

	<b>Guidance for the implementation of Food Information to Consumer Regulation (FIC)</b>	
<p>Dec.2014 CP.MI-024-2014 V4</p>	<b>BRIEFING NOTE on Reg.1169/2011</b>	<b>FOR INFO ONLY</b>

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## 1. LEGAL INFORMATION

[Regulation \(EU\) No 1169/2011](#) on the provision of food information to consumers (FIC) will replace the current requirements for the labelling of foodstuffs set out in [Directive 2000/13/EC](#) and the nutrition labelling requirements of [Directive 90/496/EEC](#).

A [Corrigendum](#) of this Regulation was published in the Official Journal of the European Union the 22 November 2014.

## 2. DATES of APPLICATION

The new rules were published on 25 October 2011 and will apply from 13 December 2014, with the exception of point (l) of Article 9(1) [mandatory nutrition declaration], which will apply from 13 December 2016.

The mandatory indication of the origin of certain ingredients or foods (Article 26) will not enter into force until:

- the adoption of implementing acts - for Art. 26(3)  
The Commission was supposed to adopt the Implementing Acts by 13 December 2013 but due to the lack of consensus with MS, the works are stopped until clearer political guidance from new Commissioner is given.
- the presentation and adoption of proposals to modify the relevant Union provisions - for Art.26(5)  
The Commission shall submit reports to the European Parliament and the Council, accompanied with proposals to modify the relevant Union provisions, by 13 December 2014, the Commission shall submit reports

## 3. TRANSITIONAL MEASURES

Foods placed on the market or labelled prior to 13 December 2014 which are compliant with the existing rules (i.e. Directive 2000/13/EC) but which do not comply with the requirements of the new Regulation may be marketed until the stocks of the foods are exhausted.

Food business operators can place on the market products labelled in accordance with the Food Information to Consumers (FIC) Regulation (EU) No. 1169/2011 before 13 December 2014, provided that there is no conflict with the labelling requirements of Directive 2000/13/EC, which continues to apply until that date.



#### 4. Q&A and GUIDELINES

COUNTRY	GOVERNMENT	INDUSTRY
<b>European Commission</b>	SANCO set up a working group which has prepared: <ul style="list-style-type: none"> <li>- Questions and Answers (<a href="#">COM Q&amp;A</a>) on the general application of FIC</li> <li>- <a href="#">New COM Q&amp;A items</a></li> <li>- <a href="#">Draft Guidelines for the indication of allergens</a></li> <li>- Draft working paper on transport retail (<a href="#">COM WP on Transport</a>)</li> </ul>	
<b>Austria</b>	<ul style="list-style-type: none"> <li>- The Bundesministerium für Gesundheit (Austrian Ministry of Health) has published a short of catalogue of specific interpretation questions (<a href="#">Q&amp;A</a>)</li> <li>- In July 2014, a national regulation “<a href="#">Allergeninformationsverordnung</a>” on allergen information is published</li> </ul>	
<b>Finland</b>	In May 2014, a Draft Decree on the provision of particulars on prepacked and non-prepacked food was <a href="#">notified</a> (regulates the language requirements and the identification of food lots).	
<b>Ireland</b>	In July 2012, the Food Safety Authority of Ireland published an <a href="#">Overview of changes to food labelling introduced under the food information Regulation</a> which highlights some of the significant changes to the current rules.	
<b>Italy</b>		Federalimentare <a href="#">Interpretation on responsibility</a>
<b>Poland</b>	The Polish Authorities have adopted <a href="#">Guidance on the implementation</a> of the FIC Regulation	
<b>Portugal</b>	The <a href="#">Guidance on the application of Regulation n. 1169/2011</a> adopted by the Portuguese Industry and Retailers associations (FIPA and APED) was officially approved by the Portuguese National Authorities.	
<b>Sweden</b>	A <a href="#">guidance document</a> was issued by the Swedish National Food Administration.	In May 2014, the Swedish Food Industry published an <a href="#">updated version</a> of the 2013 <a href="#">Guidance on FIC</a> .
<b>United Kingdom</b>	<ul style="list-style-type: none"> <li>- In November 2012, the Department of Environment, Food and Rural Affairs (DEFRA) published a <a href="#">Guide to compliance</a> with the new Regulation.</li> <li>- In June 2014, DEFRA published a <a href="#">new draft version</a> of its Guide to compliance with FIC.</li> <li>- In 2013, the Department of Health published a Guidance intended to provide informal, non-statutory advice</li> </ul>	



	<p>for businesses on the <a href="#">nutrition-related requirements</a> of the FIC Regulation (and an <a href="#">Annex</a>)</p> <ul style="list-style-type: none"><li>- In August 2014, the Food Standards Agency issued <a href="#">Technical Guidance on Allergen Labelling</a></li></ul>	
<b>FoodDrinkEurope and EuroCommerce</b>		<p>A <a href="#">Guidance on the Provision of Food information to Consumers</a> was developed in 2013 by FoodDrinkEurope and EuroCommerce to help facilitate a common understanding between European retailers and manufacturers on FIC.</p>

## 5. MANDATORY FOOD INFORMATION

### 5.1 [Mandatory information for all foods - Article 9](#)



MANDATORY PARTICULARS	NEW?	COMMENTS	RELATED ARTICLE
(a) Name of the food	No	“Sales denomination” under Reg. 110/2008	
(b) list of ingredients	No	Alcoholic beverages exempted for the moment	Art. 16(4) (exemption) Art. 18-20 Annex VII
(c) allergens	No	Cereals, whey and nuts used for making distillates or ethyl alcohol are exempted	Art. 21 Annex II
(d) quantity of certain ingredients	No	See <a href="#">QUID (1998)</a> <sup>1</sup>	Art. 22 Annex VIII
(e) net quantity	No		Art. 23 Annex IX
(f) date of minimum durability	No	Spirits exempted (more than 10% vol)	Art. 24 Annex X
(g) any special storage condition	No	In case where foods require so	Art. 25
(h) the food business operator responsible	No		Art. 8
(i) country of origin or place of provenance	Yes		Art. 26
(j) instructions of use	No		Art.27
(k) actual alcoholic strength by volume	No	<ul style="list-style-type: none"><li>○ Introduces a new concept of Tolerance</li><li>○ The suffix and optional prefixes may have changed in some linguistic versions</li></ul>	Art. 28 Annex XII
(l) nutrition declaration	Yes	Alcoholic beverages exempted for the moment	Art. 16(4) (exemption) Art. 30-35 Annex XIII-XIV

#### Relation with Directive 2000/13/EC

Certain particulars have been extended and 2 previously voluntary indications under Directive 2000/13/EC are now requested on a mandatory basis:

- Origin labelling (subject to pending Commission report)
- Nutritional information (for alcoholic beverages, subject to pending Commission report)

#### Exemptions for the indication of all mandatory particulars - Article 16

- Only particulars (a), (c), (e), (f) and (l) are required in the case of:
  - Glass bottles intended for reuse which are indelibly marked and which bear no label
- Only particulars (a), (c), (e) and (f) are required in the case of:
  - Packaging or containers the largest surface of which has an area of less than 10 cm<sup>2</sup>

<sup>1</sup> The Guidelines for implementing the principle of Quantitative Ingredients Declaration (QUID) were revised in December 1998 (available at COM [website](#)); an version is expected to be published before the end of 2014.

- Malt whisk(e)y, liqueurs and fruit-based spirits exempted.
- Ingredient or category of ingredients which is used in small quantities for the purposes of flavouring are exempted



**5.2 Mandatory indication of additional particulars for specific types of foods - Article 10; Annex III**

- Beverages containing sweeteners<sup>2</sup>:

CONDITIONS	INDICATION
Food containing sweetener(s)	<i>“with sweetener(s)”</i> this statement shall accompany the name of the food
Food containing both, sugars and sweetener(s)	<i>“with sugar(s) and sweetener(s)”</i> this statement shall accompany the name of the food
Food containing aspartame	<i>“contains aspartame”</i> shall appear on the label in cases where aspartame/aspartame - acesulfame salt is designated in the list of ingredients only by reference to the E number. ‘contains a source of phenylalanine’ shall appear on the label in cases where aspartame/aspartame-acesulfame salt is designated in the list of ingredients by its specific name

- Beverages containing glycyrrhizinic acid:

CONDITIONS	INDICATION
Beverages (including alcoholic beverages) containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> , at concentration of 100 mg/kg or 10 mg/l or above.	<i>‘contains liquorice’</i> shall be added immediately after the list of ingredients, unless the term ‘liquorice’ is already included in the list of ingredients or in the name of the food. In the absence of a list of ingredients, the statement shall accompany the name of the food
Alcoholic beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant <i>Glycyrrhiza glabra</i> at concentrations of 300 mg/l or above	<i>‘contains liquorice – people suffering from hypertension should avoid excessive consumption’</i> shall be added immediately after the list of ingredients. In the absence of a list of ingredients, the statement shall accompany the name of the food

- beverages high caffeine content:

CONDITIONS	INDICATION
Beverages, with the exception of those based on coffee, tea or coffee or tea extract where the name of the food includes the term ‘coffee’ or ‘tea’, which: <ul style="list-style-type: none"> <li>- are intended for consumption without modification and contain caffeine, from whatever source, in a proportion in excess of 150 mg/l, or,</li> <li>- are in concentrated or dried form and after reconstitution contain caffeine, from whatever source, in a proportion in excess of 150 mg/l</li> </ul>	<i>‘High caffeine content. Not recommended for children or pregnant or breast-feeding women’</i> shall be added in the same field of vision as the name of the beverage, followed by a reference in brackets and in accordance with Article 13(1) of this Regulation to the caffeine content expressed in mg per 100 ml.

<sup>2</sup> Pursuant Regulation (EC) No 1333/2008, spirit drinks are not authorised any of the additives classified as “sweeteners”. Instead, some of this additives can be used for the production of category 14.2.8 “Other alcoholic drinks including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15 % of alcohol”.



## 6. VOLUNTARY FOOD INFORMATION

### How to indicate it - Article 36

Where food information referred to in Articles 9 and 10 is provided on a voluntary basis, such information shall comply with the requirements laid down in Sections 2 and 3 of Chapter IV.

### Where to indicate it - Article 37

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

### Exemptions - Article 30(4); COM Q&A

For alcoholic beverages, the nutrition declaration is not mandatory and may be limited to the energy value. No specific format is required.

## 7. PRESENTATION OF MANDATORY FOOD INFORMATION

(Articles 12, 13 and 15)

These articles set the general rules for the presentation of mandatory particulars.

New rules concern mainly the new minimum x-height.

### Conspicuous place - Article 13(1)

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.

### x-height

- For all mandatory information except net quantity (Art. 13(2), 13(3); Annex IV):
  - All mandatory particulars listed in Article 9 shall be printed in characters using a font size where the x-height is equal to or greater than 1,2mm.
  - In case of packaging or containers the largest surface<sup>3</sup> of which has an area of less than 80 cm<sup>2</sup>, the x-height of the font size shall be equal or greater than 0,9 mm.
  - The rules on minimum font size apply to repeated declaration
- These rules do not apply to the indication of the net quantity. Provisions on the minimum height, set in Point 3(1) of Annex I to Directive 76/211/EEC, continue to apply.

### Same visual field - Article 13(5)

Three mandatory particulars shall appear in the same visual field: (a) the name of the food, (e) the net quantity and (k) the alcoholic strength by volume.

The requirement to include also (f) date of minimum durability, in the same field of vision has been removed.

### Language - Article 15

- Food information must be given in a language that is easily understood by consumers of the Member State where a food is marketed.

<sup>3</sup> COM Q&A: For cylindrical shapes (e.g. cans) or bottle-shaped packages (e.g. bottles) which often have uneven shapes, a pragmatic way to clarify the concept of 'largest surface' could be, for example, the area excluding tops, bottoms, flanges at the top and bottom of cans, shoulders as well as necks of bottles and jars.



- Within their own territory, the Member States in which the food is marketed may stipulate that the particulars shall be given in one or more languages from among the official languages of the Union.
- However, that does not mean that food information cannot also be provided in other languages, including non official languages, on a voluntary basis.

## 8. LIST OF INGREDIENTS

### Exemption and report - Article 16(4)

The declaration of *(b) the list of ingredients*, shall not be mandatory for beverages containing more than 1,2% by volume of alcohol.

- The Commission shall produce, by 13 December 2014, a report addressing whether alcoholic beverages should in future be covered by the mandatory indication of *(b) the list of ingredients* and *(l) the nutritional declaration* and the reasons justifying possible exemptions<sup>4</sup>.
- The Commission shall accompany that report by a legislative proposal, if appropriate determining the rules for a list of ingredients or a mandatory nutrition declaration for those products.

### Member States authority - Article 41

Member States may, pending the adoption of the Union provisions referred to in Article 16(4), maintain national measures as regards the listing of ingredients in the case of beverages containing more than 1,2 % by volume of alcohol.

### How to present the list - Articles 18 and 20; ANNEX VII – PART C

- The list of ingredients:
  - shall be headed or preceded by a suitable heading which consists of or includes the word “ingredients”
  - shall include all the ingredients<sup>5</sup> in descending order of weight, as recorded at the time of their use in the manufacture of the food.
- The dilution water used for the production of spirit drinks shall be cited in the list of ingredients<sup>6</sup>.
- Food additives and food enzymes belonging to one of the categories listed in Part C of Annex VII (colour, sweetener...) must be designated by the name of that category, followed by their specific name or, if appropriate, E number. If an ingredient belongs to more than one of the categories, the category appropriate to the principal function in the case of the food in question shall be indicated.

#### Examples for a whisky:

- a. Ingredients: Whisky, water, colour (plain caramel)
- b. Ingredients: Whisky, water, colour (E150a)

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<sup>4</sup> Article 16(4): *In this context [the report to be produced], the Commission shall consider the need to propose a definition of “alco-pops”.*

<sup>5</sup> Article 2(2)(f): *“ingredient” means any substance or product, including flavourings, 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’;*

<sup>6</sup> Article 20(e): Water can be omitted from the list of ingredients:

- i. *where the water is used during the manufacturing process solely for the reconstruction of an ingredient used in concentrated or dehydrated form; or*
- ii. *in the case of a liquid medium which is not normally consumed.*





## 9. ALLERGENS

### How to indicate them - Art. 21(1); COM Guidelines on Allergens

- Substances or products causing allergies (listed in Annex II):
  - shall be indicated in the list of ingredients;
  - shall be indicated with a clear reference to the name of the substances listed in Annex II;
  - shall be emphasized through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font, style or background colour;
- In the absence of a list of ingredients, the indication of the substances or products causing allergies shall comprise the word 'contains' followed by the name of the substance or product as listed in Annex II. No highlighting or other emphasis is needed in such a case.
- If the list of ingredients is given, it is not possible to voluntarily declare additional allergen information using the word "contains" outside of the list of ingredients.

### Exemptions – Article 22(1); Annex II

- The indication of allergens shall not be required in cases where the name of the food clearly refers to the substance of product concerned.
- Substances non considered allergenic:
  1. Cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin;
  2. Whey when used for making alcoholic distillates including ethyl alcohol of agricultural origin;
  3. Nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin;
  4. Sulphur dioxide and sulphites at concentrations of less than 10 mg/litre in terms of the total SO<sub>2</sub>.

## 10. QUANTITY OF CERTAIN INGREDIENTS

### Which ingredients or category of ingredients are concerned - Article 22

The indication of the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a food shall be required where the ingredient or category of ingredients concerned:

- a) appears in the name of the food or is usually associated with that name by the consumer;
- b) is emphasised on the labelling in words, pictures or graphics; or
- c) is essential to characterise a food and to distinguish it from products with which it might be confused because of its name of appearance.

### How to indicate them - Annex VIII

The indication of the quantity of an ingredient or category of ingredients shall:

- be expressed as a percentage;
- appear either in or immediately next to the name of the food or in the list of ingredients in connection with the ingredients in question

### Exemptions - Annex VIII; QUID (1998)

The quantitative indication shall not be required in respect of ingredients:

1. the quantities of which must already appear on the labelling under Union provisions;
2. which is used in small quantities for the purposes of flavouring;
3. which, while appearing in the name under which the food is sold, is not such as to govern the choice of the consumer in the country of marketing because the variation of quantity is not essential to characterise the food or does not distinguish it from similar foods:



- malt whiskey/whisky ([QUID \(1998\)](#))
- liqueurs and fruit-based spirits ([QUID \(1998\)](#))

Examples of situations:

a. Apple liqueur

In theory you would be obliged to indicate the QUID of the apple ingredient but on the basis of exemption 2 and 3, you should be able to argue that it is not necessary.

b. Bitter made with a/some herb(s) that you mention/represent on the label.

In theory as the herbs are emphasised on the labelling in words, pictures or graphics, you would be obliged to indicate the QUID for the herbs, but on the basis of exemption 1, the producer should be able to argue that it is not necessary.

## 11. NET QUANTITY OF THE FOOD

### How to indicate it - Article 23

- The net quantity of a food shall be expressed using litres, centilitres, millilitres, kilograms or grams, as appropriate.
- According to [Directive 76/211/EEC](#) (point 3.1 of Annex I) and [Directive 80/181/ECC](#) (point 1.4 of its Annex) the volume, shall be expressed by a figure followed by:
  - the symbol for the unit of measurement used (harmonised at EU level: “l” or “L” for litre)<sup>7</sup>, or
  - the name of the unit as defined for each linguistic version (“litre” in English, “litr” in Czech...).

Examples of net quantity indications:

- 700 ml (acceptable in all EU countries)
- 1 L (acceptable in all EU countries)
- 1 l (acceptable in all EU countries)
- 1 litre (for countries where English is the language to be used for mandatory information)
- 700 millilitres (for countries where English is the language to be used for mandatory information)

## 12. DATE OF MINIMUM DURABILITY, “USE BY” DATE

### Alcoholic beverages exempted - Annex X; COM Q&A

1. Beverages containing 10% or more by volume of alcohol;
2. Wines, liqueur wines, sparkling wines, aromatised wines, and similar products obtained from fruit other than grapes, and beverages falling within CN code 2206 00 obtained from grapes or grape musts,

Consequently, for alcoholic beverages obtained by mixing ethyl alcohol and fruit juice a date of minimum durability “best before” would be required.

### What to indicate - Article 24; Annex X

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<sup>7</sup> The prefixes and their symbols listed in 1.3 may be used in conjunction with the units and symbols contained in Table 1.4.



- The date of minimum durability<sup>8</sup> preceded by the words “*best before ...*” if the day is indicated or “*Best before end ...*” in other cases.  
The date shall consist of the day, the month and possibly the year in that order, however:
  - the indication of the year shall be sufficient for foods which will keep for more than 18 months;
  - the indication of the month and year shall be sufficient for foods which will keep more than 3 months but not more than 18 months;
  - the indication of the day and the month shall be sufficient for foods which will not keep for more than 3 months.
- The “use by” date preceded by the words “*use by...*” in the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health.

### 13. FOOD BUSINESS OPERATOR RESPONSIBLE

#### What to indicate – New COM Q&A items

- Consumers and enforcement authorities shall receive information on the physical address/geographical location, which enables them to locate the food business operator, if necessary.
- A webpage address, the food business operator’s telephone number, fax number and e-mail-address would not be sufficient to fulfill the provision of Article 9(1)(h).

### 14. ORIGIN INDICATION

#### Exemption for GIs - Article 26(1)

- Article 26 shall apply without prejudice to labelling requirements provided for in specific Union provisions, in particular Council Regulation (EC) No 1151/2012 (PDO, PGI, TSG).
- Even if spirit GIs are not cited directly, they should be excluded from all provisions set in Article 26<sup>9</sup>.

#### General rules on the indication of the origin of the product - Article 26(2)

Indication of the country of origin or place of provenance shall be mandatory where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food.

#### Origin of primary ingredient - Article 26(3)

- Where the country of origin or the place of provenance of a food is given (on a voluntary or mandatory basis) and where it is not the same as that of its primary ingredient<sup>10</sup>:

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<sup>8</sup> Article 2(2)(r): “*date of minimum durability of a food*” means the date until which the food retains its specific properties when properly stored;

<sup>9</sup> The UK’s draft guidance (Defra, June 2014) clarifies: “*The provisions of EU FIC do not affect any of the origin indications given under Regulation (EU) No 1151/2012 on the quality schemes for the protected geographical indications and designations of origin for agricultural products or foodstuffs, or under regulations such as Regulation (EC) No 110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.*”



- a. the country of origin or place of provenance of the primary ingredient in question shall also be given; or
  - b. the country of origin or place of provenance of the primary ingredient shall be indicated as being different to that of the food.
- The application of this paragraph shall be subject to the adoption of the implementing acts. Which means that this provision can not be applied until the adoption of the implementing act. Commission implementing act should clarify at least:
    - when I'm giving the origin of the food and when I'm not;
    - what is a primary ingredient;
    - how can I determine the place of provenance of a food/primary ingredient;
    - how should I compare the origin of the food and the origin of its primary ingredient;
    - how and where on the label should I indicate the different origins or the origin of the primary ingredient.

#### **Origin of single ingredient products and 50% ingredient - Article 26(5)**

- The Commission should present a report by 13 December 2014, accompanied eventually by a legislative proposal, regarding the mandatory indication of the origin of, among others,:
  - a. single ingredient products – considering that dilution water is considered an ingredient, this section of the report should not affect spirit drinks
  - b. ingredients that represent more than 50% of the food.

## **15. ALCOHOLIC STRENGTH**

### **How to indicate it - Annex XII**

- The actual alcoholic strength by volume shall be indicated:
  - by a figure to not more than one decimal place,
  - followed by the symbol '% vol.' (as defined in the English version) and
  - may be preceded by the word 'alcohol' or the abbreviation 'alc'. (as defined in the English version)
- Each linguistic version of the Regulation sets the exact wording to be used. Note that the exact wording could have change in relation with the national law adopted for the transposition of Directive 87/250/CEE.

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<sup>10</sup> Article 2.2(q): “primary ingredient” means an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required;



OFFICIAL EU LANGUAGE	DIRECTIVE 87/250/CEE <sup>11</sup>			REGULATION 1169/2011		
	REQUIRED SUFFIX	OPTIONAL PREFIXES		REQUIRED SUFFIX	OPTIONAL PREFIXES	
Bulgarian	обемни %	<i>алкохол</i>	<i>алк.</i>	<i>% vol</i>	<i>алкохол</i>	<i>алк</i>
Croatian	vol %	<i>alkohol</i>	<i>alk</i>	<i>% vol.</i>	<i>alkohol</i>	<i>alk.</i>
Czech	% obj.	<i>alkohol</i>	<i>alk.</i>	<i>% obj.</i>	<i>alkohol</i>	<i>alk.</i>
Danish	% vol	<i>alkohol</i>	<i>alk.</i>	<i>% vol.</i>	<i>alkohol</i>	<i>alk.</i>
Dutch	% vol	<i>alcohol</i>	<i>alc.</i>	<i>% vol.</i>	<i>alcohol</i>	<i>alc.</i>
English	% vol.	<i>alcohol</i>	<i>alc.</i>	<i>% vol.</i>	<i>alcohol</i>	<i>alc</i>
Estonian	mahuprotsent	<i>alkohol</i>	<i>alk.</i>	<i>% vol</i>	<i>alkohol</i>	<i>alk or alc</i>
Finnish	til-%	<i>alkoholi</i>	<i>alk.</i>	<i>til-%</i>	<i>alkoholi</i>	<i>alk.</i>
French	% vol	<i>alcool</i>	<i>alc.</i>	<i>% vol</i>	<i>alcool</i>	<i>alc.</i>
German	% vol	<i>Alkohol</i>	<i>alc.</i>	<i>% vol</i>	<i>Alkohol</i>	<i>Alk. or alc.*</i>
Greek	% vol	<i>αλκοόλη</i>	<i>Αλκ.</i>	<i>% vol.</i>	<i>αλκοόλη</i>	<i>alc</i>
Hungarian	% vol	<i>alkohol</i>	<i>alc.</i>	<i>% vol or % (V/V)</i>	<i>alkohol</i>	<i>alk. or alc.</i>
Italian	%vol	<i>alcool</i>	<i>alc.</i>	<i>% vol.</i>	<i>alcol</i>	<i>alc.</i>
Latvian	tilp. %	<i>spirts</i>	<i>alc.</i>	<i>tilp. %</i>	<i>spirts</i>	<i>alc.</i>
Lithuanian	tūrio proc.	<i>alkoholio</i>	<i>Alk.</i>	<i>% tūrio</i>	<i>alkoholio</i>	<i>alk.</i>
Maltese	% tal-vol.	<i>alkoħol</i>	<i>alk</i>	<i>% vol.</i>	<i>alkoħol</i>	<i>alc</i>
Polish	% obj.	<i>alkohol</i>	<i>alk.</i>	<i>% obj. or % vol.*</i>	<i>alkohol</i>	<i>alk.</i>
Portuguese	% vol	<i>álcool</i>	<i>alc.</i>	<i>% vol.</i>	<i>álcool</i>	<i>alc</i>
Romanian	% vol	<i>alcool</i>	<i>alc.</i>	<i>% vol</i>	<i>alcool</i>	<i>alc.</i>
Slovakian	% obj	<i>alkohol</i>	<i>alk.</i>	<i>% obj.</i>	<i>alkohol</i>	<i>alk.</i>
Slovenian	vol %	<i>alkohol</i>	<i>alk.</i>	<i>vol. %</i>	<i>alkohol</i>	<i>alk</i>
Spanish	% vol.	<i>alcohol</i>	<i>alc.</i>	<i>% vol</i>	<i>alcohol</i>	<i>alc.</i>
Swedish	vol.%	<i>alkohol</i>	<i>alk</i>	<i>%vol.*</i>	<i>alkohol</i>	<i>alk.</i>

\* Modified by a Corrigendum<sup>12</sup>

### Tolerance - Article 28; Annex XII

1. Positive and negative allowed tolerance in respect of the indication of the alcoholic strength by volume of spirit drinks is set at 0,3% vol.
2. This tolerance shall apply without prejudice to the tolerances deriving from the method of analysis used for determining the alcoholic strength (uncertainty of the result)<sup>13</sup>.

### Interpretation of Tolerance

Concerning the interpretation of this provision:

<sup>11</sup> The suffix and optional prefixes included in each linguistic version of Directive 87/250/CEE may differ from the exact wording included in each national law (transposition of the Directive).

<sup>12</sup> Corrigendum published in the Official Journal of the EU the 22 November 2014:  
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011R1169R%2806%29>

<sup>13</sup> The Measurement Uncertainty is concerned only with the uncertainties sourced within the measuring process itself and its value depends of each laboratory.



1. SANCO has informed AGRI that this provision applies without prejudice to the provisions and rules set in Regulation Regulation110/2008, i.e. the definition of each spirit category.
2. Several Member States consider that only the uncertainty of the method of analysis applies at the minimum alcoholic strength of a category.

#### Examples of situations:

- a. Whisky labelled: 41 % vol.  
Negative and positive tolerances will apply and the product can not be stopped by national authorities if checked at an alcoholic strength:
  - $\geq 40,7$  % vol., and,
  - $\leq 41,3$  % vol.
- b. Whisky labelled: 40 % vol.  
Only positive tolerance and the uncertainty of the analysis will apply and the product can not be stopped by national authorities if checked at an alcoholic strength:
  - $\geq 40$  % vol. minus the uncertainty [i.e.: 39,9 % vol. for an uncertainty of 0,1%], and,
  - $\leq 40,3$  % vol.

## 16. NUTRITION LABELLING

### How to indicate it – Article 32; Article 33

- The energy value and the amount of nutrients shall be expressed per 100 g or per 100 ml.
- In addition to the form of expression per 100 g or per 100 ml, the energy value and the amounts of nutrients may be expressed:
  - as a percentage of the reference intakes set out in Part B of Annex XIII in relation to per 100 g or per 100 ml.
  - per portion and/or per consumption unit, easily recognisable by the consumer, provided that the portion or the unit used is quantified on the label and that the number of portions or units contained in the package is stated:
- In order to ensure the uniform implementation of the expression of the nutrition declaration per portion or per unit of consumption and to provide for a uniform basis of comparison for the consumer, the Commission shall, taking into account actual consumption behaviour of consumers as well as dietary recommendations, adopt, by means of implementing acts, rules on the expression per portion or per consumption unit for specific categories of foods.

### Exemption and report - Article 16(4)

The declaration of *(l) the nutritional declaration*, shall not be mandatory for beverages containing more than 1,2% by volume of alcohol.

- The Commission shall produce, by 13 December 2014, a report addressing whether alcoholic beverages should in future be covered by the mandatory indication of *(b) the list of ingredients* and *(l) the nutritional declaration* and the reasons justifying possible exemptions<sup>14</sup>.
- The Commission shall accompany that report by a legislative proposal, if appropriate determining the rules for a list of ingredients or a mandatory nutrition declaration for those products.

<sup>14</sup> Article 16.4: *In this context [the report to be produced], the Commission shall consider the need to propose a definition of “alcopops”.*



### Presentation on voluntary basis - Article 30(4); COM Q&A

For alcoholic beverages, the nutrition declaration is not mandatory and may be limited to the energy value. No specific format is required.

### Calculation of energy content - Article 31(1); Annex XIV

The energy value shall be calculated using the following conversion factors:

<b>Nutrient</b>	<b>Conversion factor</b>
carbohydrate (except polyols)	17 kJ/g — 4 kcal/g
polyols	10 kJ/g — 2,4 kcal/g
protein	17 kJ/g — 4 kcal/g
fat	37 kJ/g — 9 kcal/g
salatrim	25 kJ/g — 6 kcal/g
alcohol (ethanol)	29 kJ/g — 7 kcal/g
organic acid	13 kJ/g — 3 kcal/g
fibre	8 kJ/g — 2 kcal/g
erythritol	0 kJ/g — 0 kcal/g

## 17. RESPONSIBILITIES

### Context

The new Regulation clarifies the responsibility of food business operators (FBO) with respect to food information to consumers in accordance with the responsibility regarding the consumer under the general food law (Article 17 of Regulation (EC) NO 178/2002).

Article 8 fills the legal lacuna on the notion that operators need to only satisfy the “requirements of food law which are relevant to their activities” issue under existing EU law.

### Who is responsible - Article 8

- The FBO mainly responsible for the food information shall be:
  - the one which **markets**/imports the product by marking it under his name/business name/brand name (art. 8(1)) and his address (art. 9(1)h);
  - the one which has the power to **affect** the information related to the foodstuff (art. 8(3));
  - the one which, ensures the presence and the accuracy of the food information in accordance with European as well as national rules (art. 8(2)).
- Food Business Operators are responsible for any changes they make to food information accompanying a food.
- Some incertitude still remains concerning the production for private label brands (i.e.: see [Federalimentare interpretation](#)).



### Distance selling and responsibility - COM Q&A

- The food business operator responsible for the food information is the operator under whose name or business name the food is marketed. The operator must ensure the presence and the accuracy of the food information provided.
- Where foods are offered for sale by means of distance selling, the responsibility for providing mandatory food information before the purchase is concluded lies with the owner of the website.

## 18. DISTANCE SELLING

### Information to provide - Article 14; COM Q&A

- The Regulation set rules concerning the presentation of food sold by means of distance communication.
  1. With the exemption of “(f) the date of minimum durability”, all the relevant mandatory information must also be available before the purchase is concluded.
  2. All mandatory particulars must be available at the moment of delivery.
- In the context of a pragmatic approach, there should be no obligation for providing the “lot number”<sup>15</sup> before the purchase is concluded.
- Subsequent Commission’s interpretations (e-mail exchange with SANCO):
  1. *“According to Article 2.2(c), mandatory food information means the particulars that are required to be provided to the final consumers by Union provisions. Therefore, Article 14(1) on distance selling is to be understood as referring to the Union provisions. Nevertheless, at the moment of delivery of the foods in question, all mandatory information (including those required by the national law – i.e. the pregnant woman logo-) shall be available (Article 14(2)).”*
  2. *“The mandatory information on food available on the website is to be displayed in the language of the country of the consumer. “*

### Responsibilities - COM Q&A

- The food business operator responsible for the food information is the operator under whose name or business name the food is marketed. The operator must ensure the presence and the accuracy of the food information provided.
- Where foods are offered for sale by means of distance selling, the responsibility for providing mandatory food information before the purchase is concluded lies with the owner of the website.

## 19. MULTIPACK PACKAGE

### Mandatory information in multipack - Article 8(7); COM Q&A

In the case of a 'multipack' package consisting of individually packed items which are sold by producers to wholesalers/retailers (stage prior to sale to the final consumer where the sale/supply to mass caterers is not involved):

- The mandatory particulars required under Articles 9 and 10 of the FIC Regulation shall appear in one of the following places:

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<sup>15</sup> 'lot number' is laid down in Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs





- on the prepackaging [i.e. on the 'multipack' package]; or,
- on a label attached thereto; or,
- on the commercial documents referring to the foods, where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery. In such cases, however, the following particulars must also appear on the external packaging in which the prepacked foods<sup>16</sup> are presented for marketing:
  - the name of the food;
  - the date of minimum durability or the 'use by' date (not for spirits);
  - any special storage conditions and/or conditions of use;
  - the name or business name and address of the responsible food business operator.

Therefore, each individually packed item need not to be labelled as such.

- If the wholesaler/retailer decides to sell the individually packed items to the final consumer, he must ensure that the mandatory particulars required under Articles 9 and 10 of the FIC Regulation appear on each one of them.

## 20. TRANSPORT RETAIL UNDERTAKINGS and CATERING

### Framework - Article 1(3); Article 15; COM WP on Transport

- Regulation (EU) No 1169/2011 shall apply to catering services provided by transport undertakings when the departure takes place on the territories of the Member States of the EU.
- The mandatory food information shall appear in a language easily understood by the consumers of the Member States where a food is marketed. The Member States are entitled to define, within their territory, the language in which such information has to appear.

### Open questions – COM WP on Transport

- What is to be understood under the term “departure” in the case of transit flights? If there are stop-overs, does the language of the stop over land also need to be used in the labelling?
- When foods are further served on flights with the destination towards Europe and on their way back, when flying back from the EU country, is the latter to be understood as the “place of the departure”? If yes, would the aircraft in question be considered as an importer of such foods and be responsible for the food information?
- Among the in-flight duty-free shop items, there are alcohol beverages and packaged chocolates, which are not necessarily bought in the country of the flight departure. Are they also in the scope of the Regulation (EU) No 1169/2011?

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<sup>16</sup> Article 2(2)(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 event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food’ does not cover foods packed on the sales premises at the consumer’s request or prepacked for direct sale;