

8 October 2008

Detailed amendments
to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the provision of food information to consumers COM(2008) 40 final

Members of UEAPME agree on the fact that labelling of unpacked food is impractical and impossible for SMEs which are providing European people with the most diverse range of food in the world.

Any demand for labelling of unpacked food will lead to a remarkable reduction of the distinctiveness of typical fresh European foodstuff.

To continue to provide consumers with the utmost possible variety of food the following amendments should be made.

The majority of UEAPME members support the following amendments:

Article 1.3 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 **pre-packed foods, unless otherwise stated**, intended for the final consumer, including foods delivered by mass caterers and foods intended for supply to mass caterers

Justification: This wording makes the intentions more clear that the regulation applies to pre-packed foods.

Article 4.1.b;i compositional attributes **as defined in annex II** that may be harmful to the health of certain groups of consumers;

Justification: as worded this could include ethical and religious preferences where the intention is for health hazards.

Article 4.1.b;iii ~~the health impact, including the risks and consequences related to harmful and hazardous consumption of a food;~~

delete

Justification: as worded it is too vague and so is unworkable

Article 4.1.c information on nutritional characteristics so as to enable consumers, including those with **essential** dietary requirements, to make informed choices. **This article is not meant for ethical and religious preferences.**

Justification: as worded this could include ethical or religious preferences where the intention is for health hazards. The intention is for safety rather than preference (e.g. Vegetarian.)

Article 6 Any **pre-packed food intended** for supply to the final consumer or to mass caterers **unless otherwise stated** shall be accompanied by the food information in accordance with this Regulation.

Justification: in practical terms all the information demanded in Article 9 cannot be put on loose foods.

Article 8.5 Food business operators within the business under their control shall ensure that information relating to non-pre-packed food ~~shall be transmitted~~ **shall be available** to the operator receiving **handling** the food in order to enable **them, where appropriate when asked, the provision to provide** the mandatory food information specified in Article 9.1 points (a) to (c) and (f) to the final consumer.

Justification: to provide all the necessary information in all cases in writing would be impractical and uneconomic. It would also lead to generalisations which could mislead the consumer.

Article 9.1.(j) instructions for use when it would be ~~impossible to make~~ appropriate use of the food in the absence of such instructions **unsafe to use the product in its sold form.**

Justification: as written this would entail instructions on a bag of flour on how to make breads, cakes and gravy. The intention is to ensure safety, not convenience.

Article 9(l) ~~a nutrition declaration.~~

delete

Justification: small handcraft enterprises do not have the expertise and the financial and personnel resources to comply with this clause in its present form for bespoke products. This would seem to be allowed for in annex IV and this wording should avoid the contradiction. We also note that assorted foods – like boxes of chocolates – may have varied composition.

Article 13.4 In the case of non-pre-packed food, the provisions of Article 41 shall apply.

Comment: according to Article 1.3 non pre-packed food is out of the scope of this Regulation anyway. Nevertheless this should be mentioned here.

Article 14.1 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 insure a significant contrast between the print and background~~ that can be easily read and shall be presented in a way so as to ensure a significant contrast between the print and the background.

Justification: this wording covers both font size and contrast.

Article 17.1 ~~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), (e) and (f) shall be mandatory.~~

delete

Justification: there is no point in putting allergy information on a milk bottle as the word "milk" already appears. Nor would it be necessary to put nutritional values on as this is exempted by annex IV.

Article 20 Omission of the list of ingredients

Comment: If this is in as an article, then annex IV should be in as an article also. Both are lists of omissions so both should be articles.

Article 24 The net quantity of a food shall be expressed, using litres, centilitres, millilitres, kilograms or grams, as appropriate:

Comment: This effectively rules out the use of the British pints and pounds. Many producers in Britain export to America where pounds are endemic. For foods sold loose and for pre-packed goods only for use in UK or USA we see no reason to change the existing undertakings on pounds and pints.

Article 34 (1) The particulars referred to in Article 31 (2) related to the mandatory nutrition declaration shall be included in a principal field of vision in a principal field of vision. They shall be presented, where appropriate, together in a clear format in the following order: energy, saturates, carbohydrates with specific reference to sugars, and salt.

Justification: it has been demonstrated that there is inadequate room on the “front of packs” for this information to be displayed in a clear form. It would therefore be better to have clarity and be on one side than it obscure the more essential information and be on the “front”. There is no “front” on cylindrical packages! Craft food producers are prepared to give the information on a place where it doesn’t conflict with the presentation and the image of the craft product.

Article 35

~~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.~~

~~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.~~

~~4. For meat, other than beef and veal, the indication on the country of origin or place of provenance may be given as a single place only where animals have been born, reared and slaughtered in the same country or place. In other cases information on each of the different places of birth, rearing and slaughter shall be given.~~

Delete OR clarify

Justification: There is no need for any country of origin labelling within the EU. Voluntary indications don't have to be regulated.

Article 38 National provisions on additional mandatory particulars

~~1. In addition to the mandatory particulars referred to in Article 9(1) and in Article 10, Member States may, in accordance with the procedure laid down in Article 42, require additional mandatory particulars for specific types or categories of foods, justified on grounds of:~~

~~(a) the protection of public health;~~

~~(b) the protection of consumers;~~

~~(c) the prevention of fraud;~~

~~(d) the protection of industrial and commercial property rights, indications of provenance, registered designations of origin and the prevention of unfair competition.~~

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

delete

Justification: The intention of this Regulation is for a common system across all member states. Different systems between states would contravene the principle of free movement of safe and wholesome food.

Article 41 (1) National measures for non pre-packed food
Where foods are offered for sale to the final consumer or to mass caterers without pre-packaging, or where foods are packed on the sales premises at the customer's request or pre-packed for direct sale, the Member States may adopt ~~detailed rules~~ **guidance** concerning the manner in which the particulars specified in Articles 9 and 10 are to be shown.

Justification: The intention of this Regulation is for a common system across all member states. Different systems between states would contravene the principle of free movement of safe and wholesome food. The difference here is between rules and guidance.

Article 41 (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. **Oral information can be given to customers when they ask.**

Justification: the intention is to harmonise this clause with Article 8.5. Member States may waive the requirements for all the information demanded in Articles 9 and 10 but for safety reasons allergen information should be available to any consumer who asks. Very different systems between Member States would contravene the principle of the free movement of safe and wholesome foods.

Comment: As written this would allow for verbal advice when customers ask about foods sold loose.

Additional suggestions:

We request special attention for the following remarks:

Fantasy packages (Easter bunnies etc. wrapped in aluminium or cellophane) are not mentioned in the draft and they are very important segment for SMEs in the food sector (it is mentioned in the current Labelling Directive);
Many small specialist undertakings produce traditional goods at certain seasons. This practice should be accepted in line with recital 16 in EC 852/2004 which says "Flexibility is also appropriate to enable the continued use of traditional methods at any stage of production, processing or distribution of food". In this context we would point out that traditional products like Easter Bunnies and Christmas goods are sold

without outer packaging. To accommodate this we would expect the Regulation to allow the necessary information to be either on display alongside the products or on an attached tag.

*It is very difficult for SMEs to mention all **allergens** in every product information. It is more practical to mention all allergens which are used in an SME on a list and place this list in the shop, so every customer can read which allergens are present in the specific SME.*

***Alternative ways of product information** instead of labelling should be used better. If too much information has to be given on the label it is too small for all of this.*

Brussels, 8 October 2008