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**Report Highlights:**

This report is intended to supplement the FAS U.S. Mission to the EU's Food & Agricultural Import Regulations and Standards (FAIRS) report with Italy-specific information. The Italy FAIRS provides contact information for the competent authorities that are responsible for the import of animal products, plant products, forestry products, fishery products, and general food products into the Italian market.

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### SECTION I: FOOD LAWS

The European Union (EU) currently consists of 28 Member States with approximately 500 million consumers. The EU Member States are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom (U.K.). As of January 31, 2020, the EU will comprise 27 Member States when the U.K. leaves the EU. Montenegro, the Former Yugoslav Republic of Macedonia, Turkey, Albania, and Serbia are candidates to join the EU.

This report is designed to be read in conjunction with the Italy FAIRS Certificate report which can be found at <https://it.usembassy.gov/embassy-consulates/rome/sections-offices/foreign-agricultural-service/>.

You may also want to review the FAIRS report produced by the U.S. Mission to the EU in Brussels, Belgium that is available at: <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/fairs-reports/>.

All EU Member States (including Italy) accept the “*Community Acquis*”, i.e. the entire body of EU laws and obligations associated with the treaties and international agreements to which the EU is a party. EU Member States share a customs union, a single market in which goods can move freely, a common trade policy, and a common agricultural and fisheries policy. To the extent that European Union food laws are harmonized, Italy’s food laws and regulations follow European Union rules. However, in the event that the EU rules are only framework legislation or there is no guidance, the regulations of each member state apply. The main principle of the single market concept is to ensure that all food products, whether produced in the EU or imported from a third country, can move freely throughout the EU if they comply with uniform requirements. In reality, certain directives allow Member States to make exceptions i.e. in cases where a country can identify unique concerns about a product intended for import. Free movement can only be guaranteed when all aspects are covered by harmonized legislation: e.g. a foodstuff may comply with the general labeling directive, but may carry a health claim for which harmonized rules do not yet exist.

Most but not all food legislation is harmonized at the EU level. Imported products must meet existing Member State requirements in cases where EU regulatory harmonization is not yet complete or absent. Italian authorities implement EU rules (directives and regulations) for food and agriculture through country specific laws and decrees. Up to date information on EU food import rules as well as general information on EU import duties and quotas can be found on the USEU Mission website: <http://www.usda-eu.org/reports/>.

The EU's "Farm to Fork" approach to food safety includes all sectors of the food and feed chain. [General Food Law Regulation 178/2002](#) lays down the general principles, including the [precautionary principle](#), and sets out requirements and procedures related to food safety and crisis management. The Member States are responsible for carrying food controls in order to check that food business operators comply with EU food law requirements. A new regulation on harmonized food controls, [Regulation 2017/625](#), will become applicable on December 14, 2019, repealing current [Regulation 882/2004](#). A "rapid alert system" for food and feed (RASSF) is in place to share cross-border information when risks to public health are detected in the food chain. The Standing Committee on Food and Feed (PAFF), composed of Member State technical experts, assists the Commission in the preparation of food and feed safety measures. The General Food Law regulation also provided for the establishment of the European Food Safety Authority (EFSA), an independent body that provides scientific advice to the European Commission.

In January 2018, the Commission finalized a "[fitness check](#)" of General Food Law Regulation 178/2002. It found that ineffective risk communication has a negative impact on consumers' trust and on the acceptability of risk management decisions. In June 2019, [Regulation 2019/1381](#) on the transparency and sustainability of the EU risk assessment in the food chain and amending the General Food law was published in the EU's Official Journal. The main elements of the regulation aim at ensuring more transparency, increasing the independence of studies, strengthening the governance of EFSA, as well as developing comprehensive risk communication. The regulation will have an influence on eight sectoral legislative acts across the agri-food industry, including feed additives; smoke flavorings; food contact materials; food additives, food enzymes, and flavorings; and novel foods. For more information, please see [GAIN Report on "Proposed New Rules on Transparency and Risk Communication"](#).

In Italy, food safety is the primary responsibility of the Ministry of Health, while food production is the primary responsibility of the Ministry of Agriculture. In some instances, other Italian ministries may have responsibilities, such as the Ministry of Economic Development on standards, labeling, and trade promotion, or the Ministry of Economy and Finance on customs and duties.

The Ministry of Health is organized as a General Secretariat with 12 Directorates-General. The following three Directorates deal with hygiene and food safety, nutrition, and veterinary public health:

- Directorate-General for animal health and veterinary medicinal products (DGSAF);
- Directorate-General for hygiene, food safety, and nutrition (DGSAN);
- Directorate-General for collegial bodies for health protection (DGOCTS).

DGSAF is responsible for drawing up national programs for the eradication of animal diseases and guidelines for the control of animal welfare on farms by ensuring effective controls on imported animals, food of animal origin, and feeding stuffs at the Border Inspection Posts (BIPs). It also provides general guidelines for feedstuffs and animal nutrition, and issues marketing authorizations for veterinary medicinal products aimed at licensing of manufacturing, import permits, and compliance with GMP (Good Manufacturing Practices).

DGSAN is concerned with: health and safety of food production and marketing, primary products included; oversight of the food chain and operational guidelines for official controls on imported food; management of the RASFF system and the food, feed, and animal by-products division; nutrition and products for use in special diets; functional foods; food supplements; herbal products for food; nutritional labeling; nutritional education; health aspects related to food technology and novel foods; genetically modified organisms; additives, food flavorings, contaminants, and food contact materials; plant protection products; hygiene and safety of food for export; investigations, audits, and inspections in the areas of competence.

DGOCTS is the national European Food Safety Agency (EFSA) contact point. It is responsible for the physical, chemical, and biological risk aspect of food safety. It is also the national contact point for the Food Safety National Committee. It is responsible for the coordination and planning of actions aimed at assessing risks in the food chain, as well as activities of the Committee of Consumers and Producers Associations, in collaboration with DGSAN.

Peripheral offices of the MOH (BIPs, USMAF, UVAC):

The following local ministerial offices are responsible for import controls and intra-Union trade:

- 23 Border Inspection Posts (BIPs) for import controls on animals, food of animal origin, and feedstuffs;
- 37 local offices at the main ports and airports, responsible for import controls on food of non-animal origin, which depend on 12 main Maritime, Aviation, and Border Health Offices (USMAF);
- 17 Veterinary Offices for Compliance with EU Requirements (UVAC), responsible for intra Community trade of animals, food of animal origin, and feed.

The Nucleo Anti Sofisticazioni (NAS – the Food Law Enforcement Department) is a special unit of the Italian Corps of Carabinieri, which operates under the supervision and direction of the Ministry of Health. It is organized into a central command, 3 main local units, and 38 regional inspection units. It carries out investigations and controls on illegal adulteration of foodstuffs, fraud, and trafficking of medicines, both on its own initiative and upon request from MOH offices. This includes hygiene inspections, verification of control systems, sampling, and analysis of products and examination of authorization documents.

The National Health Institute (ISS) is the leading technical and scientific public body of the Italian National Health Service. The ISS (which falls under MoH) supervises all laboratories in charge of food and feed controls and carries out confirmatory analysis at the national level. Its activities include research, control, training, and consultation in the interest of public health protection. The ISS is also a

community reference laboratory for escherichia coli (including Vero toxigenic E. coli), parasites (i.e. Trichinella), and the residues listed in annex I, group B 3 (c) of Directive 96/23/EC.

The Istituti Zooprofilattici Sperimentali - National Reference Centers (IZS) are located in most Italian regions. The IZS's are veterinary public health institutes, which form a network of public laboratories at the national and regional level. The centers are organized in 10 central laboratories and 85 field diagnostic units at the regional level. All IZS laboratories for the official control of feed and foodstuffs are accredited to perform analyses on food of animal origin and on animal health.

Tests on contaminants, pesticides, and food of plant origin are performed by 27 Environment Protection Agencies (ARPA) with 54 local laboratories at the regional level. ARPA comprises laboratories that are responsible for both environmental monitoring and food controls. The laboratories report to the local LHU-ASL and they may perform analyses for more than one LHU-ASL in a particular region. The Public Health Laboratories (PHL-LSP) operating within the ASL's Prevention Departments also carries out official analyses. The tested matrixes include food of animal and non-animal origin, water, and food contact materials.

U.S. food and beverage products must comply with the generally applied rules and regulations, as would any other product sold in the EU market. U.S. exporters should also be aware that any food or agricultural product trans-shipped through Italian territory will be inspected by Italian authorities, even if the product is transported in a sealed and bonded container and is not expected to enter the Italian market.

EU food legislation is characterized by a constant flow of new regulations and directives, amendments to existing legislation and implementation rules. EU laws are translated into the 24 official languages in use in the EU-28 and published in the Official Journal as soon as they are translated. Directives define the result that must be achieved, but leave to each Member State the choice of form and methods to transpose the directive into national laws (usually within 2-3 years after adoption). Regulations are binding in their entirety and automatically enter into force on a set date in all Member States. Amendments to EU legislation are usually published in new and separate Directives and Regulations, making it difficult to be sure of all possible amendments when doing research. Consolidated texts, i.e. the consolidation of a basic legal act and subsequent amendments into one text, are available on the European Commission's website, but come with a warning that they are not legally binding. When legislation is referenced in this guide, it is implied that all further amendments also apply. Where possible, this guide links directly to the consolidated versions of referenced EU legislation. The Eurlex website is <http://eur-lex.europa.eu/en/index.htm> and provides free access to European Union law.

## **SECTION II: LABELING REQUIREMENTS**

### **A. General Requirements**

On December 13, 2014, the EU's "[Food Information to Consumers \(FIC\) Regulation 1169/2011](#)" became applicable to all pre-packaged food and drink products marketed in the EU, including those imported from third countries. The mandatory nutrition declaration requirement introduced by the FIC regulation became applicable on December 13, 2016. The objective of a "regulation" is to set

harmonized rules that apply throughout the EU. However, the FIC regulation allows EU Member States to deviate from EU rules. Article 39 of the FIC regulation sets conditions for Member States to adopt additional mandatory national measures, including measures for country of origin labeling. The FIC regulation exempts alcoholic beverages from mandatory nutrition labeling and ingredient listing, but Article 41 allows Member States to maintain national rules on the listing of ingredients until EU-harmonized provisions are adopted. U.S. exporters are strongly advised to check for additional national requirements with their importers.

## 1. Compulsory Information

Article 9 of FIC Regulation 1169/2011 sets out the list of mandatory declarations on food and drink labels:

- Name of the food
- List of ingredients
- Allergens listed in Annex II
- Quantity of certain ingredients or category of ingredients
- Net quantity of the food
- Date of minimum durability or “use by date”
- Any special storage conditions and/or conditions of use
- Name of business name and address of the food business operator under whose name the food is marketed. If that operator is not established in the EU, the name and address of the importer
- Country of origin or place of provenance in accordance with the provisions of Article 26
- Instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions
- Alcoholic strength by volume for beverages containing more than 1.2% by volume of alcohol
- Nutrition declaration

## 2. Warnings on Labels

Annex III to FIC Regulation 1169/2011 establishes a list of products that require a special warning on the label:

- Foods whose durability has been extended by means of **packaging gases**.
- Foods containing sweeteners authorized under [Food Additives Regulation 1333/2008](#).
- Foods containing **added sugar and sweeteners** authorized under [Food Additives Regulation 1333/2008](#).
- Foods containing **aspartame** authorized under [Food Additives Regulation 1333/2008](#).
- Foods containing **more than 10% added polyols** authorized under [Food Additives Regulation 1333/2008](#).
- Confectionery and beverages containing **licorice** (glycyrrhizinic acid or its ammonium salt).
- Beverages containing more than 150mg/l of **caffeine** and foods with added caffeine.
- Foods or food ingredients with added **phytosterols, phytosterol esters, phytosterols or phytosterol esters**.

Annex V to [Food Additives Regulation 1333/2008](#) requires foodstuffs containing the food colors sunset yellow (E110), quinoline yellow (E104), carmoisine (E122), allura red (E129), tartrazine (E102), and ponceau 4R (E124) to be labeled “may have an adverse effect on activity and attention in children.” Any non-edible parts of a packaging system that consumers could mistake for food must be labeled with the words “DO NOT EAT” and where technically possible carry a warning symbol.

### 3. Minimum Font Size

Article 13 of FIC Regulation 1169/2011 introduces a minimum font size for printing the mandatory information on food and drink labels. As a general rule, the information must be printed in characters using of minimum font size of 1.2 mm for the “x-height” as defined in Annex IV. If the largest surface of a food package or container is less than 80 cm<sup>2</sup>, the minimum font size is reduced to 0.9 mm. On packages with a printable surface smaller than 25 cm<sup>2</sup>, the nutrition declaration is not required. Packages which are smaller than 10 cm<sup>2</sup> do not need to bear a nutrition declaration nor a list of ingredients.



Legend

1	Ascender line
2	Cap line
3	Mean line
4	Baseline
5	Descender line
6	x-height
7	Font size

The minimum font size does not apply to mandatory labeling requirements set out in other EU legislation such as for example the font size requirements set out in Directive 76/2011 to indicate the nominal quantity (see Section III Packaging and Container Regulations).

### 4. Language Requirements

Article 15 of FIC Regulation 1169/2011 stipulates that the mandatory information should be provided in “a language easily understood by the consumers of the Member States where the food is marketed.” In practice, this means the official language(s) of that Member State. Member States may specify which information needs to be provided in one or more official EU languages. In order to avoid non-

compliance with the new labeling rules, translations of mandatory information must be accurate. Automated online translation tools may generate incorrect translations and should not be used unless edited.

## 5. Ingredients List

The word “ingredients” must precede the list of ingredients. All ingredients must be designated by their specific name and listed in descending order of weight. Ingredients present in the form of engineered nanomaterials must be indicated in the list of ingredients followed by the word “nano” in brackets. Annex VII to FIC Regulation 1169/2011 sets out specific provisions concerning the indication of ingredients and categories of ingredients in the list of ingredients. This Annex requires the mandatory indication of the source of vegetable oils and fats.

## 6. Allergen Labeling

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/allergen-labeling/>  
FIC Regulation 1169/2011 introduced important changes for allergen labeling. Article 21 of the FIC regulation stipulates that each product or substance capable of inducing an allergic reaction must be indicated in the list of ingredients with reference to the name of the substance or product as listed in Annex II to the FIC regulation. The name of the substance or product must be highlighted through a typeset that clearly distinguishes it from the other ingredients, for example in bold or with a background color.

*Example: “tofu” (soya) – “whey” (milk)*

Where an ingredients list is provided, the voluntary use of warning boxes or statements such as “contains X” to repeat the presence of the allergenic ingredients is no longer allowed.

On products that do not require an ingredients list, such as for example wine, the presence of allergens must be indicated using the word “contains” followed by the name of the substance or product as listed in Annex II to the FIC regulation. Allergen labeling is mandatory on all alcoholic beverages and must respect the minimum font size requirement. Member States may decide in which language(s) allergens should be indicated on the label.

Following a public consultation launched in November 2014, the Commission published an [update of its guidance document on allergen labeling](#) in July 2017.

## 7. Minimum Durability

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/shelf-life/>

Annex X to FIC Regulation 1169/2011 sets out rules for the indication of the date of minimum durability, use-by date, and date of freezing. The use-by date must be indicated on individual pre-packed portions. The durability date **AND** the date of (first) freezing preceded by the words “frozen on” is required on labels of frozen meat, frozen meat preparations, and frozen unprocessed fishery products.

## 8. Quantitative Ingredients Declaration (QUID)

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/quantitative-ingredients-declaration/>

Article 22 of the FIC regulation requires the indication of the quantity of an ingredient or category of ingredients in the following cases:

- Where the ingredient or category of ingredients appears in the name of the food or is usually associated with that name by the consumer.
- Where the ingredient or category of ingredients is emphasized on the labeling in words, pictures, or graphics.
- Where the ingredient or category of ingredients is essential to characterize a foodstuff and to distinguish it from similar products.

The QUID declaration, expressed as a percentage, must appear either in or immediately next to the name of the food or in the list of ingredients. Annex VIII to the FIC regulation sets out the technical rules and exemptions from the QUID requirement.

In November 2017, the European Commission published [updated guidelines](#) on the QUID requirement in Official Journal C 393. The guidelines explain when QUID is mandatory and which products are exempt from QUID.

## 9. Additives & Flavorings

Annex VII, Part C to FIC Regulation 1169/2011 lists the categories of additives, which must be designated by the name of their category, followed by their specific name or E-number.

Part D of the same Annex sets out rules for the indication of flavorings, smoke flavorings, and the use of the term “natural”. [Regulation 1334/2008](#) lays down additional rules on the use of the term “natural”.

Guidance document:

FoodDrink Europe (EU Food and Drink Industry Confederation): [Guidelines on Flavourings](#) (2019).

## 10. Country of Origin Labeling (COOL)

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/country-of-origin-labeling/>

Eight EU Member States – Finland, France, Greece, Italy, Lithuania, Portugal, Romania, and Spain – have implemented or are in the process of developing and implementing a variety of national COOL schemes that apply to different types of ingredients and finished products, have varying implementation times, and require different wording on labels. The information required on packaging varies according to each individual Member State and can include the country of birth, fattening, and slaughter of animals; country of milking, packaging, or processing for dairy products; and country of cultivation and processing for wheat.

The Italian government has introduced COOL regulations for milk, yoghurt, cheese, butter, rice, durum wheat and semolina in pasta, and tomatoes. These measures have not been notified to the WTO. On May 7, 2018, the Ministry of Agricultural, Food and Forestry Policies and the Ministry of Economic Development announced the signing of a decree which codifies that all Italian COOL measures passed since 2017 (durum wheat pasta, rice, dairy and milk products, and tomatoes in tomato products) will expire on March 31, 2020. Officials stated this provision was necessary to avoid regulatory gaps and any ensuing confusion pending the implementation of [Regulation 2018/775](#) adopted by the Commission and scheduled to enter into force on April 1, 2020. Such regulation introduces mandatory dual origin labeling when a country of origin is given or visually implied on the label of a food product, but the origin is not the same as that of its primary ingredient.

*Example: A jar of peanut butter with a statement such as “made in the USA” or carrying an American flag would trigger this regulation if the peanuts were sourced from another country.*

The European Commission is required to publish a guidance document at least 6 months before April 1, 2020. More information can be found in the [GAIN report “Commission Briefing on New Origin Labeling Rules”](#).

These mandatory labeling measures will undoubtedly affect U.S. trade, as food producers will be inclined to source ingredients locally if the origin of imported ingredients must be indicated in the list of ingredients on the label. Additionally, the patchwork nature of these measures subjects exporters to a range of divergent label rules and requirements that will likely create uncertainty and confusion for U.S. exporters.

Detailed information on COOL is provided on the FAS/USEU website: <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/country-of-origin-labeling/>.

Guidance document:

- FoodDrink Europe (EU Food and Drink Industry Confederation): [Guidance on the Origin Indication of the Primary Ingredient](#) (2019).

## **11. Alcoholic Beverages**

Allergen labeling is compulsory on all alcoholic beverages (see “Allergen Labeling”). On beverages containing more than 1.2% of alcohol by volume (excluding wines), the actual alcoholic strength by volume must be indicated in accordance with Annex XII to FIC Regulation 1169/2011. The alcoholic strength must be indicated by a figure with maximum one decimal place followed by the symbol “% vol.” The alcoholic strength must be given in the same field of vision as the product name and the net quantity. For wines, rules for the indication of the alcoholic strength are set out in specific legislation (see Chapter B.5 “Other Specific Labeling Requirements - Wine”).

Alcoholic beverages containing more than 1.2% of alcohol by volume are still exempted from the obligation to bear a nutrition declaration and a list of ingredients. The FIC regulation required the European Commission to prepare a report by end 2014 examining whether the exemption for alcoholic beverages should be maintained. In March 2017, the Commission finally published its long awaited report. Following the conclusions of the report, the Commission gave the EU alcoholic beverages

industry one year to present a self-regulatory proposal covering all beverages (beer, wines, and spirits). In March 2018, the industry presented a [joint self-regulatory proposal](#) outlining general principles of a labeling scheme shared by the alcoholic beverage industry. These general principles are accompanied by four sector-specific implementation plans for [wine](#), [spirit drinks](#), [beer](#), and [cider & fruit wine](#). More information is available in [GAIN report “EU Alcohol Industry Labeling Proposal – Labeling Apart Together”](#).

### Spirits:

On June 4, 2019, the European spirits sector signed a [Memorandum of Understanding](#) and committed to *voluntarily* include energy information on-label, while comprehensive ingredients and nutritional information will be available on-line. The declaration of ingredients will follow the definition provided in the FIC Regulation:

- There is no obligation to declare processing aids (if used);
- Calorie information will be provided per 100 ml and per consumption unit, provided that the unit used and the number of units contained in the package is stated. The proposed consumption unit by default is 30 ml.

Illustrative examples of how on-label energy information can be provided for spirits:



Source: SpiritsEurope

### Beers:

On September 5, 2019, the European beer industry signed a [Memorandum of Understanding](#) and committed to *voluntarily* inform consumers on ingredient and nutrition information. In conformity with the provisions of the FIC Regulation:

- Ingredients must be listed in descending order of weight as recorded at the time of their use in the manufacture of the beverage;
- Nutrition information must be provided per 100 ml;
- With regard to nutrition information, beers over 1.2% of alcohol by volume shall either solely list the energy values or list all seven nutritional values.

More information can be found on the Brewers of Europe’s dedicated website: <https://beerwisdom.eu>

### Wine:

In 2019, during discussions on the Common Agricultural Policy (CAP) reform, the European Parliament amended the proposal of the European Commission and added specific requirements on nutrition declaration for wine. The [proposed amendment](#) to the CAP would introduce *mandatory* wine labeling

for the nutrition declaration, the content of which may be limited to the energy value only and the list of ingredients. The energy value would be expressed per 100 ml. In addition, it may be expressed per consumption unit, easily recognizable by the consumer, provided that the unit used is quantified on the label and that the number of units contained in the package is stated. This amendment is still going through the EU legislative process. A final decision is expected late 2020 or beginning of 2021.

## 12. Nutrition Declaration

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/nutritional-labeling/>

Under FIC Regulation 1169/2011, the nutrition declaration became mandatory on December 13, 2016. Annex V to the FIC regulation lists foodstuffs which are exempted from the mandatory nutrition declaration requirement. The nutrition declaration must be presented, if space permits, in tabular format with the numbers aligned and, where space does not permit, in linear format. All elements of the mandatory nutrition declaration should be in the same field of vision on the food label or package.

Mandatory content of the nutrition declaration:

- Energy value: expressed in kilojoules (kj) and kilocalories (kcal);
- **In this particular order:** amounts of fat, saturates, carbohydrate, sugars, protein, and salt, expressed in grams (g), milligrams (mg), or micrograms ( $\mu\text{g}$ ) per 100 grams or per 100 milliliters.

Nutrition declarations per portion or per consumption unit, in addition to the declaration per 100 grams or milliliters are allowed provided that the number of portions/consumption units is clearly indicated on the package. The salt content must be expressed as “salt” not “sodium”, but, where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear in close proximity to the nutrition declaration.

The following elements may, on a voluntary basis, be repeated on the front label:

- Energy value
- Energy value together with the amounts of fat, saturates, sugars, and salt

The content of the mandatory nutrition declaration may be supplemented with the indication of the amounts of one or more of the following:

- Monounsaturates
- Polyunsaturates
- Polyols
- Starch
- Fiber
- Vitamins and minerals listed in Part A of Annex III to the FIC regulation (incl. percentage of reference intakes)

Detailed rules on the presentation of the nutrition declaration are set out in Annex XV to the FIC regulation. The European Commission also published a [guidance document](#) and a simplified [summary table](#) for tolerance values for the control of compliance of nutrient values declared on a label with EU legislation. Annex V to the FIC regulation establishes a list of products that are exempted from the mandatory nutrition declaration requirement.

The EU's Food & Drink Industry Federation "FoodDrinkEurope" has launched a website explaining "reference intakes" to food business operators and consumers: <http://referenceintakes.eu/reference-templates.html>.

Article 35 of the FIC regulation allows Member States to recommend the use of additional forms of expression or presentation of the nutrition declaration. So far, six Member States have adopted additional front of pack nutritional labeling schemes: Sweden, Denmark, France, Belgium, Spain, and the United Kingdom. The FIC regulation required the Commission to prepare a report by December 13, 2017, on experience gained with the national schemes, such as the U.K. traffic light labeling scheme, and the advisability of further harmonization in this area. The Commission has not published this report yet.

### **13. Gluten-Free**

Harmonized compositional and labeling rules for foods for persons with gluten intolerance were previously set out in the EU's directive on foods for particular nutritional uses (Regulation 41/2009). With the adoption of the [new dietetic foods Regulation 609/2013](#), it was decided that gluten-free foods would be regulated under the FIC regulation. Commission [Implementing Regulation 828/2014](#), applicable since July 20, 2016, sets out conditions for using "gluten-free" and "very low gluten" statements on food labels.

### **14. Trans Fats**

Rules to limit and label the content of trans fats in food products are not yet EU-harmonized. Certain Member States such as Denmark, Austria, Hungary, and Latvia have set national legal limits on industrially produced trans fats in foods. The FIC regulation required the European Commission to prepare a report by end 2014 on the presence of trans fats in foods. On October 11, 2016, the Commission published a [roadmap](#) to assess several policy options for limiting industrial trans fat intakes in the EU.

In April 2019, [Regulation 2019/649](#) amending Annex III to [Regulation 1925/2006](#) on trans fat was published in the Official Journal. According to this new regulation, "the content of trans fat, other than trans fat naturally occurring in fat of animal origin, in food intended for the final consumer and food intended for supply to retail, shall not exceed 2 grams per 100 grams of fat".

The regulation entered into force in May 2019. However, food which does not comply with this regulation may continue to be placed on the market until April 1, 2021.

## 15. Use of Stickers

Specific rules on the use of stickers to provide mandatory labeling information are not included in FIC Regulation 1169/2011. On this issue, the European Commission refers to point 2.1.1 of [their Questions and Answers on the Application of Regulation 1169/2011](#) document, which says “labels should not be easily removable so as to jeopardize the availability or the accessibility of the mandatory food information to the consumer.” As previously noted, the standard U.S. label fails to comply with Italian rules and regulations. Therefore, a sticker with the translation of the U.S. label in Italian and with all the mandatory EU information listed below needs to be placed on the packaging above or in addition to the U.S. label when the product is sold in Italy. As a rule, labeling has to be in a language easily understood by consumers. While EU legislation does not contain any reference to the use of stick-on labels, Italy accepts them but they must be applied before the product is imported into Italy.

## 16. Samples

FIC Regulation 1169/2011 does not include any provisions on samples.

## 17. Checklist for Compliance with new FIC Rules

<b>FOOD LABELS</b>
Language / Specific Member State requirements
Minimum font size
Name of food (must include specific treatments such as “refrozen,” “smoked,” “powdered,” percentage of added water to meat and fishery products)
Warnings (Annex III to FIC regulation lists products that require a warning label)
Instructions for use (symbols are allowed IN ADDITION to text)

<b>ALLERGEN LABELING</b>
Allergens listed in Annex II to FIC regulation must be indicated
Allergen boxes are no longer allowed when an ingredients list is provided
Each allergen must be highlighted (bold, background color) in the list of ingredients
“Contains + name of allergen” where no ingredients list is provided

<b>INGREDIENTS LIST</b>
Heading must include the word “Ingredients” (do not highlight)
All ingredient must be listed in descending order of weight
“Nano” in brackets to indicate presence of engineered nanomaterials
Quantitative Ingredients Declaration (QUID) for ingredients given special emphasis
Source of vegetable oil or fat must be indicated
Proteins added to meat products must be indicated

## **DATE OF MINIMUM DURABILITY**

Instructions listed in Annex X to FIC regulation

“Use by” date on highly perishable foods / on each individual pre-packed portion / storage instructions

“Best before” / “Best before end” on other foods

Durability AND “frozen on” date on frozen products

Reference to where the date is given on the label

## **ALCOHOLIC STRENGTH**

Instructions listed in Annex XII to FIC regulation

Actual alcoholic strength by volume of alcohol of beverages containing more than 1.2% by volume of alcohol must be indicated as “alcohol” or the abbreviation “alc.” X% vol.

Product name, net quantity and alcohol strength must be indicated in the same field of vision

## **COUNTRY OF ORIGIN (COOL)**

Mandatory COOL where failure to indicate this would mislead consumer

Mandatory COOL for meat from sheep, goats, poultry and pigs

Mandatory COOL for other products may be adopted in near future

Mandatory COOL for primary ingredient when its omission could mislead the consumers

## **Mandatory Nutrition Declaration (applicable as of December 13, 2016 – nutrition panels provided before this date must comply with FIC regulation)**

Instructions listed in Annex XV to FIC regulation

Tabular format (linear format where space does not permit tabular format)

Expressed per 100g/ml

Energy in KJ and kcal

In this particular order, amounts of:

Fat

Saturates

Carbohydrate

Sugars

Protein

Salt (not sodium)

## Voluntary Nutrition Declaration (may complement Mandatory Nutrition Declaration)

Mono saturates

Polyunsaturates

Polyols

Starch

Fibre

Vitamins and minerals listed in Annex XIII to FIC regulation

Energy Value or Energy Value together with Fats, Saturates, Sugars, Salt may be repeated

Reference Intake (RI) set out in Annex XIII per portion or consumption unit (must include energy value per 100g/ml and per portion)

See also Commission [infographic “New EU food labeling rules.”](#)

### B. Other Specific Labeling Requirements

The EU’s “Food Information to Consumers” Regulation 1169/2011 sets out horizontal rules applicable to all products. Sectoral or “vertical” legislation exists for a number of products. Labeling requirements set out in product-specific legislation complement the horizontal rules set out in Regulation 1169/2011. For example, EU wine regulations do not include provisions on allergen labeling. This means that wine labels not only have to comply with the requirements set out in wine Regulation 607/2009, but also with the allergen labeling requirement set out in FIC Regulation 1169/2011.

#### 1. Nutrition Claims

The Annex to [Nutrition & Health Claims Regulation 1924/2006](#) lists the EU authorized nutrition claims and their conditions of use. The use of nutrition claims not included in the annex is not allowed.

#### 2. Health Claims

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/nutrition-health-claims/>

Rules on the use of health claims are set out in [Nutrition & Health Claims Regulation 1924/2006](#). [Regulation 432/2012](#) establishes the EU positive list of functional health claims and their conditions of use. Any producer can use the permitted health claims provided the conditions set out in Regulation 432/2012 are met. The EU’s [online “Register of Nutrition and Health Claims”](#) lists the authorized health claims as well as the rejected claims and the reasons for their non-authorization. Since December 14, 2012, all claims that are not authorized and not on hold or under consideration are prohibited. Food products carrying claims must also comply with the provisions of the EU’s [“Food Information to Consumers \(FIC\)” Regulation 1169/2011](#). [Commission Implementing Decision 2013/63](#) sets out guidelines for national control authorities as regards the implementation of specific conditions for permitted health claims.

The authorization of health claims referring to botanical substances was put on hold because of the potential conflict with the EU’s Traditional Herbal Medicinal Products Directive. In October 2015, the

European commission published a “[roadmap](#)” to evaluate two specific elements of Regulation 1924/2006: the authorization of health claims referring to botanical ingredients and the establishment of nutrient profiles. Regulation 1924/2006 required the Commission to establish by January 19, 2009 thresholds for salt, fat, and sugar above which nutrition and health claims would be restricted. To date, nutrient profiles have not yet been adopted and the Commission is assessing whether they are still necessary to ensure adequate implementation of the regulation. The outcome of the review process will be used to decide whether the nutrition and health claims regulation should be amended.

The list of permitted functional health claims is different from the individual applications for health claims relating to disease risk reduction and claims referring to the health and development of children, which require an authorization on a case-by-case basis, following the submission of a scientific dossier to EFSA. A simplified authorization procedure was established for health claims based on new scientific data.

[Regulation 353/2008](#) sets out implementing rules for applications for the authorization of health claims as provided for in Article 15 of Regulation 1924/2006. A guidance document on how companies can apply for health claim authorizations can be downloaded from EFSA’s website at: <http://www.efsa.europa.eu/en/nda/ndaclaims.htm>.

[Commission Regulation 907/2013](#) establishes rules for the use of “generic descriptors” which could be interpreted by consumers as health claims. Generic descriptors such as “digestive biscuits” and “cough drop” would normally be banned under Regulation 1924/2006 because they suggest a beneficial effect on health, but the implied health benefit has not been evaluated scientifically by the European Food Safety Authority (EFSA). For more information, see [GAIN report “Health Claims – New EU Regulation on Generic Descriptors”](#).

### **3. Genetically Modified Foods Labeling**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/labeling-of-genetically-modified-products/>

Labeling regulations for genetically modified (GM) food products are established by [Regulation 1829/2003](#) (articles 12-13). These rules apply to products that have undergone varying degrees of processing. The regulation does not require labeling of food products that are not food ingredients, such as processing aids. Meat, milk, or eggs obtained from animals fed with GM feed or treated with GM medicinal products do not require GM labeling. The traceability rules require all business operators to transmit and retain information on GM products in order to identify both the supplier and the buyer of the GM product.

Each individual genetically modified organism (GMO) must be approved before it can be used in food and feed. The EU register of authorized GMOs can be consulted on the European Commission’s website at: [http://ec.europa.eu/food/plant/gmo/eu\\_register/index\\_en.htm](http://ec.europa.eu/food/plant/gmo/eu_register/index_en.htm). All food products containing or consisting of GMOs, produced from GMOs or containing ingredients produced from GMOs must be labeled even if they no longer contain detectable traces of GMOs. The labeling requirement does not apply to foods containing GMOs in a proportion equal to or less than 0.9 percent of the food ingredients

considered individually, provided their presence is adventitious or technically unavoidable. Above this level, all products must be labeled using the following wording:

- Where the food consists of more than one ingredient, the words “genetically modified” or “produced from genetically modified [name of ingredient]” must follow in brackets immediately after the ingredient concerned. A compound ingredient with a GM component should be labeled “contains [name of ingredient] produced from genetically modified [name of organism].”

*Example: a biscuit containing soy flour derived from GM-soy must be labeled “contains soy flour from genetically modified soy.”*

- Where the ingredient is designated by the name of a category (e.g. vegetable oil), the words “contains genetically modified [name of organism]” or “contains [name of ingredient] produced from genetically modified [name of organism]” must be used.

*Example: for vegetable oils containing rapeseed oil produced from genetically modified rapeseed, the reference “contains rapeseed oil from genetically modified rapeseed” must appear in the list of ingredients.*

The designations may appear in a footnote to the ingredients list, provided they are printed in a font at least the same size as that of the list of ingredients or, where there is no list of ingredients, clearly on the labeling.

- Where there is no list of ingredients, the words “genetically modified” or “produced from genetically modified [name of ingredient]” must appear clearly in the labeling.

*Example 1: “a spirit containing caramel produced from genetically modified corn.”*

*Example 2: “genetically modified sweet corn.”*

Controls of GM food in Italy are conducted by the Office VI of the Directorate General for Food Hygiene, Food Safety, and Nutrition (DGFHFSN) at the Italian Ministry of Health. DGFHFSN is responsible for controls on GM food, including applications for authorization of GM food. Office II of DGFHFSN is responsible for controls on GM food of non-animal origin (both raw materials and processed food). The Port, Airport, and Border Health Offices (USMAFs) perform controls of GM food and GM food of non-animal origin at the point of entry. Standard controls involve documentary, identity and physical checks, and sampling. Samples are taken from approximately 5-10 percent of consignments, focusing largely on those declared ‘GM-free’. Accredited laboratories upload the analysis’ results directly to the information system of the Experimental Zoo-prophylaxis Institute of Lazio and Tuscany.

The National GM Food Control Plan for 2015-2019 is available at:

<http://www.salute.gov.it/pianoNazionaleIntegrato2015/homePianoNazionaleIntegrato2015.jsp> (in Italian)

Controls of GM feed in Italy are conducted by the Office VII of the Directorate General for Animal Health and Veterinary Medicine (DGAHVM) at the Italian Ministry of Health. DGAHVM is

responsible for controls on GM feed, including applications for authorization of GM feed. GM feed controls at the point of entry are performed by the veterinary services of the Border Airports and Ports (BIPs). Standard controls involve documentary, identity and physical checks, and sampling. Accredited laboratories upload the analysis' results directly to the information system of the Experimental Zoo-prophylaxis Institute of Lazio and Tuscany (IZSLT).

The National GM Feed Control Plan (PNAA) for 2018-2020 is available at:  
[http://www.salute.gov.it/imgs/C\\_17\\_pubblicazioni\\_2692\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_pubblicazioni_2692_allegato.pdf) (in Italian)

Controls of GM seed are conducted in Italy by the Italian Ministry of Agricultural, Food, and Forestry Policies (MIPAAF). The Central Inspectorate for Quality Control of Foodstuff and Agricultural Products (ICQRF) and the Agricultural Research Council-Center for Seed Testing and Certification (CRA-SCS), in cooperation with Customs perform GM seed controls. MIPAAF controls registration of seed varieties through the National Register and regulates the tolerances for the adventitious presence of genetically modified seeds in conventional seed lots. Italy applies a “zero tolerance” for adventitious presence of GM seeds in conventional lots. For technical purposes, the tolerance level is 0.049 percent, or the minimum detectable level.

The National GM Seed Control Plan for 2018-2019 is available at:  
<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/13617> (in Italian)

#### **4. Organic Food Labeling**

[Council Regulation 834/2007](#) is the EU's general framework regulation that sets out rules for organic production and labeling. [Commission Regulation 889/2008](#) sets out detailed rules for the implementation of Regulation 834/2007. A new [EU Regulation on organic production and labelling of organic products](#) has been adopted in May 2018 and it will enter into force on January 1, 2021, repealing the Council Regulation 834/2007. For more information, see [GAIN report “New EU Organic Regulations for Early 2018.”](#)

The term “organic” and all its derivatives or diminutives such as “bio” and “eco” may be used only to label products that comply with EU organic production rules and if at least 95 percent of the ingredients of agricultural origin are organic. For products containing less than 95 percent organic ingredients, the term “organic” may be used only to indicate individual organic ingredients in the list of ingredients. When reference is made to the organic production method in the ingredients list, the total percentage of organic ingredients must be indicated. The Annex to Regulation 834/2007 lists the term “organic” in all the official EU languages.

For more information, see the European Commission's website at:  
[http://ec.europa.eu/agriculture/organic/index\\_en](http://ec.europa.eu/agriculture/organic/index_en).

On July 1, 2012, the use of the EU organic logo became mandatory on all pre-packaged organic products produced in the EU. Organic products imported from third countries may carry the EU organic logo if they comply with the EU production rules. When the EU organic logo appears on the label, the indication of the place of farming is required.

**U.S.-EU Equivalence Arrangement:** The U.S.-EU Organic Equivalence Arrangement took effect on June 1, 2012. The U.S. and EU have recognized each other's organic production rules and control systems as equivalent under their respective rules. Organic products certified to the USDA organic standards may be sold and labeled as organic in the EU. Both the USDA organic seal and the EU organic logo may be used on products traded under this Arrangement. When using the EU organic logo, exporters must meet all the EU labeling requirements.

With the new EU Regulation on organic production adopted in May 2018, this equivalence arrangement would expire by January 1, 2026, five years after the entry into force of the new regulation. By this date, the U.S.-EU arrangement has to be converted to an organic trade agreement. If not, exporters will have fully to comply with the exact same standards as the EU organic regulations to export to the EU. [Commission Implementing Regulation 2016/1842](#) published on October 19, 2016, sets new rules for the certification of EU organic food imports. Since October 19, 2017, only certificates initiated through the EU's Trade Control and Expert System (TRACES) are valid. For more information, see [GAIN report "Electronic Certificate of Inspection Required for EU Organics Trade"](#).

## Organic Wine

[Commission Implementing Regulation 203/2012](#), applicable since August 1, 2012, sets out specific rules for the production and labeling of organic wine. Only wines produced in accordance with this regulation qualify as "organic wine" and can carry the EU organic logo. Labeling wine as "made from organic grapes" is no longer allowed in the EU which means that U.S. wines labeled as such cannot be imported into the EU. Sorbic acid and desulfuration are not allowed and the maximum sulfite content may not exceed 100 mg per liter for red wine (150 mg per liter for conventional) and 150 mg per liter for white/rosé wines (200 mg per liter for conventional). In the United States, the addition of sulfites is not allowed in organic wines. [Commission Implementing Regulation 508/2012](#) only authorizes imports of U.S. wines that are certified to comply with the EU's organic wine rules.

## 5. Wine, Beer, and Other Alcoholic Beverages

**Wine:** The EU's [Single Common Market Organization \(CMO\) Regulation 1308/2013](#) establishes framework rules for wine. [Commission Regulation 2019/33](#) and [Commission Regulation 2019/34](#) lay down detailed rules on protected designations of origin and geographical indications, traditional terms, and labeling. Chapters III of Regulation 2019/33 and 2019/34 set out rules on the use of traditional terms. The new EU database for wines and spirits [eAmbrosia](#) lists the traditional terms that are protected in the EU.

Non-EU countries need to obtain authorization from the European Commission in order to use EU-protected traditional terms. To date, the Commission has not made any progress on the U.S. applications submitted in 2010 to use 11 traditional terms (Chateau, Clos, Ruby, Tawny, Crusted, Crusting, Noble, Solera, Sur lie, Vintage, and Vintage character).

In addition to the rules set out in the Single CMO, wine must also comply with the allergen labeling rules established by the [EU's general labeling Regulation 1169/2011](#). For detailed information on the EU's wine legislation, including labeling requirements, see the European Commission's website:

[https://ec.europa.eu/info/food-farming-fisheries/plants-and-plant-products/plant-products/wine/eu-wine-legislation\\_en](https://ec.europa.eu/info/food-farming-fisheries/plants-and-plant-products/plant-products/wine/eu-wine-legislation_en).

**U.S.-EU Wine Agreement:** In March 2006, the U.S. and the EU signed the “[Agreement between the United States and the European Community on Trade in Wine](#)”. The Agreement covers wine with an actual alcohol content of not less than 7 percent and not more than 22 percent. All U.S. wine imports must be accompanied by certification and analysis documentation using the format specified in Annex III (a) to the Agreement. More information on the simplified EU import certificate form can be obtained from the Alcohol and Tobacco Tax and Trade Bureau at <https://www.ttb.gov/wine/us-ec-wine-agreement-faqs>. The Agreement’s “Protocol on Wine Labeling” sets conditions for the use of optional particulars on wine labels. [Commission Regulation 1416/2006](#) concerns the protection of U.S. names of origin in the EU. Information on U.S.-EU wine trade can also be obtained from the U.S. Dept. of the Treasury - Alcohol and Tobacco Tax and Trade Bureau at: <https://www.ttb.gov/itd/international-imports-exports-requirements>.

**Spirit Drinks:** [European Parliament and Council Regulation 110/2008](#) lays down general rules on the definition, description, and presentation of spirit drinks. This regulation prohibits the use of the term “spirit drink” as part of a compound term describing an alcoholic beverage. [Commission Implementing Regulation 716/2013](#) lays down rules for the application of Regulation 110/2008 as regards the use of compound terms and geographical indications of the spirit drinks.

Regulation 110/2008 will be repealed on May 25, 2021 and replaced by [Regulation 2019/787](#) which was adopted in May 2019. This new regulation will lay down general rules on the definition, description, presentation, and labelling of spirit drinks, as well as on the protection of geographical indications of spirit drinks. It will also lay down rules on the use of legal names of spirit drinks in the presentation and labeling of foodstuffs other than spirit drinks and provide for provisions on the use of compound terms for the presentation of spirit drinks.

The public database [eAmbrosia](#) lists the geographical indications of spirit drinks registered in the European Union. In February 2019, “Tequila” was approved as a geographical indication in the EU ([Implementing Regulation 2019/335](#)).

[Commission Regulation 936/2009](#) applies the agreements between the EU and third countries on the mutual recognition of certain spirit drinks. Under this regulation, “Tennessee Whisky” and “Bourbon Whisky” are protected product designations.

**Nominal Quantity:** Mandatory nominal quantities for wines and spirits are set out in the Annex to [Directive 2007/45/EC](#).

**Beer:** There is no specific EU-harmonized legislation for beer. Some member states have adopted national provisions to make the list of ingredients compulsory. All alcoholic beverages must comply with the allergen labeling requirements.

## 6. Special Use Foods

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/dietetic-foods/>

On July 20, 2016, the EU's revised "foods for specific groups" rules set out in [European Parliament and Council Regulation 609/2013](#) became applicable. Its scope is limited to infant formula, follow-on formula, processed cereal-based food and baby food, food for special medical purposes and total diet replacement for weight control. Pictures of infants are not allowed on the packaging of formula and no text or pictures may idealize its use. Foods that no longer fall within the scope of Regulation 609/2013, such as for example meal replacements and low calorie cereal bars are regarded as "normal" foods and must comply with the EU's horizontal food labeling rules.

As a rule, labeling requirements set out in the FIC regulation also apply to food categories covered under Regulation 609/2013. However, given the specific nature of the products covered, Regulation 609/2013 introduces additional labeling requirements and derogations from the FIC regulation. For detailed information on the new dietetic food rules, see [GAIN report "New EU Rules on Dietetic Foods"](#), complemented by [GAIN report "New EU Rules on Dietetic Foods – Update"](#) and the Commission's website at: [http://ec.europa.eu/food/safety/labelling\\_nutrition/special\\_groups\\_food\\_en](http://ec.europa.eu/food/safety/labelling_nutrition/special_groups_food_en).

Food for sportspeople does not fall within the scope of Regulation 609/2013. A Commission report on food and beverages labeled specifically for sportspeople concluded that there is no need for specific EU-harmonized provisions as existing horizontal EU food rules already provide an adequate legal framework for these products. Before the adoption of Regulation 609/2013, certain Member States required the notification of sports food as a special use food. U.S. exporters should check with their importers whether re-notification may be necessary. For more information, see [GAIN report "New EU Rules for Sports Food"](#).

New EU rules on "total diet replacement for weight control" will become applicable on October 27, 2022. [Commission Delegated Regulation 2017/1798](#) sets out specific compositional and labeling requirements as well as a notification procedure under which food business operators are required to send copies of their product labels to the competent authority of each Member State where the product will be marketed. For more information, see [GAIN report "The Skinny on New EU Rules for Weight Loss Products"](#).

Artificial sweeteners are not allowed in dietetic bakery products. For detailed information, see [GAIN report "EU bans use of artificial sweeteners in dietetic bakery products"](#).

## **7. Meat Labeling**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/beef-labeling/>

### **Beef**

[Regulation 1760/2000](#) sets out rules for compulsory and voluntary beef labeling. Detailed rules for the implementation of Regulation 1760/2000 are set out in [Regulation 1825/2000](#). Under the compulsory beef labeling scheme, labels for all bovine meat must indicate the following information:

- "Born in: name of third country"
- "Reared in: name of third country or third countries"
- For beef derived from animals born, raised, and slaughtered in the same third country, the above indications may be combined as "Origin: name of third country"

- A reference number ensuring the link between the meat and the animal or animals
- “Slaughtered in: third country/approval number of slaughterhouse”
- “Cutting in: third country/approval number of cutting plant”
- A traceability code linking the meat to the animal or a group of animals representing the production of maximum one day

[Regulation 653/2014](#), an amendment to Regulation 1760/2000, changed the rules for voluntary labeling. Voluntary beef labeling has to comply with the rules set out in the [“Food Information to Consumers” Regulation 1169/2011](#). Definitions and requirements applicable to terms and or categories of terms that may be put on labels of pre-packed fresh and frozen beef and veal will be adopted at a later date.

## Veal

Annex VII to [European Parliament and Council Regulation 1308/2013](#) classifies bovine animals aged less than 12 months in two categories: 1) “category V” - bovine animals aged 8 months or less and 2) “category Z” - bovine animals aged more than 8 months but less than 12 months. For both categories, Annex VII lists the sales descriptions in the different Member States languages and the mandatory labeling requirements.

## Pork, Sheep, Goats, and Poultry

[Commission Implementing Regulation 1337/2013](#) sets out new rules for the indication of the country or place of provenance for fresh, chilled, and frozen meat of swine, sheep, goats, and poultry. The following new labeling requirements became applicable on April 1, 2015:

1) The indication **“Reared in: name of the Member State of third country”** in accordance with the following criteria:

### For swine:

- In case the animal is slaughtered older than 6 months, the Member State or third country in which the last rearing period of at least 4 months took place.
- In case the animal is slaughtered younger than 6 months and with a live weight of at least 80 kg, the Member State or third country in which the rearing period after the animal has reached 30 kg took place.
- In case the animal is slaughtered younger than 6 months and with a live weight less than 80 kg, the Member State or third country in which the whole rearing took place.

### For sheep and goats:

- The Member State or third country in which the last rearing period of at least 6 months took place, or in cases the animal is slaughtered younger than 6 months, the Member State or third country in which the whole rearing period took place.

## For poultry:

- The Member State or third country in which the last rearing period of at least one month took place or, in case the animal is slaughtered younger than one month, the Member State or third country in which the whole rearing period after the animal was placed for fattening took place.

In cases where any of the above rearing periods are not attained in any of the Member States or third countries, the place of rearing must be indicated as “Reared in: several Member States of the EU” or “Reared in: several non-EU countries” or “Reared in several EU and non-EU countries.” As an alternative, the place of rearing may also be indicated as “Reared in: list of the Member States or third countries where the animal was reared.”

The indication “Origin: name of Member State or third country” may be used in cases where the meat has been obtained from animals born, reared, AND slaughtered in one single Member State or third country.

2) The indication “**Slaughtered in: name of the Member State or third country.**” By way of derogation for meat imported from third countries, in cases where information on the rearing periods is not available, the meat must be labeled as “Reared in: non-EU” and “Slaughtered in: name of the third country where the animal was slaughtered.”

In October 2018, the European Commission published [a roadmap](#) to assess whether the rules on food information to consumers as regards the mandatory origin labelling for pork, sheep, goats, and poultry are effective, efficient, coherent, and relevant. This roadmap will be followed by a report that the Commission needs to provide the European Parliament and Council with by April 1, 2020.

## 8. Health and Identification Marks

The EU’s “Food Hygiene Package” introduced new rules concerning the application of health and identification marks. Chapter III of [European Parliament and Council Regulation 854/2004](#) lays down rules for applying a health mark to fresh meat. More information on the EU health mark is available on USDA’s Food Safety Inspection Service’s website at <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-by-country/European-Union>.

Annex II to [European Parliament and Council Regulation 853/2004](#) lays down rules for applying an identification mark to products of animal origin. Linear presentation of the required information is allowed only for imports from EU-approved establishment in third countries.

## 9. Fish Labeling

[Regulation 1379/2013](#) sets out labeling rules for fishery and aquaculture products listed in Annex I to the regulation. Mandatory labeling information includes:

- Commercial designation of the species and its scientific name
- Production method

- Area where the products was caught or farmed
- Whether the product has been defrosted
- Date of minimum durability

For more information, see the European Commission's website:  
[https://ec.europa.eu/fisheries/cfp/market/consumer-information\\_en](https://ec.europa.eu/fisheries/cfp/market/consumer-information_en).

## 10. Frozen Foodstuffs

[Council Directive 89/108/EEC](#) sets rules for quick-frozen foodstuffs and for their packaging and labeling. Quick-frozen foodstuffs sold to the final consumer should carry the following additional labeling indications: the product name with the indication "quick-frozen," the date of minimum shelf life, the period during which the purchaser may store the product, the storage temperature and/or type of storage equipment required, batch identification, and a clear indication of the type "do not re-freeze after defrosting." Annex VI, Part A, [to FIC Regulation 1169/2011](#) stipulates that foods that have been frozen before sale and which are sold defrosted, the name of the food must be accompanied by the designation "defrosted."

For food of animal origin, [Commission Regulation 16/2012](#) amending [Food Hygiene Regulation 853/2004](#) requires food business operators to provide the date of production AND the date of freezing to the buyers and, upon request, to the competent authorities. Where a food is made from a batch of raw materials with different dates of production and freezing, the older dates of production and/or freezing must be made available.

Annex III to FIC Regulation 1169/2011 requires that labels on frozen meat, frozen meat preparations, and frozen unprocessed fishery products indicate the date of freezing or the date of first freezing in cases where the product has been frozen more than once.

Italy requires through Legislative Decree 27/1/1992, n. 110, art. 10 (Implementation of directive 89/108) that all third country establishments that intend to export quick-frozen vegetables register with the Italian Ministry of Health. The Ministry defines such items as foodstuffs which have undergone a suitable freezing process known as 'quick-freezing' whereby the zone of maximum crystallization is crossed as rapidly as possible, depending on the type of product, and the resulting temperature of the product (after thermal stabilization) is continuously maintained at a level of -18 °C or lower at all points. Italy gives the following EU regulations as the basis for its regulation: Regulation 852/2004 on the hygiene of foodstuffs; Regulation 37/2005 on the monitoring of temperatures in the means of transport, warehousing, and storage of quick-frozen foodstuffs intended for human consumption; and Council Directive 89/108 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption.

In order to notify Italian authorities, the establishment must complete an application (available at: [http://www.salute.gov.it/portale/temi/p2\\_6.jsp?lingua=italiano&id=1154&area=sicurezzaAlimentare&menu=controlli](http://www.salute.gov.it/portale/temi/p2_6.jsp?lingua=italiano&id=1154&area=sicurezzaAlimentare&menu=controlli)) with specific attachments, and addressed to the following office:

Ufficio II della DGSAN  
 Ministero della Salute  
 Viale G. Ribotta, 5  
 00144 Rome, Italy

The application should be sent through the Italian Embassy in Washington, with the following requested documentation:

- Application form completed by the exporting Food Business Operator (FBO);
- Technical report concerning the main features of the production plant;
- Statement from the local competent authority of the country of origin that the quick-frozen vegetables exported to Italy are produced in compliance with Council Directive 89/108/EEC, and that the legislation in force in the country of origin is equivalent to the EU legislation.

The Italian Ministry of Health reviews all of the documentation and has the right to ask for additional documents or call a meeting with the applicants. Once the third country establishment is approved by the Italian authorities, the list is updated and posted on the website of the Ministry of Health, and the company is allowed to export quick frozen vegetables to Italy.

## 11. Vertical & Product-Specific Legislation

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/>

Vertical legislation on the manufacture and marketing of specific products has been developed for [sugars](#) (Directive 2001/111), [cocoa and chocolate products](#) (Directive 2000/36), [honey](#) (Directive 2001/110), [fruit juices and similar products](#) (Directive 2001/112), [preserved milk](#) (Directive 2001/114), [coffee extracts and chicory extracts](#) (Directive 1999/4), and [fruit jams and similar products](#) (Directive 2001/113).

**Fruit Juices:** Detailed information can be found in [GAIN report “New EU Fruit Juice Labeling Rules”](#).

**Honey:** On May 15, 2014, the EU adopted [Directive 2014/63](#) amending [Directive 2001/110](#) relating to honey. It defines pollen as a natural constituent of honey and should not be considered to be an ingredient of honey. This means that GM pollen present as a quantity of more than 0.9 percent of the honey (not the pollen) would need to be labeled as such. Since pollen only forms around 0.5 percent of any batch of honey, it will never exceed the GM labeling threshold.

**Single Common Market Organization:** [European Parliament and Council Regulation 1308/2013](#) establishes a single common market organization (CMO) for all agricultural products. The single CMO provides definitions and marketing rules for rice, sugar, beef and veal, milk and milk products, eggs and poultry meat, olive oil, fruit and vegetables, spreadable fats, and wine.

In May 2018, the European Commission published [Delegated Regulation 2018/1096](#) on the requirements for certain indications on the labelling of olive oil as regards the labeling of the maximum acidity and year of harvesting.

## SECTION III: PACKAGING AND CONTAINER REGULATIONS

### A. Size & Content

The maximum tolerable error between the actual content weight and the quantity indicated on the label, and methods to check this are fixed in [Council Directive 76/211](#), as amended. A small “e” of at least 3

mm on the label guarantees that the actual content corresponds to the quantity indicated. The size of the figures indicating the quantity depends on the nominal quantity:

- nominal quantity greater than 1000 g or 100 cl: at least 6 mm high
- greater than 200 g/20 cl but less than 1000 g/100 cl: at least 4 mm
- greater than 50 g/5 cl but less than 200 g/20 cl: at least 3 mm
- less than 50 g/2 cl: 2 mm. The quantity must be followed by the unit of measurement.

[Directive 2007/45](#) abolished regulations on mandatory pack sizes at both EU and national levels. Under this Directive, only wine and spirits and coffee have defined package sizes, with the exception of *shochu* bottled in Japan. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC.

Detailed information on “Legal Metrology” is available on the European Commission’s website <http://ec.europa.eu/growth/single-market/goods/building-blocks/legal-metrology/>.

## **B. Packaging Waste Management**

Member States are required to take measures to reduce packaging waste and must introduce systems for reuse, recovery, and recycling of packaging materials. [Council Directive 94/62](#) provides for measures aimed at limiting the production of packaging waste and promoting recycling, re-use, and other forms of waste recovery. A well-known and widely used recycling program is the German “green dot” system. More information can be found on the Packaging Recovery Organization Europe website, which provides easy access to all Green Dot systems in Europe ([www.pro-e.org](http://www.pro-e.org)). An overview of current EU legislation applicable to packaging and packaging waste is available on the European Commission’s website <http://ec.europa.eu/environment/waste/packaging/legis.htm>.

In Italy, the National Packaging Consortium - CONAI (Consorzio Nazionale Imballaggi) manages the recycling and recovery of packaging, pursuing the objectives set by the European legislation. For more information, see CONAI’s [sustainability report 2018](#).

## **C. Materials in Contact with Foodstuffs**

[European Parliament and Council Regulation 1935/2004](#) specifies the main requirements for all materials that come into contact with foodstuffs. It also sets out labeling and traceability requirements and the procedure for the authorization of substances through the European Food Safety Authority (EFSA). Annex I to Regulation 1935/2004 lists the group of materials, which may be covered by specific measures.

The European Commission is currently undergoing a regulatory fitness and performance check ([REFIT of the EU’s Food Contact Material’s \(FCM\) legislation](#)) and a complete evaluation will be completed in early 2020.

[Commission Regulation 2023/2006](#) lays down rules on good manufacturing practice (GMP) for the groups of materials and articles intended to come into contact with food listed in annex I to Regulation 1935/2004.

Specific measures set out additional requirements and include lists of authorized substances and materials. To date, [specific directives](#) have been developed for [plastic materials \(Commission Regulation 10/2011\)](#), including a union list of authorized substances. There is an EU guidance document available on its [implementation](#). [Commission Implementing Regulation 321/2011](#), amending Regulation 10/2011 on plastic materials, bans the use of Bisphenol A in plastic infant feeding bottles, while [Commission Regulation \(EU\) 2018/213](#) is limiting the use of bisphenol A in varnishes and coatings intended to come into contact with food.

Another specific measure is set out in [Commission Regulation 450/2009](#) sets out definitions and authorization procedures for the use of active and intelligent materials and articles intended to come into contact with food.

There are also the [recycled plastic materials \(Commission Regulation 282/2008\)](#), [regenerated cellulose film \(Commission Directive 2007/42/EC\)](#), and [ceramics \(Council Directive 84/500/EC\)](#). In the case of ceramics, migration limits have been established for lead and cadmium. Materials must bear an indication “for food contact” or the symbol reproduced in Annex II to Regulation 1935/2004.

Member States are allowed to authorize provisionally the use of certain substances not listed in one of the specific directives. They may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health. When there is no specific EU legislation, Member States may establish national measures. U.S. exporters are advised to verify if Member State specific measures apply. A summary of EU and national legislation as well as guidance documents and contact information with regard to the submission of applications for authorization can be downloaded from the European Commission website at [http://ec.europa.eu/food/safety/chemical\\_safety/food\\_contact\\_materials\\_en](http://ec.europa.eu/food/safety/chemical_safety/food_contact_materials_en).

In May 2018, the European Commission proposed new rules to target the ten single use plastic products most often found on Europe’s beaches and seas, as well as lost fishing gear. The ban of certain products could also affect food packaging in the future. For more information: [https://ec.europa.eu/commission/news/single-use-plastics-2018-may-28\\_en](https://ec.europa.eu/commission/news/single-use-plastics-2018-may-28_en).

#### **SECTION IV: FOOD ADDITIVE REGULATIONS**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/food-additives/>

The EU’s “Package on Food Improvement Agents” includes four Regulations: [Regulation 1331/2008](#) establishing a common authorization procedure for food additives, food enzymes, and food flavorings, [Regulation 1332/2008 on food enzymes](#), [Regulation 1333/2008 on food additives](#), and [Regulation 1334/2008 on flavorings](#). Only additives included in the EU’s positive list may be used in food products marketed in the EU. Inclusion in the EU positive list is based on a risk assessment by the European Food Safety Authority (EFSA). [Commission Implementing Regulation 234/2011](#) explains in detail how applications to update the EU positive lists should be drafted (content, data requirements, and presentation). EFSA then verifies the suitability of the data.

## **A. Additives (including colors and sweeteners)**

Annex II to [Food Additives Regulation 1333/2008](#) lists all additives approved for use in foods and their conditions of use. The authorized uses of additives are listed according to the category of food to which they may be added. Annex I to Regulation 1333/2008 lists the definitions of 26 different categories of food additives. Only additives included in the EU's positive list are authorized under specific conditions. An important difference from U.S. legislation is that the EU does not allow the use of flour bleaching agents, chlorine, bromates, and peroxides.

Annex III to Regulation 1333/2008 contains a second list of food additives approved for use in food ingredients such as other food additives, food enzymes, food flavorings, and nutrients. [Commission Regulation 231/2012](#) sets out specifications for food additives listed in Annexes II and III. Member States may continue to prohibit the use of certain categories of food additives in traditional foods listed in Annex IV to Regulation 1333/2008.

In 2016, EFSA completed a re-evaluation of EU-approved food colors. As a result, Annex V to Regulation 1333/2008 was amended to introduce mandatory labeling information for six food colors: Quinoline Yellow (E104), Sunset Yellow (E110), Ponceau 4R (E124), Tartrazine (E102), Azorubine/Carmoisine (E122), and Allura Red AC (E129). Foods containing these colors have to be labeled “may have an adverse effect on activity and attention in children” (see also Section II – Labeling Requirements). [Commission Regulation 232/2012](#) lowered the limits for food colors Quinoline Yellow (E104), Sunset Yellow (E110), and Ponceau 4R (E124). Food color Red 2G (E 128) was removed from the EU's positive list.

The Commission's [food additives database](#) together with its [user guide](#) provides detailed information on the different food additives allowed in the EU. More information on the use of food additives can be obtained from the European Commission's website at [https://ec.europa.eu/food/safety/food\\_improvement\\_agents/additives\\_en](https://ec.europa.eu/food/safety/food_improvement_agents/additives_en).

### **Re-Evaluation Program**

[Commission Regulation 257/2010](#) sets out a re-evaluation program for EFSA to assess food additives that were approved before Food Additives Regulation 1333/2008 entered into force.

The re-evaluation of approved food additives is scheduled to be completed by the end of 2020. Please find a link to the [summary table](#) of permitted food additives and status of their re-evaluation by EFSA (as of September 9, 2019).

For more information on the re-evaluation of food additives, see: [https://ec.europa.eu/food/safety/food\\_improvement\\_agents/additives/re-evaluation\\_en](https://ec.europa.eu/food/safety/food_improvement_agents/additives/re-evaluation_en)

## **B. Flavorings**

[Regulation 1334/2008](#) establishes a list of authorized flavoring substances, listed according to the category of food to which they may be added. It also sets specific rules for the use of the term “natural.”

An [on-line database](#) allows consumers, food businesses, and food control authorities to verify which flavoring substances are authorized in food.

[Commission Regulation 873/2012](#) concerns transitional measures for other flavorings such as flavorings made from non-food sources.

[Regulation 2065/2003](#) establishes a safety assessment and authorization procedure for smoke flavorings intended for use in or on foods. [Commission Implementing Regulation 1321/2013](#) establishes the EU positive list of authorized smoke flavoring primary products for use as such in or on foods and/or for the production of derived smoke flavorings.

### **C. Enzymes**

[Regulation 1332/2008](#) on food enzymes introduced harmonized rules for their scientific evaluation and authorization in the EU. Articles 10-13 of Regulation 1332/2008 set out specific labeling requirements. EFSA is currently evaluating industry applications for authorization of existing and new food enzymes. Until the Commission draws up an EU-list of authorized food enzymes, national rules will continue to apply. For detailed information, see the European Commission's website: [https://ec.europa.eu/food/safety/food\\_improvement\\_agents/enzymes/eu\\_rules\\_en](https://ec.europa.eu/food/safety/food_improvement_agents/enzymes/eu_rules_en).

### **D. Processing Aids**

Processing aids are subject to Member States' national legislation. EU harmonized rules exist only for extraction solvents used in the production of foodstuffs and food ingredients ([Council Directive 2009/32/EC](#)).

## **SECTION V: PESTICIDES AND OTHER CONTAMINANTS**

### **A. Pesticides**

[European Parliament and Council Regulation 1107/2009](#) sets out rules for the authorization of plant protection products (PPPs). PPPs (also referred to as 'pesticides') contain at least one approved active substance. Only PPPs containing active substances included in the list of approved active substances as established in [Commission Implementing Regulation 540/2011](#) may be authorized for use in the EU. Before any PPP can be placed on the market or used, it must be authorized in the relevant Member State(s). According to Annex I of Regulation 1107/2009, the EU is divided in three different zones. Once a Member State approves the PPP, it can be mutually recognized and thus authorized within the EU. Maximum Residue Levels (MRLs) for substances that are not on the EU positive list will be set at default level of 0.01 mg/kg. The legislation allows exporters to request an "import tolerance" for active substances not yet evaluated or in use in the EU.

[Directive 2009/128](#) on the sustainable use of pesticides is also part of the so-called Pesticides Package. For more information, see the European Commission website: [http://ec.europa.eu/food/plant/pesticides/sustainable\\_use\\_pesticides/index\\_en.htm](http://ec.europa.eu/food/plant/pesticides/sustainable_use_pesticides/index_en.htm).

## Endocrine Disruptors

“Endocrine disruptors” (EDs) refer to substances with the potential to alter and cause unintentional adverse health effects to the endocrine systems of humans and wildlife. Both the Plant Protection Products Regulation 1107/2009 (Pesticides) and the Biocidal Products Regulation 528/2012 (Biocides) introduced “endocrine disrupting properties” as one of the categories of hazard-based cut-off criteria. This allows the EU to ban certain products from the market based on hazard identification rather than risk assessment without taking exposure into account. The Commission published [Regulation 2018/605](#), identifying endocrine disrupting properties under Regulation 1107/2009 on plant protection products. In June 2018, the European Chemicals Agency (ECHA) and the European Food Safety Authority (EFSA) published a [technical guidance document](#) to implement the criteria for both biocides and pesticides.

## Maximum Residue Limits (MRLs): Regulation 396/2005

[European Parliament and Council Regulation 396/2005](#) harmonizes all MRLs in the EU on food or feed of plant and animal origin. Pesticide MRLs for processed or composite products are based on the MRLs of the raw agricultural ingredients. A general default MRL of 0.01 mg/kg applies where a pesticide is not specifically mentioned.

See the European Commission’s website at:

[http://ec.europa.eu/food/plant/pesticides/max\\_residue\\_levels\\_en](http://ec.europa.eu/food/plant/pesticides/max_residue_levels_en) for the latest updates.

For a list of authorized active substances or pesticide-MRL combinations, see the European Commission’s [online database](#).

In 2016, the European Commission notified a document to the WTO explaining the [on-going review of MRLs](#) (last updated June 12, 2017) in the EU to non-EU countries, highlighting the active substances and relevant MRLs that are scheduled to be reviewed in the near future. It also refers to the EFSA progress report for the Article 12 review of MRLs ([last updated October 8, 2019](#)).

## Import Tolerance

If there is no EU legislation in place in the importing Member State, then the exporter can seek to obtain an “import tolerance” for active substances that have not been evaluated or used in Europe before. Applications for import tolerances must be submitted to the “Rapporteur Member State” (RMS). The Commission assigns a Member State, if no RMS exists. The RMS reviewed dossiers are evaluated by the EFSA before being forwarded to the Commission. Information on import tolerances is available in [“Pesticide Use and Food Safety” guide](#) published by the European Crop Protection Association (ECPA). All MRLs, including import tolerances, apply EU wide since September 2008. The application form for an import tolerance can be found [here](#).

## Upcoming Review

The European Commission is currently undergoing a regulatory fitness and performance check ([REFIT of the EU legislation on pesticides and pesticides residues](#)). The evaluation process consists of different steps, such as a roadmap, an external study, as well as a consultation strategy with an on-line public

consultation, focus groups, in-depth interview, case studies etc. in order to collect data and information. The final report concluding the REFIT of the EU pesticide legislation was finalized in the first half of 2019, but has not yet been released.

In addition to the Commission's evaluation, the European Parliament formed a special Committee on Pesticides to investigate glyphosate and other pesticide products. Some of the recommendations from the [PEST Committee's final report](#) were also used for the final REFIT report.

## Official Controls

Harmonized sampling methods are established for the official control of residues in and on products of plant and animal origin by [Commission Directive 2002/63](#). [Commission Implementing Regulation 2019/533](#) outlines the latest version of the coordinated multi annual control program of the EU for pesticides residues, which requires Member States to take and analyze samples for product and pesticide residue combinations in food of plant and animal origin. Annex I to the Regulation sets out the pesticide and product combinations to be monitored. Annex II sets out the number of samples that need to be taken for each combination. The Member States must submit results of the sample tests to the EU by August 31, 2021, 2022, and 2023 for samples tested in 2020, 2021, and 2022 respectively. For more information, see:

[http://ec.europa.eu/food/plant/pesticides/max\\_residue\\_levels/enforcement/index\\_en.htm](http://ec.europa.eu/food/plant/pesticides/max_residue_levels/enforcement/index_en.htm).

## B. Contaminants

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/contaminants/>

## Maximum Levels

EU- wide harmonized maximum levels for contaminants are set in the Annex of [Commission Regulation 1881/2006](#). The Annex to Regulation 1881/2006 includes maximum levels for:

- Nitrates in lettuce, spinach, and infant food (section 1)
- Mycotoxins (section 2):
  - aflatoxins in nuts, dried fruit, cereals, maize, spices, milk, and infant food
  - ochratoxin A in cereals, cereal products, dried vine fruit, roasted coffee, soluble coffee, wine, grape juice, spices, infant food, and licorice
  - patulin in fruit juices, spirit drinks, solid apple products, apple juice, and infant food
  - deoxynivalenol in cereals, cereal products, maize, pasta, and infant food
  - zearalenone in cereals, cereal products, maize, refined maize oil, bread and small bakery wares and infant food
  - fumonisins in maize and maize based products
  - T-2 and HT-2 toxin in cereals and cereal products
  - citrinin in rice/yeast fermented food supplements
  - ergot sclerotia and ergot alkaloids

Please note that the EU is also expected to restart the discussion on the expansion of the group of products subject to a maximum level for ochratoxin A.

- Heavy metals (section 3):
  - lead in milk, baby and infant food, meat, offal, seafood, vegetables, fruit, wine, and food supplements
  - cadmium in meat, fish and seafood, cereals, soybeans, vegetables, fruit, fungi and food supplements, baby formula and infant food, cereals and soybeans, cocoa
  - mercury in seafood and food supplements
  - tin in canned foods, canned beverages, and canned baby foods
- 3-monochloropropanediol (3-MCPD) and glycidyl fatty acid esters (section 4)
  - 3-MCPD in vegetable protein and soy sauce
  - glycidyl fatty acid esters expressed as glycidol in oils & fats, and infant formula
- Dioxin and PCBs in meat, liver, fishery products, milk, eggs, and oils & fats (section 5)

Please note that the EU is expected to start discussions on the lowering of the maximum levels of dioxins following the lowering of the tolerable weekly intake (TWI) by the [European Food Safety Authority](#) in November 2018.

- Polycyclic aromatic hydrocarbons (PAH) in oils & fats, cocoa, infant foods, (smoked) meat, bivalve mollusks, fish, and infant food (section 6)
- Melamine in infant food (section 7)
- Inherent plant toxins (section 8):
  - erucic acid in fats and oils, foods containing these ingredients, and infant formula
  - tropane alkaloids in processed cereal-based foods
  - hydrocyanic acid in apricot kernels

In November 2017, the EU adopted a [Regulation 2017/2158](#) establishing benchmark levels to reduce the presence of acrylamide in food. The new regulation requires that food business operators apply mandatory measures to reduce the presence of acrylamide, proportionate to the size and nature of their establishment. The Commission is monitoring the acrylamide issue with stakeholders to initiate discussions on additional measures, such as setting maximum levels of acrylamide in certain foods.

In November 2019, the Commission adopted [Recommendation 2019/1888](#), recommending that competent authorities in the Member States monitor regularly the presence of acrylamide and its levels in food, in particular in the food listed in the Annex of the Recommendation.

For additional information on acrylamide levels in food, see:

- <http://www.fooddrinkeurope.eu/publication/Download-FoodDrinkEurope-Acrylamide-Pamphlets-in-23-languages/>
- [https://ec.europa.eu/food/safety/chemical\\_safety/contaminants/catalogue/acrylamide\\_en](https://ec.europa.eu/food/safety/chemical_safety/contaminants/catalogue/acrylamide_en)

## Official Controls of Maximum Levels in Foodstuffs

The following regulations concern the sampling methods and methods of analysis for the official controls of the levels of the different contaminants. Annex I describes the methods of sampling. Annex II concerns the sample preparation and the performance criteria for the methods of analysis:

- Nitrates: [Commission Regulation 1882/2006](#)
- Mycotoxins: [Commission Regulation 401/2006](#)
- Dioxins: [Commission Regulation 2017/644](#)
- Heavy metals, Tin, 3-MCPD, and benzo(a)pyrene: [Commission Regulation 333/2007](#)
- Erucic acid: [Commission Regulation 2015/705](#)

## Official Aflatoxin Controls on U.S. Products

In April 2015, the EU approved the pre-export checks (PEC) program for U.S. almonds. U.S. almonds were included in the Annex to [Commission Implementing Regulation 2015/949](#), which lists all EU-approved Pre-export Check programs. The acceptance of the U.S. program reflects the EU's recognition of aflatoxin controls performed at U.S. origin in line with Article 23 of the EU Regulation on Official Food and Feed Controls ([Regulation 882/2004](#)). The latter regulation, which provides the general framework for food controls, will be replaced by [Regulation 2017/625](#) from Dec 15, 2019 onwards.

The USDA Agricultural Marketing Service began issuing PEC almond certificates on August 1, 2015. The almond PEC program builds on and replaces the Voluntary Aflatoxin Sampling Plan (VASP) program, which was no longer required after September 2014 when the EU voted to remove California Almonds from Special Measures.

On April 1, 2015, U.S. pistachios were included in the list of products/origins subject to increased import controls under [Commission Regulation 669/2009](#). Member States must now test 10 percent of all incoming shipments. This regulation does not impose any requirements on exporters.

For additional information on aflatoxin testing and certification performed in the United States prior to export to the EU, see:

- [http://www.almonds.com/sites/default/files/pec\\_program\\_manual\\_version\\_9.0.pdf](http://www.almonds.com/sites/default/files/pec_program_manual_version_9.0.pdf)
- <http://www.peanutsusa.org.uk/eu-food-aflatoxin-legislation>
- <http://www.ams.usda.gov/services/lab-testing/aflatoxin>

## Residues in Animals and Animal Product

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/residue-plans/>

The monitoring of residues in animals and animal products is addressed separately in [Council Directive 96/23](#). This directive includes the monitoring of pesticide residues as well as residues of veterinary drugs and a wide range of other contaminants and undesired substances, such as residues of growth promotants. The prohibition of the use of hormones in meat production is addressed in [Council Directive 96/22](#). Directive 96/23 states that any third country exporting to the EU must submit a plan setting out its guarantees on the monitoring of the groups of residues and substances referred to in

Annex I to Council Directive 96/23. Furthermore, a split system has to be in place guaranteeing that animals have not been treated with growth promotants if their products will be exported to the EU.

For additional information on how to export food of animal origin to the EU, see:

[Imports of food of animal origin from non-EU countries: Provisions of guarantees equivalent to EU requirements on residues of veterinary medicines, pesticides and contaminants.](#)

## **SECTION VI: OTHER REQUIREMENTS, REGULATIONS, AND REGISTRATION MEASURES**

### **A. Certification and Documentation Requirements**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/>

An overview of all U.S. authorities that issue the legally required certificates for export to the EU is available on our website at: <https://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/u-s-agencies-providing-eu-certificates/>. The websites of each of those authorities provide detailed and up-to-date information on the specific product certificates under their legal authority.

**Composite Products:** U.S. exports of “composite products” are continuing to be restricted due to burdensome certification requirements introduced in a 2012 European Commission Regulation. Composite products are defined as foodstuffs intended for human consumption that contain processed products of animal origin and ingredients of plant origin. Composite products include a wide variety of products, including cheesecakes, high protein food supplements, pizza, and lasagnas. While the U.S. is eligible to ship hormone-free meat, dairy products, egg products, and fishery products separately, it is often no longer possible to ship the composite products that combine these eligible ingredients.

All composite products containing a processed meat product are subject to a veterinary check. Generally speaking, composite products that contain more than 50 percent of animal origin products also require a certificate, and there are certification requirements concerning the heat treatment for all dairy products. The components of animal origin (except gelatin and collagen) used for producing a composite product have to originate from a third country with an approved residue control plan for the specific component. The EU has created a model health certificate for imports of composite products, which was implemented in 2012. A detailed “Product Decision Tree” to clarify the scope of the legislation was made available by the European Commission in 2013. This guidance greatly expanded the number and types of products affected by the legislation. The decision tree is included in [the further guidance](#) that was developed and published in 2015 to address a wide range of implementation questions related to the import and transit of composite products. For more information see <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/>.

### **B. Inspections**

Member State authorities are responsible for carrying out inspections on a regular basis and in cases where non-compliance is suspected. Products can be checked at import or at all further stages of marketing. Infringements of EU food and feed legislation are reported through the Rapid Alert System on Food and Feeds (RASFF). The rapid alert system is a network of Member State authorities managed by the European Commission. The database with RASFF notifications is accessible via the [RASFF portal](#). Information published on this website provides several notification details such as the reason for

the non-compliance and the origin of the product but does not include company information. Repeated non-compliance may lead to suspension of imports or special import conditions for products from the third country concerned, applicable on the entire EU territory.

Criteria for laboratories conducting food controls have been harmonized but it is the Member States' responsibility to designate laboratories that are allowed to perform analyses.

Specific detailed inspection requirements exist for animal products ([Directive 97/78](#)). Products of animal origin must be presented at a Community border inspection post and submitted to an import control following prior notification of the shipment. [Commission Decision 2009/821](#) establishes a list of EU border inspection posts approved to carry out veterinary checks on animals and animal products from third countries. [Commission Implementing Decision 2019/2001](#) of November 28, 2019 amends [Commission Decision 2009/821](#) as regards the lists of border inspection posts and veterinary units in Traces. [Commission Decision 2007/275](#) establishes a list of animals and products that are subject to controls at border inspection posts, including certain composite products as well as a list of composite products that are not subject to veterinary checks.

[European Parliament and Council Regulation 854/2004](#) lays down specific rules for the organization of official controls on products of animal origin. [European Parliament and Council Regulation 882/2004](#) lays down general rules for the performance of official controls to ensure the verification of compliance with feed and food law, animal health, and animal welfare rules. [Commission Regulation 669/2009](#) implements Regulation 882/2004 as regards the increased level of official controls on imports of certain feed and food of non-animal origin. Regulations 854/2004 and 882/2004 will be repealed by [European Parliament and Council Regulation 2017/625](#) on December 14, 2019. An overview of the main elements and changes introduced by the new regulation on official controls is available on the Commission's website: [https://ec.europa.eu/food/safety/official\\_controls/legislation\\_en](https://ec.europa.eu/food/safety/official_controls/legislation_en).

Product samples destined for human consumption have to comply with the food regulations applicable in the EU. In order to send product samples to commercial trade shows, it is advised to take contact with the FAS office in the Member State where the trade shows take place. Please also contact our Member State FAS office or the EU APHIS office ([Xavier.Mennig@aphis.usda.gov](mailto:Xavier.Mennig@aphis.usda.gov)) for export of food samples for technical or research purposes.

Inspection fees for non-animal origin products differ from one Member State to another. Measures in case of non-compliance also vary widely, ranging from non-admittance of a product to forced destruction. This may be a decisive factor in choosing a port of entry for products where problems are more likely.

An overview of sanitary and phytosanitary requirements is also available on the European Commission websites: [DG Health and Consumers International Affairs – Import Conditions](#) and [DG Trade Helpdesk](#).

### **C. Facility Registration**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/approved-u-s-establishments/>

The EU approves establishments to ship products of animal origin based on submissions from U.S.

government agencies. Only products processed in approved establishments may enter the EU. Detailed information on approved U.S. establishments is available on our website at <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/certification/>. Third country lists per sector and per country are published on the European Commission's website: [https://webgate.ec.europa.eu/sanco/traces/output/non\\_eu\\_listsPerCountry\\_en.htm](https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerCountry_en.htm).

## D. Product Registration

U.S. exporters should be aware that certain products and ingredients may fall within the scope of the Novel Foods Regulation and need a pre-market authorization. Detailed information is provided in Section VII "Other Specific Standards."

Certain foods, such as total diet replacements for weight control, falling within the scope of the EU's [Foods for Specific Groups Regulation 609/2013](#) must be notified to the competent authority of the Member State where the food is marketed.

Exporters of **vitamin-enriched foods** or **nutritional supplements** are especially advised to check for the existence of specific Member State registration or notification requirements. A list of the competent Member State authorities is available on the European Commission's website at:

[https://ec.europa.eu/food/sites/food/files/safety/docs/labelling\\_nutrition-supplements-food\\_supplements\\_authorities\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/labelling_nutrition-supplements-food_supplements_authorities_en.pdf). More information is also available at: [https://ec.europa.eu/food/safety/labelling\\_nutrition/vitamins\\_minerals\\_en](https://ec.europa.eu/food/safety/labelling_nutrition/vitamins_minerals_en).

## SECTION VII: OTHER SPECIFIC STANDARDS

### A. Novel Foods

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/novel-foods/>

The EU's new [framework Regulation 2015/2283 on Novel Food](#) became applicable on January 1, 2018. It defines novel food as food that has not been consumed to a significant degree in the EU before May 15, 1997 **AND** falling within at least one of the categories listed in Article 3 of the regulation (e.g. [cranberry extract powder](#)). It can be a newly developed, innovative food resulting from new production techniques (e.g. nanotechnology) as well as a traditional - but unknown to EU consumers - food from a non-EU country (e.g. noni juice). The Novel Food regulation does not apply to GMO's, additives, enzymes, flavorings, and extraction solvents. A [guidance document](#) on "human consumption to a significant degree" is available on the European Commission's website.

**Authorization procedure:** Novel foods require a pre-market authorization. Applications for authorization must be submitted to the European Commission via an [e-submission system](#). The Commission may request the European Food Safety Authority (EFSA) to carry out a risk assessment. An [overview of the different steps](#) of the authorization procedure is available on EFSA's website. [Commission Implementing Regulation 2017/2469](#) sets out administrative and scientific requirements for novel food applications. Authorizations are generic and no longer applicant-linked as was the case under the previous rules.

**EU Novel Food List:** [Commission Implementing Regulation 2017/2470](#) establishes a list of novel foods authorized in the EU. Entries in the list include specifications, conditions of use, additional labeling requirements, and post-monitoring requirements.

**Novel Food Status:** Food business operators are responsible for verifying whether the food they intend to market in the EU is novel or not. Novel Food Regulation 2015/2283 provides for a consultation process when the status of a food or food ingredient is unsure. [Commission Implementing Regulation 2018/456](#) lists the procedural steps that food business operators must follow to consult with the competent authority of the Member State where they first intend to market their product. A [list of the competent Member State authorities](#) is available on the Commission’s website.

**Engineered nanomaterials:** Engineered nanomaterials require a novel food authorization before being used in food.

**Food from clones:** Until separate legislation on cloning is adopted, food from clones but not offspring falls within the scope of the Novel Food regulation.

**Traditional food from non-EU countries:** Novel Food Regulation 2015/2283 introduces a faster notification and simplified assessment procedure for traditional foods with a demonstrated history of safe food use from non-EU countries. Foods from non-EU countries which are considered novel foods will only qualify as “traditional foods” if they are derived from primary production. For example, juice derived from an exotic fruit not consumed in the EU before May 15, 1997 but part of a regular diet in a non-EU country, would qualify as a ‘traditional food.’ [Commission Implementing Regulation 2017/2468](#) sets out administrative and scientific requirements for the notification of traditional foods falling within the scope of the Novel Food regulation.

The Commission also published guidance documents about the new authorization procedures for business operators:

- [e-submission user guide](#)
- [Administrative guidance on the submission of applications for authorization of a novel food pursuant to Article 10 of the Novel Food Regulation](#)
- [Guidance on the preparation and presentation of an application for authorization of a novel food in the context of the Novel Food Regulation](#)
- [Guidance on the preparation and presentation of the notification and application for authorization of traditional foods from third countries in the context of the Novel Food Regulation](#)

## **B. Food from Animal Clones**

<http://www.usda-eu.org/topics/animal-cloning/>

Food derived from cloned animals currently falls within the scope of the [Novel Food Regulation 2015/2283](#). Under this regulation, food produced by “new breeding practices” needs a pre-market approval based on a risk assessment. In December 2013, under pressure of the European Parliament and the Council of the EU, the European Commission proposed two pieces of specific legislation on food from cloned animals:

- a [proposal](#) on the cloning of animals of the bovine, porcine, ovine, caprine, and equine species kept and reproduced for farming purposes;
- a [proposal](#) to prohibit the placing on the market of food from animal clones.

To date, the European Parliament and the Council of the EU have not made any progress on the cloning proposals. Until separate legislation is adopted, food from clones falls within the scope of the Novel Foods regulation.

### C. Nanotechnology

<http://www.usda-eu.org/topics/nanotechnology/>

Currently, EU legislation that explicitly addresses nanomaterials in food includes the following regulations:

**Food Information to Consumers (FIC):** The presence of engineered nanomaterials in food products must be clearly indicated on the label. The name of such ingredients must be followed by the word “nano” in brackets (Art. 18 of Regulation 1169/2011).

**Novel Food Regulation:** Novel Food Regulation 2015/2283 defines engineered nanomaterials as “any intentionally produced material that has one or more dimensions of the order of 100 nm or less or that is composed of discrete functional parts, either internally or at the surface, many of which have one or more dimensions of the order of 100 nm or less, including structures, agglomerates or aggregates, which may have a size above the order of 100 nm, but retain properties that are characteristic of the nanoscale” (Article 3.2.f).

**Food Additives:** [Regulation 1333/2008](#) states that when “there is a significant change in the production methods or in the starting materials used” for food additives already on the Community list of approved food additives, “or there is a change in particle size, for example through nanotechnology, the food additive prepared by those new methods or materials shall be considered as a different additive and a new entry in the Community lists or a change in the specifications shall be required before it can be placed on the market.”

**Food Contact Materials:** [Regulation 450/2009](#) on active and intelligent packaging states that “new technologies to engineer substances with different chemical and physical properties than the same substances at a larger scale (for example nanoparticles), should be assessed at a case-by-case basis as regards their risk until more information is known about such new technology.”

For more information on nanotechnology in the EU, see:

- European Food Safety Authority: [new guidance on nanotechnologies in food and feed](#) (published July 2018)
- EU Science Hub: <https://ec.europa.eu/jrc/en/research-topic/nanotechnology>

## **D. Fortified Foods**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/fortified-foods/>

[European Parliament and Council Regulation 1925/2006](#) established an EU-wide regulatory framework for the addition of vitamins and mineral and of certain other substances such as herbal extracts to foods. It lists the vitamins and minerals that may be added to foods and sets criteria for setting maximum and minimum levels. A European Commission proposal setting harmonized maximum and minimum permitted levels of vitamins and minerals in foods and food supplements is already ten years overdue (original deadline set by Regulation 1925/2006 was January 2009).

Vitamins and minerals must be expressed as a percentage of the “Reference Intakes” listed in Annex III to the [“Food Information to Consumers” Regulation 1169/2011](#)”. The use of vitamins and minerals not included in the annexes to Regulation 1925/2006 is not allowed. A “Community Register” on the addition of vitamins and minerals and of certain other substances is available on the European Commission’s website at: [https://ec.europa.eu/food/sites/food/files/safety/docs/labelling\\_nutrition-vitamins\\_minerals-comm\\_reg\\_en.pdf](https://ec.europa.eu/food/sites/food/files/safety/docs/labelling_nutrition-vitamins_minerals-comm_reg_en.pdf).

For more information, see: [https://ec.europa.eu/food/safety/labelling\\_nutrition/vitamins\\_minerals\\_en](https://ec.europa.eu/food/safety/labelling_nutrition/vitamins_minerals_en)

## **E. Dietetic Foods**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/dietetic-foods/>

[Regulation 609/2013](#), applicable since July 20, 2016, sets out compositional and labeling rules for foods for specific nutritional uses. Its scope is limited to infant formula and follow-on formula, processed cereal-based food and baby food, food for special medical purposes and total diet replacement for weight control. Dietetic foods, e.g. gluten-free foods, not covered by Regulation 609/2013 are considered regular foods and must comply with the rules set out in Food Information to Consumers [Regulation 1169/2011](#), [Regulation 1925/2006](#) on the addition of vitamins and minerals to food, and [Regulation 1924/2006](#) on nutrition and health claims.

[Commission Delegated Regulation 2016/128](#) sets out specific requirements for food for special medical purposes (FSMPs).

[Commission Delegated Regulation 2016/127](#) sets out specific compositional and information requirements for infant-formula and follow-on formula.

[Commission Delegated Regulation 2018/561](#) details the protein requirements for follow-on formula.

[Commission Delegated Regulation 2019/828](#) sets out vitamin D requirements for infant formula and erucic acid requirements for infant formula and follow-on formula.

[Commission Delegated Regulation 2017/1798](#) sets out new rules for “total diet replacements for weight control”. The new rules will become applicable on October 27, 2022. For detailed information, see [GAIN report “The Skinny on New EU Rules for Weight Loss Products.”](#)

[Commission Regulation 2018/97](#) bans the use of artificial sweeteners in fine bakery products. For more information, see [GAIN report “EU bans use of artificial sweeteners in dietetic bakery products.”](#)

New rules on the reduction of acrylamide levels in food, set out in [Commission Regulation 2017/2158](#), became applicable on April 11, 2018. The new rules also apply to baby food and processed cereal-based food intended for infants and young children.

## **F. Food Supplements**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/food-supplements/>

[EU Directive 2002/46](#) only sets out EU-harmonized rules on labeling and vitamins and minerals that may be used in food supplements. Key aspects in the marketing of food supplements, such as minimum and maximum levels of vitamins and minerals, or the use of other substances such as botanical extracts remain the competence of the Member States. Directive 2002/46 defines food supplements as food, which means that all exports of food supplements must not only comply with Directive 2002/46, but also with horizontal rules applicable to all foods including rules on additives, novel foods, hygiene, contaminants, and GMOs. U.S. exporters of whey protein supplements should work with their importers to determine whether their product should be accompanied by a certificate for processed dairy products or one for composite products. For more information, see [GAIN report “Certification and Labeling of EU Whey Protein Supplements.”](#) Marketing food supplements in the EU is a very complex issue. [GAIN report “Exporting Food Supplements to the EU”](#) provides detailed information on marketing food supplements in the EU.

## **G. Irradiated Foodstuffs**

Harmonization of EU rules on food irradiation has been slow and only a few products have so far received EU-wide approval. [Framework Directive 1999/2](#) outlines the marketing, labeling, import and control procedures, and technical aspects of food irradiation. Irradiated foods or foods containing irradiated ingredients must be labeled “irradiated” or “treated with ionizing radiation.” For more information, see: [http://ec.europa.eu/food/safety/biosafety/irradiation\\_en](http://ec.europa.eu/food/safety/biosafety/irradiation_en).

## **H. Seafood**

Detailed information on shipping seafood and fishery products to the EU is provided in the U.S. Department of Commerce’s [exporter guide](#). Information on mandatory EU labeling requirements as well as reports on the feasibility of an EU eco-label can be found in the European Commission’s Fisheries website: [https://ec.europa.eu/fisheries/cfp/market/consumer-information\\_en](https://ec.europa.eu/fisheries/cfp/market/consumer-information_en).

## **I. Pet Food**

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/pet-food/>

In the EU, pet food is subject to feed marketing legislation and veterinary legislation. The EU’s feed marketing legislation covers food for pets as well as feed for food-producing animals. The veterinary legislation covers products of animal origin and hay/straw as these products present a risk for spreading animal diseases. Pet food products containing an animal origin ingredient must be sourced from approved establishments and have to be accompanied by a veterinary certificate. All exports of U.S. pet food to the EU must comply with EU requirements including rules on labeling, hygiene, animal health, certification, and the use of additives. [GAIN report “Exporting Pet Food to the European Union”](#), updated in January 2018, provides a detailed overview of EU legislation relating to imports of pet food.

[European Parliament and Council Regulation 767/2009](#) sets out rules for the labeling and marketing of feed and pet food. It covers feed materials, compound feed, and medicated or dietetic feed for both food and non-food producing animals. For more information, see [GAIN report “EU Feed and Pet Food Labeling Requirements.”](#) Feed and pet food not complying with Regulation 767/2009 and with the provisions on feed additives laid down in [Regulation 1831/2003](#) will not be allowed on the EU market.

Conditions for mixing veterinary medicine into feed are set out in [Directive 90/167/EEC](#). In January 2019, the European Union published [Regulation 2019/4](#) in the EU’s Official Journal which will replace Directive 90/167 as of January 28, 2022. The new regulation explicitly includes the manufacturing of medicated feed for pets in the scope of the legislation. More information is available at: [https://ec.europa.eu/food/animals/health/veterinary-medicines-and-medicated-feed/medicated-feed-safe-and-controlled-oral\\_en](https://ec.europa.eu/food/animals/health/veterinary-medicines-and-medicated-feed/medicated-feed-safe-and-controlled-oral_en).

EU border inspection officials will verify the labels on imported pet food for compliance with EU requirements. Annex 4 to the [“Code of Good Labeling Practice for Pet Food,”](#) drafted by the European Pet Food Industry (FEDIAF) establishes a “check-list” that pet food manufacturers can use to verify compliance with EU labeling rules.

[Commission Regulation 68/2013](#) establishes a catalogue of feed materials. It enables operators to use more precise names and expressions for the feed they place on the market. The annex to the Catalogue contains three parts: A) general provision, B) glossary of processes, and C) list of feed materials. The use of the Catalogue is voluntary, but where it is used all relevant provisions have to be complied with.

[Commission Recommendation 2011/25](#) establishes guidelines for the distinction between feed materials, feed additives, biocidal products, and veterinary medicinal products.

For more information on animal nutrition, see: [http://ec.europa.eu/food/safety/animal-feed\\_en](http://ec.europa.eu/food/safety/animal-feed_en).

## **J. Vegetarian & Vegan Foods**

The Food Information to Consumers (FIC) Regulation 1169/2011 requires the European Commission to set out rules for the voluntary labeling of foods as “suitable for vegetarians and vegans.” To date, the Commission has not adopted an EU-harmonized definition of the terms “vegetarian” and “vegan.” In the absence of EU-harmonized rules, food companies have started using the “European V-label,” a labeling scheme launched by the European Vegetarian Union (EVU). For more information, see EVU’s website at: <http://v-label.eu/about-v-label>.

In July 2017, the European Court of Justice (ECJ) ruled that plant-based products cannot be labeled with dairy names such as “cheese,” “butter”, or “milk”. The ECJ based [its ruling](#) on [Regulation 1308/2013](#) setting out definitions and designations that may only be used for the marketing of dairy products. A list of exceptions for non-dairy products that may be labeled with reserved dairy names was established by [Commission Decision 2010/791](#).

In 2019, during discussions on the CAP reform, the European Parliament amended the proposal of the European Commission so that names that fall under Article 17 of Regulation 1169/2011 that are currently used for meat products and meat preparations shall be reserved exclusively for products

containing meat. These designations include, for example, steak, sausage, escalope, burger, and hamburger. This amendment ([Amd 165](#)) is still going through the EU legislative process. A final decision is expected late 2020 or beginning of 2021.

## **SECTION VIII: TRADEMARKS, BRAND NAMES, AND INTELLECTUAL PROPERTY RIGHTS**

### **A. Trademarks**

In the EU, trademarks can be registered at the national, regional, or EU level. Trademarks registered at the national level are protected in one EU Member State. Applications must be submitted directly to the relevant national IP-office ([full list of national offices](#)). Currently, there is only one regional-level IP office in the EU, i.e. the Benelux Office which registers trademarks for three Member States: Belgium, the Netherlands, and Luxembourg. Applications for the protection of a trademark in all EU Member States must be submitted to the European Union Intellectual Property Office (EUIPO). An online application costs 850 EUR. Full details on the registration process are available on the [EUIPO website](#). Rules on the protection of trademarks in the EU are set in EU [Directive 2015/2436](#). [Commission Implementing Regulation 2018/626](#) sets out detailed rules on application procedures. [Commission Delegated Regulation 2018/625](#) sets out procedural rules on opposition and revocation of EU trademarks.

Trademarks and brand names that suggest health and/or nutritional benefits, but do not comply with the new rules must be entirely removed from the EU market by January 19, 2022.

### **B. Protected Geographical Indications**

<http://www.usda-eu.org/topics/geographical-indications/>

Several food product names considered as generic in the U.S. such as for example feta, parmesan, and Parma ham are protected under EU law. [European Parliament and Council Regulation 1151/2012](#), applicable since January 4, 2016, sets out rules on optional quality terms such as “mountain product” and regulates three EU-wide quality labeling schemes. It covers the “Protected Designation of Origin” (PDO) scheme, the “Protected Geographical Indication” (PGI) scheme and the “Traditional Specialties Guaranteed” (TSG) scheme. Registration under the different schemes is also open to non-EU countries. Wines and spirits are covered by specific legislation ([Commission Regulation 2019/33](#) and [Commission Regulation 2019/34](#)) and do not fall within the scope of Regulation 1151/2012.

In October 2019, the Council of the EU adopted [Council Decision 2019/1754](#) approving the EU’s accession to the “Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.” This membership enables the EU to obtain protection for its GIs in all the contracting parties to the Lisbon Agreement. Practical details on the implementation of the Lisbon Agreement in the EU are laid in Regulation [2019/1753](#). For more information, see [GAIN report “EU Prepares to Join Lisbon Agreement on Geographical Indications.”](#)

The [European Commission’s website](#) provides guidance on how to register a PDO/PGI or how to object to a PDO/PGI proposed for registration. Lists of protected names by country, product type, registered name, and name applied for are available through the Commission’s [online “DOOR” \(Database of Origin and Registration\) database](#).

**“Protected Designation of Origin” (PDO)** is defined as follows:

- Originating in a specific place, region or, in exceptional cases, a country.
- Quality and characteristics of the product are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors.
- ALL of the production steps take place in the defined geographical area.

*Example of a PDO: Prosciutto di Parma (Parma ham)*

**“Protected Geographical Indication” (PGI)** is defined as follows:

- Originating in a specific place, region, or country.
- Quality, reputation, or other characteristics are essentially attributable to the geographical origin.
- At least one of the production steps takes place in the defined geographical area.

*Example of a PGI: Gouda Holland*

**“Traditional Specialties Guaranteed” (TSG):**

The TSG quality label is used to communicate the value-added characteristics of traditional recipes and traditional production methods to consumers. “Traditional” is defined as a proven usage of at least 30 years. Unlike the PDO and PGI schemes, the geographical origin of a product is irrelevant under the TSG scheme. Under the new rules, TSGs are included in a Community Register with name reservation. Only products complying with the TSG specifications can use the registered name.

*Example of a TSG: Mozzarella*

**Optional Quality Terms:**

Regulation 1151/2012 sets out criteria for the use of optional quality terms. The European Commission is empowered to reserve new terms or amend the conditions of use of existing terms.

*Example of an optional quality term: Mountain Product*

In 2019, the European Commission launched [an evaluation](#) of Geographical Indications and Traditional Specialties Guaranteed protected in the European Union. The purpose of this evaluation is to provide an in-depth assessment of the overall functioning of the GIs and TSGs quality schemes of the EU, with a focus on GIs registered at EU level and placed on the EU internal market. This evaluation should be completed by the end of 2020.

## **SECTION IX: IMPORT PROCEDURES**

### **A. Union Customs Code**

The “Union Customs Code” (UCC) established in [European Parliament and Council Regulation 952/2013](#) is the framework regulation on rules and procedures for customs throughout the EU. Implementing provisions were published in [Official Journal L 343](#) on December 29, 2015. [Commission](#)

[Delegated Regulation 2015/2446](#) and [Commission Implementing Regulation 2015/2447](#) lay down detailed rules for the implementation of certain provision of the new UCC, including Binding Tariff Information and origin of goods. The UCC along with the implementing provisions became applicable on May 1, 2016, but further changes will be phased in up to December 31, 2020.

The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and the customs value. With the implementation of the Code, the EU Member States form a customs union, which means that all the Member States apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one Member State, it can move freely throughout the EU. All traders involved in customs transactions have to provide EU customs authorities with security data on goods before they are imported into the EU. The type of security data requested varies according to the means of transport and can include a description of the goods, information on the consignor or exporter, the route of the goods, and any potential hazards. The time limits for submitting advance security data also vary according to the means of transport. A [guidance document on “Customs formalities on entry and import into the European Union”](#) is available on DG Taxud’s website.

On October 2, 2017, the European Commission launched the “[Customs Decisions System](#)”, a new pan-EU electronic system that make it easier for traders to get permission to import goods into the EU. Importers in all the Member States are able to use the same portal and exchange applications between all the relevant customs authorities.

A [complete overview of the EU’s UCC](#) is available on the European Commission’s DG for Taxation and Customs Union (TAXUD) website.

## **B. Customs Clearance**

The European Commission’s “Trade Helpdesk” provides a complete overview of documents needed for customs clearance: <http://trade.ec.europa.eu/tradehelp/>.

## **C. Import Duties**

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings; the two following digits represent the CN subheadings. The EU’s [on-line “TARIC” customs database](#) can be consulted to look up commodity codes and relevant import duties. TARIC is a multilingual database covering all measures relating to tariff and trade legislation. The [EU’s 2020 Tariff Schedule](#) was published on October 31, 2019 in the Official Journal. A list of Member State customs authorities can be found at: [https://ec.europa.eu/taxation\\_customs/national-customs-websites\\_en](https://ec.europa.eu/taxation_customs/national-customs-websites_en).

Business operators can obtain Binding Tariff Information (BTI) from a Member State’s customs authority in order to get the proper product classification and relevant import duty. A BTI decision is legally binding in all the Member States. A BTI is valid for three years. U.S. exporters should be aware that the UCC makes the declaration of a BTI decision mandatory when completing customs formalities. All BTI decisions issued by the Member States’ customs authorities are entered into an [EBTI-database](#). [Administrative guidelines on the new BTI-system](#) are published on DG Taxud’s website. As of October

1, 2019, business operators shall introduce all new applications electronically. More information is available on the [EC's website](#). The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

[Commission Regulation 900/2008](#) lays down analytical methods and other technical provisions to calculate the starch/glucose and sucrose/invert sugar/isoglucose content in processed products. These calculations are used to determine the additional duties on flour and sugar in processed products.

Goods are only released after payment of the import duty and other taxes that may be due.

Duties payable on goods imported into the EU may include:

- import duty (expressed as ad valorem tariffs or specific tariffs per unit weight/volume/number of pieces) – EU harmonized
- additional duties on flour and sugar (processed products) – EU harmonized
- entry price (fruit and vegetables) – EU harmonized
- environmental taxes - not harmonized
- inspection fees - not harmonized
- Value Added Tax (VAT) - not harmonized
- excise duties (alcohol and tobacco) - not harmonized

A list of VAT rates applicable in the different Member States can be found at:

[http://ec.europa.eu/taxation\\_customs/resources/documents/taxation/vat/how\\_vat\\_works/rates/vat\\_rates\\_en.pdf](http://ec.europa.eu/taxation_customs/resources/documents/taxation/vat/how_vat_works/rates/vat_rates_en.pdf).

A list of excise duties applicable on alcoholic beverages and tobacco can be found at:

[http://ec.europa.eu/taxation\\_customs/taxation/excise\\_duties/index\\_en.htm](http://ec.europa.eu/taxation_customs/taxation/excise_duties/index_en.htm).

[Council Directive 92/83](#) harmonizes the structures of excise duties on alcohol and alcoholic beverages and establishes common definitions of alcoholic products that are subject to excise duties as well as exemptions. The excise legislation also sets down the minimum rates of tax that must be applied for each category; however, Member States have the freedom to set rates at a higher level. In May 2018, the European Commission proposed a [new text amending Directive 92/83](#). If adopted, the new Directive would *inter alia* change the definition of “cider” and apply reduced rates to some independent small maker of alcoholic drinks.

## **APPENDIX I: GOVERNMENT REGULATORY KEY AGENCY CONTACTS**

### **Ministry of Health**

Directorate General for Food Hygiene, Food Safety, and Nutrition

Address: Via Giorgio Ribotta, 5 - 00144 Rome, Italy

Tel: +39-06-599-41

E-mail: [dgsan@postacert.sanita.it](mailto:dgsan@postacert.sanita.it)

Website: <http://www.salute.gov.it/portale/home.html>

### **Ministry of Agricultural, Food, and Forestry Policies**

Address: Via XX Settembre, 20 - 00187 Rome, Italy

Tel: +39-06-466-51

E-mail: [urp@politicheagricole.it](mailto:urp@politicheagricole.it)

Website: <http://www.politicheagricole.it>

### **Ministry of Economic Development**

Address: Via Molise, 2 - 00187 Rome, Italy

Tel: +39-06-470-51

E-mail: [segreteria.ministro@mise.gov.it](mailto:segreteria.ministro@mise.gov.it)

Website: <https://www.mise.gov.it/index.php/en/>

### **Ministry of Economy and Finance**

Address: Via XX Settembre, 97 - 00187 Rome, Italy

Tel: +39-06-476-111

E-mail: [mef@pec.mef.gov.it](mailto:mef@pec.mef.gov.it)

Website: [http://www.mef.gov.it/en/index\\_en.html](http://www.mef.gov.it/en/index_en.html)

### **Customs Agency**

Address: Via Mario Carucci, 71 - 00143 Rome, Italy

Tel: +39-800-257-428

Website: <https://www.adm.gov.it/portale/>

### **European Commission**

Address: Rue de la Loi, 200 - 1049 Brussels, Belgium

Tel: +32-2-299-1111

Website: [https://ec.europa.eu/info/index\\_en](https://ec.europa.eu/info/index_en)

### **European Union Intellectual Property Office (EUIPO)**

Address: Avenida de Europa, 4 - 03009 Alicante, Spain

Tel: +34-965-139-100

E-mail: [information@euipo.europa.eu](mailto:information@euipo.europa.eu)

Website: <https://euipo.europa.eu/ohimportal/en>

### **Delegation of the European Commission to the United States**

Address: 2175 K Street - NW, Washington, DC 20037

Tel: (202)-862-9500

E-mail: [delegation-usa-info@eeas.europa.eu](mailto:delegation-usa-info@eeas.europa.eu)

Website: [https://eeas.europa.eu/delegations/united-states-america/27290/about\\_en](https://eeas.europa.eu/delegations/united-states-america/27290/about_en)

### **United States Mission to the European Union**

Office of Agricultural Affairs

Address: Boulevard du Regent, 27 - 1000 Brussels, Belgium

Tel: +32-2-811-5793

E-mail: [AgUSEUBrussels@fas.usda.gov](mailto:AgUSEUBrussels@fas.usda.gov)

Website: <https://www.usda-eu.org/>

**Animal and Plant Health Inspection Service**

Address: Boulevard du Regent, 27 - 1000 Brussels, Belgium

Listing of APHIS-Brussels Staff:

[https://www.aphis.usda.gov/aphis/ourfocus/internationalservices/offices/contact\\_us\\_pages/contact\\_us\\_brussels\\_belgium](https://www.aphis.usda.gov/aphis/ourfocus/internationalservices/offices/contact_us_pages/contact_us_brussels_belgium)

**National Oceanic & Atmospheric Administration (NOAA) Representative to the EU:**

Address: Boulevard du Regent, 27 - 1000 Brussels, Belgium

Tel: +32-2-811-5831

E-mail: [Stephane.Vrignaud@trade.gov](mailto:Stephane.Vrignaud@trade.gov)

**Food and Drug Administration (FDA)**

Address: Boulevard du Regent, 27 - 1000 Brussels, Belgium

Tel: +32-2-811-4518

E-mail: [US-FDA-EUR@fda.hhs.gov](mailto:US-FDA-EUR@fda.hhs.gov)

Other FAS Offices in the European Union:

<https://www.fas.usda.gov/content/contact-us-0>

FDA contacts for certification of animal products:

<http://www.fda.gov/AnimalVeterinary/Products/ImportExports/default.htm>

Food Safety & Inspection Service (FSIS) Export Requirements for the EU:

<http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products>

Animal & Plant Health Inspection Service (APHIS) – Import & Export:

[http://www.aphis.usda.gov/import\\_export/index.shtml](http://www.aphis.usda.gov/import_export/index.shtml)

**APPENDIX II: OTHER IMPORT SPECIALIST TECHNICAL CONTACTS**

Office of Agricultural Affairs, Foreign Agricultural Service, U.S. Embassy Rome, Italy

Address: Via Veneto, 119a - 00187 Rome, Italy

Tel: (011)-(39)-06-4674-2396

Fax: (011)-(39)-06-4788-7008

E-mail: [agrome@fas.usda.gov](mailto:agrome@fas.usda.gov)

Webpage: <https://it.usembassy.gov/embassy-consulates/rome/sections-offices/fas/>

FAS Italy publishes numerous market and commodity reports available through the Global Agricultural Information Network (GAIN) at: <https://gain.fas.usda.gov/#/>

**Attachments:**

No Attachments