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ADDENDUM TO "I/A" ITEM NOTE

from: General Secretariat of the Council

to: COREPER/COUNCIL

No. Cion prop.: 6172/08 DENLEG 10 SAN 25 CONSOM 18 CODEC 162

Subject: Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers **(second reading)**
– Approval of the European Parliament's amendments **(LA + S)**
Statements

Statement by the Commission on information on method of slaughter of animals

A study on the opportunity to provide consumers with the relevant information on the stunning of animals before slaughter will be considered in the context of the future EU strategy for the protection and welfare of animals.

Statement by the Commission on aspartame

On 4 May 2011 the Commission asked the European Food Safety Authority (EFSA) to perform a full re-evaluation of the safety of aspartame. The EFSA accepted this request and it is expected that the scientific assessment will be completed by September 2012. The Commission will ensure that EFSA will also consider the effect of aspartame on pregnant women. In the light of the opinion of the EFSA the Commission will consider whether there is a need to review the existing legislation on aspartame and, if necessary, will undertake appropriate legal measures, such as revising maximum permitted levels and/or requiring provision of relevant information to consumers.

Statement by the Commission on colouring food

The Commission is working with the Member States on developing guidance on the classification of food extracts with colouring properties. It is expected that the guidance will be finalised in the second half of 2012. The outcome of this technical work will provide the basis for refining the definition of colouring foods and for enabling the provision of accurate information to consumers in relation to the use of food ingredients with colouring properties.

Statement by the Commission on the food pre-packed for direct sale

The status of food pre-packed for direct sale in terms of hygiene requirements and the provision of food information in that respect will be considered in the context of the future revision of the Food Hygiene Package.

Statement by the Commission on the procedure of adoption of implementing acts

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission *may* adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Statement by Spain on additional forms of expression and presentation

Spain strongly believes that, despite the amendments introduced during the second reading of the draft Regulation, the possibility of employing additional forms of expression and presentation in nutritional labelling is problematic and does not entail better information of consumers.

As already stated during the first-reading adoption of the common position, Spain strongly believes that the coexistence of different forms of expression and presentation without a harmonised basis will promote the existence in the market of foodstuffs whose labelling will include different types of information that are difficult for consumers to understand. Advertising campaigns – intended to improve the knowledge of graphical forms and symbols employed in these new forms of expression and presentation – that are launched in countries where these alternative models are implemented, will not be available for consumers in other Member States.

Spain stresses the difficulties arising when trying to export nutritional policies from one country to another, due to different eating habits in Member States.

In addition, and in spite of the new provisions included in Article 34 of the proposal, the alternative forms of expression and presentation pose the risk of a fracture of the internal market with consequences for competition.

Finally, the wording of the current proposal implies more administrative burdens for Member States and impedes progress to a homogeneous internal market.

Taking into account these reasons, Spain would have preferred the harmonisation of these issues as the only mechanism to achieve a high level of information for consumers and a smooth functioning of the internal market.

Statement by Slovenia

Slovenia supports the adoption of the Regulation on food information to consumers, although we disagree with its provisions regarding labelling of alcoholic beverages. These provisions in our opinion do not follow the aim of the Regulation, which is to improve food labelling rules providing consumers with the essential information needed for informed purchasing choices.

The omission of certain alcoholic beverages from obligatory labelling requirements for beverages in Article 16(4) is not in line with EU health policy goals. Slovenia is particularly concerned about adverse health effects related to harmful and hazardous alcohol consumption as well as the related social and economic consequences, in particular among children and youth population. Certain alcoholic beverages (alco pops) are highly appealing to youth which can contribute to heavier and underage drinking. The consumption of alcoholic beverages can also increase weight, therefore labelling of energy value of alcoholic beverages is important information.

Slovenia therefore calls upon the Commission to address in detail the issue of the exemption of certain alcoholic beverages from labelling obligations when producing the report concerning the application of Articles 18 and 30(1) and to pay particular concern to the requirement to provide information on energy value. We furthermore urge the Commission to accompany this report by a legislative proposal determining the rules for a list of ingredients or a mandatory nutrition declaration for alcoholic products.