

Brussels, 20 July 2017
NUT/17/26

**CLITRAVI POSITION
ON
ADDITIONAL FORMS OF EXPRESSION AND PRESENTATION OF THE NUTRITION LABELLING**

LEGAL BACKGROUND AND GENERAL CONSIDERATIONS

- Regulation EU 1169/2011 on Food information to consumer requires as of 13th December 2016 a nutrition declaration including the energy value and the amounts of fat, saturates, carbohydrate, sugars, protein and salt.
- Article 35 of the EU Regulation 1169/2011 allows that the nutrition declaration may be given by additional forms of expression and presentation than the ones listed in the Regulation. Those additional forms can use graphical forms or symbols in addition to words or numbers provided that:
 - a. they are based on sound and scientifically valid consumer research and do not mislead the consumer as referred to in Article 7;
 - b. their development is the result of consultation with a wide range of stakeholder groups;
 - c. they aim to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
 - d. they are supported by scientifically valid evidence of understanding of such forms of expression or presentation by the average consumer;
 - e. in the case of other forms of expression, they are based either on the harmonized reference intakes set out in Annex XIII, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients;
 - f. they are objective and non-discriminatory;
 - g. their application does not create obstacles to the free movement of goods.
- Article 35 allows also Member States to recommend to food business operators *the use of one or more additional forms of expression or presentation of the nutrition declaration that they consider as best fulfilling the requirements laid down in the article 35* (listed above). Member States shall provide the Commission with the details of such additional forms of expression and presentation.

- According to article 35, the Commission shall submit a report to the European Parliament and the Council on the use of additional forms of expression and presentation, on their effect on the internal market and on the advisability of further harmonization of those forms of expression and presentation.
- The UK Government has adopted “Guide to creating a front of pack (FoP) nutrition label for pre-packed products sold through retail outlets”, which has been last updated in November 2016.
- From 26 September until 4 December 2016, the French government tested four FOP schemes (Nutri-repère, 5C/Nutri-score scheme, SENSES/Carrefour scheme, traffic lights scheme) in real market situation. The “Nutri-Score”, scheme also known as “5C scheme” or “Hercberg scheme”, was identified as the most effective of all schemes tested. A decree with a recommendation for the “Nutri-score” as the voluntary FOP nutrition labelling scheme for France has been adopted by the French Government.
- In some North European countries (Denmark, Sweden and Norway) the Nordic nutrition labelling schemes, which are beyond the scope of Article 35 of the EU Regulation 1169/2011, identify the 'healthiest' option within a food category, based on product criteria.
- Food labelling is only one of the actions which can help to reduce obesity and overweight. As the European Commission and many National Authorities underlined, the EU citizens associate physical inactivity and sedentary behaviour. Education and promotion of the physical activity should be the priority both at the EU and National level.

CLITRAVI PROPOSAL

As the proliferation of different nutrition labelling schemes within the EU could jeopardize the Internal Market of foodstuffs, CLITRAVI is calling for:

- A harmonized EU nutrition labelling scheme based upon a pan-European research taking into consideration the existing schemes in the Member States (both those stemming from the FIC Regulation and those notified through the TRIS procedure). This research should evaluate the existing schemes on the grounds of letter a) to g) of art. 35(1) of the FIC Regulation. A harmonized EU nutrition labelling scheme should have the following characteristics:
 - ✓ Voluntary;
 - ✓ Objective and non-discriminatory;
 - ✓ Not necessarily on the FOP;
 - ✓ Not based on a colour code system or other means of categorization of foods into good and bad;

- ✓ Supported by scientifically valid evidence of understanding by the average consumer;
 - ✓ Should not create obstacles for the free movement of goods;
 - ✓ Providing consumers with easily understandable information for healthy choice;
 - ✓ Supported by appropriate consumer education;
 - ✓ Not only taking into account the Reference Intake nutrients but potentially, where possible, also focus on other nutrients and/or whole foods and their contribution to the diet.
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- Repealing or modifying article 35 of the Regulation EU 1169/2011, as the scope of the article should focus on a single European scheme, rather than on National schemes and should also include each nutrition labelling scheme now applied in the several Member States.