particular consideration to the fact that 1332 amendments had now been tabled. Because so many amendments had been tabled and in view of the impending European elections, the committee responsible decided on 16 March 2009 to hold consideration of the proposal over until the next parliamentary term, pursuant to Rule 185(5) of the Rules of Procedure of the European Parliament. Your rapporteur was thus asked to submit a new draft report, taking into account as many as possible of the amendments tabled. This new report is the one before you. A new deadline will be set for amendments to this draft.

3. Commission proposal

The Commission proposal for the reformulation of the EU's provisions on food labelling is intended to meet the requirements of better law-making (in the case of the legal framework on food labelling) by combining and replacing seven directives and a regulation. In addition, it is designed to reduce red tape, offer stakeholders in the food chain a greater degree of legal certainty, improve the competitiveness of the European food industry, guarantee food safety, ensure that consumers are provided with comprehensive information about foods and promote healthy eating as part of the European Union's strategy against obesity. The proposal for a regulation contains the following key proposals:

Mandatory particulars

The Commission proposal lays down a series of new mandatory particulars to be included on food labels (Article 9). It extends mandatory allergen labelling to non-prepacked foods

(Article 22) and provides for a comprehensive nutrition declaration. The Commission proposes a minimum font size of 3 mm for all mandatory labelling elements. In the case of alcoholic drinks, particularly wine, beer and spirits, the Commission proposes derogations from the labelling requirements.

Indication and presentation of nutritional values

In addition, the Commission is proposing the introduction of a comprehensive nutrition declaration which is to be placed in the 'principal field of vision' of the packaging (Articles 29 to 34). Mandatory particulars relating to the energy value of the food and the nutrients fat, saturates, carbohydrates, sugar and salt (Article 29(1)) must be given in the appropriate order on the front of the package, expressed per 100 g or 100 ml or per portion. Details of other particulars (Article 29(2)) may be given elsewhere on the packaging, but must at all events be set out in table format, in a 'nutrition box' (Article 34(2)). All particulars must relate to standard amounts of 100 g/100 ml or – in the case of food packaged in portions – to a portion and must be expressed as a percentage of the recommended daily intake of the given nutrient (Article 31).

National labelling systems

The Commission proposal allows the Member States considerable scope to adopt national labelling rules. Pursuant to Chapters VI and VII, in exceptional cases Member States would be able to adopt legal provisions governing specific categories of food and, in addition to the mandatory forms of expression, develop national labelling systems (Articles 44(3) and 34(5)). In addition, in the case of non-prepacked food, e.g. bakery and processed meat products, and food prepared in the context of mass catering in restaurants, large-scale kitchens, etc., Member States would be able to lay down national rules governing the manner in which particulars are to be shown or – with the exception of allergen labelling – decide not to require the provision of certain particulars (Article 41).

4. Rapporteur's remarks

In principle, your rapporteur welcomes the Commission's proposal for a regulation. The introduction of uniform EU rules on food labelling is a necessary step: on the one hand, it would make for transparency in the interests of consumers, and on the other it would simplify the *acquis communautaire* in the area of food legislation and thus offer food enterprises a greater degree of legal certainty, since a whole series of existing provisions would be combined in the new regulation. A new, comprehensive food labelling regulation of this kind can also help consumers to make selective purchasing decisions and so tailor their own diets to their individual needs and wishes.

The harmonisation of food labelling is also of enormous relevance to the internal market, since at present additional national rules and differing Member State interpretations of existing Community food legislation are giving rise to barriers to trade and competition-related problems. Remedying this state of affairs can serve to reduce costs for food producers and traders and thus, ultimately, for consumers as well.

However, the EU labelling system outlined in the proposal for a regulation does not strike your rapporteur as one suited either to reducing red tape and simplifying legislation or to helping consumers obtain better food information. In some areas, the Commission has made it

much too easy for itself. Moreover, special ways of marketing or delivering food, such as direct marketing by farmers, catering services to passengers in transit, duty-free sales or sales from vending machines, are simply forgotten. Special products, such as culinary gold leaf, and colouring and innovative foods, are likewise disregarded. Some of the provisions contained in the proposal are unrealistic and would, in addition to creating other problems, generate substantial additional costs for food manufacturers and traders, so that food prices would have to be raised merely on account of new labelling regulations. These shortcomings in the Commission proposal jeopardise the survival of many small and medium-sized enterprises (SMEs) in the food industry. As far as consumers are concerned, they would be more likely to find the proposed plethora of mandatory information, and the forms in which it is to be conveyed, confusing than enlightening. What is more, the proposal to grant Member States considerable leeway to adopt their own rules seems completely incomprehensible: it would further fragment the internal market in the food sphere and render the proposal for a regulation under consideration here absurd. The Commission's proposal contradicts its own stated intention, as indicated in Point 5 in its Explanatory Memorandum, which is worth quoting here: 'The use of a Regulation as the legal instrument supports the objective of simplification because it guarantees that all actors have to follow at the same time the same rules.'

What is more, it is mystifying that the Commission should have chosen to submit its proposal now, since the very first EU-wide scientific study into the influence of food labelling on consumers' purchase decisions began only in August 2008. This study, which is being funded under the Seventh Framework Research Programme, should ideally form the basis for this legislative proposal concerning food information. However, experience suggests that it will take three years or so for any real results to emerge. As things stand, therefore, the new food labelling legislation can at best draw on conjecture and the subjective experiences of the groups and individuals involved, so that the Commission proposal is likewise based only on assumptions concerning consumers' wishes and needs. No one can say whether the regulation which is ultimately adopted will in fact serve the interests of average consumers throughout the EU, or whether, on the basis of new research findings, it will have to be substantially revised in only a few years' time. This point is particularly significant, because it is likely that the new rules will have a very considerable financial impact on food manufacturers and traders. Yet the Commission, whose proposal contains the remarkable revelation that it saw no need to consult outside experts when drafting the text, is silent on this issue as well.

Your rapporteur therefore regards substantial amendments to the Commission proposal as essential. Some of them are outlined below:

An across-the-board requirement that information must be printed with a font size of at least 3 mm is not workable. This applies in particular, but not exclusively, to products whose packaging carries information in several languages. A mandatory minimum font size of 3 mm would result in bulkier food packaging, more packaging waste and possibly even larger portions. What is more, legibility is not solely contingent on font size. For that reason, your rapporteur provides a definition of the concept of the 'legibility' of food information and proposes that a consultation process should take place with a view to developing guidelines for implementing the rules relating to legibility.

The Commission justifies its proposal to allow Member States to develop their own labelling

systems by invoking the subsidiarity principle. It claims that bottom-up mechanisms of this kind may lead to the development of innovative labelling solutions. Your rapporteur takes the view, however, that national labelling systems would be more likely to confuse consumers once and for all, undermine legal certainty and lead to massive additional distortions of competition on the internal market, since there is every chance that national labelling rules which were not legally binding would in fact have the same impact as mandatory requirements. Given the fact that a majority of food enterprises in the EU market their products in far more than one Member State, specific packaging would have to be produced and above all appropriate storage capacity would have to be built up in accordance with the specific rules in force in each country. The additional costs involved, which would run to many billions of euros, would impose a severe burden on the food sector, which consists largely of small- and medium-sized firms, and would ultimately be passed on to consumers. The mere idea that in future a possible 27 additional, different labelling systems would be introduced, and what is more at different junctures, is enough to demonstrate the absurdity of this plan. Accordingly, your rapporteur is proposing amendments deleting the articles in question. This does not mean, however, that existing, voluntary labelling systems introduced by the food sector or by groups of food manufacturers will in future be banned. Quite the reverse: in addition to indicating the mandatory particulars, it should be perfectly possible to repeat particulars elsewhere on the packaging, in whatever form, or to provide additional particulars. Of course this should not detract from the visibility and legibility of the mandatory particulars.

The legislation must ensure that consumers are not misled by the presentation of food packagings. Pictorial representations or texts must not mislead the consumer as to the true origin, composition or nutrition content of the food. Accordingly, your rapporteur is proposing amendments which supplement the provisions of the Commission proposal. As public debate has recently focused on the existence of cheap imitation foods, which the average consumer does not recognise as such, it seems worthwhile to label such products clearly on the front of the packaging.

In your rapporteur's view, however, cramming an excessive amount of nutritional information, expressed per 100 g or 100 ml or per portion, or even consisting of several different particulars, for example expressed in grams and as the percentage of the recommended daily intake for a given population group, onto the front of food packages would ultimately result in the information in question being ignored. After all, when shopping, consumers are not faced with just one package, but rather with whole rows of packages on supermarket shelves. Since current findings suggest that the overwhelming majority of those consumers who give thought to their food are mainly interested in the energy content of foods, the mandatory indication of the energy content, in kilocalories per 100 g or 100 ml, in the interests of comparability, on the front of the package should be sufficient. Consumers can then discover which nutrients account for the energy content of the product by reading the mandatory particulars in the 'nutrition box' elsewhere on the packaging. If a packaging contains only one portion, it should, in addition, be mandatory to indicate the nutrition information for this portion. Should consumer surveys in future arrive at different findings concerning consumer wishes, the trade and/or industry can, as already outlined, provide additional particulars voluntarily. However, in this case it would again be necessary to lay down fixed reference amounts and to explain them clearly to consumers in order to avoid arbitrariness in the additional information provided.

Specialist food traders and manufacturers, e.g. bakers, confectioners, butchers, restaurants, etc., mainly offer non-prepacked goods for sale or immediate consumption. As a rule, these products are not standardised, but are subject to variations in composition and weight which are contingent on the production process. It should also be borne in mind that specialist food traders and manufacturers in particular are guarantors of the survival and diversity of regional specialities in the European Union. The regulation under consideration here must take account of these specific circumstances, therefore. The Commission proposal makes the Member States responsible for laying down food labelling rules in respect of non-prepacked products: they would be able to adopt decisions specifying the form of presentation and, where appropriate, lay down derogations from the rules on mandatory particulars. However, should Member States not lay down derogations or be slow in adopting special rules, suppliers of non-prepacked goods would be required to provide all the particulars stipulated in the regulation. In the light of the special circumstances outlined above, this would in turn undermine legal certainty in the specialist food sector and, in particular, jeopardise the survival of small businesses. Firms such as these are hardly in a position to provide a comprehensive nutrition declaration. For that reason, your rapporteur takes the view that non-prepacked goods should be largely excluded from the scope of the regulation. One provision which should apply, however, is that concerning information on allergens, which can also be provided by specialist food traders and manufacturers. In that connection, it should be pointed out that products which are packaged only at the time of sale are already excluded from the scope of Regulation (EC) No 1924/2006 on nutrition and health claims made on foods.

In order to bring it into line with the present regulation, Regulation (EC) No 1924/2006 on nutrition and health claims made on foods needs to be revised. At the same time, your rapporteur recommends deleting entirely Article 4 of the latter Regulation, as it has become clear in the meantime that the nutrition profiles described there could not be based on scientific findings but only set arbitrarily by the Commission. Arbitrary legislation on food would mean more red tape, legal uncertainty and distortions of competition, as well as jeopardising the balanced nutrition of the population of Europe.

A compulsory system of colour coding of food using the 'traffic light' model, which a few food companies are currently using for ready-made and partially ready-made products ('convenience products'), would have similar effects. The limit values for classification using the three traffic light colours, red, amber and green, are set arbitrarily, and the range within any one of these colours is too big. As the proposal for a regulation is intended to establish uniform mandatory labelling applicable to all foods and soft drinks, colour coding would discriminate against basic foods and, for example, create a privileged status for imitation foods, which if anything tend to be inferior, and for artificial as opposed to natural ingredients. It is very likely that this would be a recipe for a wrong diet and malnutrition among large sections of the population. Therefore neither the Commission nor your rapporteur is recommending such a component for mandatory food labelling.

5. Conclusion

The aim of the regulation under consideration here is to lay down food labelling rules which would be valid throughout the EU and which would apply – with a small number of exceptions - to all food industry products, i.e. not just to specific categories of foods. It must

be emphasised that such rules can only seek to serve the interests of the average consumer, i.e. normally educated, informed and healthy members of the public, but not persons with food allergies or special categories of patients. Mandatory labelling of foods should help responsible members of the public make well-informed, targeted purchasing decisions.

However, the highly complex and complicated Commission proposal, comprising 53 articles, most of which are very relevant, and 13 annexes, will not make it possible to achieve this objective. The proposed rules governing the indication of mandatory particulars smack of an effort to educate, not inform, consumers: the Commission wants to compel consumers by law to eat 'healthily'. The Commission proposal also displays substantive shortcomings. A number of requirements are based on assumptions about consumers' wishes and needs, and proposed reference amounts are of dubious quality. The aim of harmonising labelling rules in keeping with internal market principles would be rendered absurd by the proposal to allow Member States to adopt special national provisions. Moreover, many of the Commission's proposals are liable to jeopardise the survival of SMEs. In this way, the Commission proposal contravenes the Small Business Act.

What is more, the fact that the Commission drew up the proposal for a regulation without consulting outside experts is both remarkable and alarming. It is also mystifying that the proposal should have been submitted at a time when, although the results of piecemeal scientific research are available, a broad-based study covering all the Member States has only just been started.

Your rapporteur is therefore proposing a comprehensive revision of the approach suggested by the Commission. She points out that, in the absence of comprehensive scientific findings on the impact of food information on consumer behaviour in the 27 EU Member States, the proposed mandatory labelling of foods should only encompass basic information. In addition, the legislator can ensure that the mandatory particulars are provided in a legible and understandable form and that consumers are not misled. Should new findings about consumer wishes and needs be published in the future, food businesses could then respond quickly, in accordance with the proposals made by your rapporteur, by providing additional information voluntarily. Only in this way can sufficient flexibility be guaranteed and sufficient account be taken of the interests of all stakeholders.

Finally, it should be pointed out that food labelling is only one of many aspects of nutrition-related information. It can supplement, but not replace, efforts to make the public aware of what constitutes a relatively healthy lifestyle, for example by means of campaigns and education measures. What is more, in our society laws cannot and must not release members of the public from responsibility for their own actions or release parents from responsibility for their children.