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How to Comply with the EU's New Food Labeling Rules

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Report Highlights:

On December 13, 2014, the EU's "Food Information to Consumers" Regulation 1169/2011 becomes applicable. This report provides updated information on key changes to the EU's food labeling requirements and aims at providing answers to questions raised by U.S. exporters about compliance with the new rules.

How to Comply with the EU's New Food Labeling Rules

On December 13, 2014, the EU's "Food Information to Consumers" (FIC) regulation 1169/2011 becomes applicable. It introduces new obligations and changes to the existing rules set out in Directive 2000/13/EC. Directives need to be transposed into national legislation by Member States, sometimes resulting in different requirements. Regulations do not need to be transposed and are applicable on the same date in all the Member States. Although FIC Regulation 1169/2011 repeals Directive 2000/13, in certain cases Member States are still allowed to impose additional requirements. This report supplements [GAIN report "New EU Food Labeling Rules Published"](#) and addresses concerns raised by U.S. exporters about compliance with the new EU labeling rules. A checklist is provided at the end of this report to help U.S. exporters comply with the new rules.

1. What is changing?

Key changes introduced by the FIC regulation include:

- Nutrition labeling becomes mandatory on December 13, 2016 (see "[Transitional Measures](#)").
- Minimum [font size](#) for printing mandatory information is established.
- New format for [allergen labeling](#) is set out: allergens must be highlighted in the list of ingredients – "allergen boxes" are no longer allowed.
- Voluntary front-of-pack labeling must follow a new set format.
- Country of origin labeling is extended to more products (see "[Checklist](#)").
- Durability date **AND** "frozen on" date must be indicated on frozen products.
- "Use by date" must be indicated on individual pre-packed portions.
- Specific treatments such as "refrozen", "concentrated", "smoked", "powdered" must be added to the product name.
- Presence of [engineered nanomaterials](#) must be indicated.
- [Alcoholic strength](#) by volume for beverages containing more than 1.2 percent of alcohol by volume must appear in the same field of vision as the product name.
- Proteins added to meat products that are of a different animal origin must be declared in the list of ingredients.
- Presence of added water must be declared on meat and fishery products if the added water makes up more than 5 percent of the finished product.
- Vegetable origin of oils and fats must be indicated in the list of ingredients.

2. How to comply?

This section provides updated information on some of the key changes listed in the overview and aims at providing answers to questions raised by U.S. exporters. It complements the information provided in [GAIN report “New EU Food Labeling Rules Published”](#).

New Format for Allergen Labeling

FIC Regulation 1169/2011 considerably changes the requirements for allergen labeling. Article 21 of the FIC regulation stipulates that each product 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.

In the absence of an ingredients list, 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.

For more information, see the [Allergen Labeling page](#) on the FAS/USEU website.

Minimum Font Size

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

Are stickers allowed?

Specific rules on the use of stickers to provide mandatory labeling information are not included in the FIC regulation. The European Commission refers questions on this issue to their [“Questions and Answers” document](#) on the application of FIC Regulation 1169/2011. Point 2.1.1 of this document says that “labels should not be easily removable so as to jeopardize the availability or the accessibility of the mandatory food information to the consumer.” U.S. exporters should check with their importers whether the destination Member State allows the use of stickers. Peel-off labels will be assessed on a case-by-case basis.

How should nanomaterials be indicated?

Article 18(3) of FIC Regulation 1169/2011 stipulates that all ingredients **present** in the form of engineered nanomaterials need to be clearly indicated in the list of ingredients as follows: name of ingredient followed by the word “nano” in brackets. Article 2(t) of the FIC Regulation defines engineered nanomaterials as “any intentionally produced material that has one or more dimensions of the order of 100nm 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 100nm or less, including structures, agglomerates or aggregates, which may have a size above the order of 100nm but retain properties that are characteristic of the nanoscale”. The Commission’s [“Questions and Answers” document](#) on the application of FIC Regulation 1169/2011 clarifies in which specific cases engineered nanomaterials need not be included in the list of ingredients. U.S. exporters are advised to carefully assess whether the nano-labeling requirement applies to their product or not.

Do the new rules apply to alcoholic beverages?

YES. 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 the FIC regulation. The alcoholic strength must be indicated by a figure with maximum one decimal place followed by the symbol “% vol.” Article 13 of the FIC regulation stipulates that 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.

Allergen labeling is compulsory on all alcoholic beverages and must respect the minimum font size (1.2 mm) requirement. Member States decide in which language(s) allergens should be indicated on the label.

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 requires the European Commission to produce a report by December 13, 2014, analyzing whether providing a list of ingredients and nutrition information should also become mandatory for beverages containing more than 1.2% of alcohol by volume. Depending on the outcome of the analysis, the Commission may table a legislative proposal determining the rules for ingredient lists and nutrition information on alcoholic beverages. Pending the adoption of EU-harmonized rules on alcoholic beverages, Member States may maintain national measures relating to the listing of ingredients.

Language Requirements

Article 15 of the FIC regulation stipulates that the mandatory food information should be provided in “a language easily understood by the consumers of the Member States where the food is marketed,” which generally means the official Member State language(s). Member States may specify which information needs to be provided in one or more official EU languages. U.S. exporters should verify with their importers about Member State language requirements

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 or misleading translations and should not be used unless edited.

Transitional Measures

Transitional measures for compliance with the new rules are set out in Article 54 of the FIC regulation. Foods placed on the market or labeled prior to December 13, 2014, which do not comply with the new requirements, may be marketed until stocks are exhausted. Exporters must provide documentation demonstrating that products were labeled before December 13, 2014. Although the new nutrition labeling requirements only become mandatory on December 13, 2016, nutrition information provided on a voluntary basis must comply with the new rules as of December 13, 2014.

Are all EU food labeling requirements set out in FIC Regulation 1169/2011?

NO. FIC Regulation 1169/2011 sets out horizontal rules applicable to all products. However, sectoral legislation or “vertical legislation” exists for a number of products, including wine, beef, fruits and vegetables, fruit juices, honey, organic products and GMO products. Labeling requirements set out in product-specific legislation complement the horizontal rules set out in the FIC Regulation. U.S. exporters should be aware that different pieces of EU legislation may apply to a single product.

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 Regulations 607/2009 and 1308/2013 but also with the allergen labeling requirement set out in FIC Regulation 1169/2011.

3. Guidance Documents & Links

- [USEU FAS website](#)
- [European Commission – DG Health and Consumers website](#)
- [Q and A on the application of the FIC regulation \(European Commission\)](#)
- [U.K. Department for Environment – Food & Rural Affairs \(Defra\) Guidance on compliance with FIC](#)
- [Allergen Labeling – Annex 3 \(FoodDrinkEurope\)](#)
- [Advice on Food Allergen Labeling \(U.K. Food Standards Agency\)](#)
- [Allergy: what to consider when labeling food \(U.K. Food Standards Agency\)](#)
- [Food allergen labeling – technical guidance \(U.K. Food Standards Agency\)](#)
- [Allergen Labeling and the Requirements in Regulation 1169/2011 \(British Retail Consortium\)](#)

4. Checklist for Complying with new FIC Rules

Food Labels

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)	

Allergen Labeling Add links to our website

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	

Ingredients List

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 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)	